

Marine biosecurity rules and requirements for the top of the South Island November 2020



Summary

The short version is that you need a clean hull with up to date antifouling to enter any part of the Top of the South Island and use the facilities here. What differs are the detailed requirements in different places. If your maintenance is up to date, you have nothing to worry about.

Introduction

This practice note summarises the biosecurity rules and requirements applying to domestic vessels entering and operating in the Top of the South Island. The note provides a ready source of information for interested parties. It does not constitute legal advice. The summary was made by the Top of the South Marine Biosecurity Partnership Coordinator on behalf of the Partnership and is kept as up to date as possible. It includes weblinks that will take you to authoritative information from Councils and marinas on their requirements where these are available. Checking these can assure you that your information is up to date as requirements may change over time. This summary distinguishes between **rules** made by Councils and central Government and **requirements** imposed by facility managers such as marina operators.

Marine biosecurity in the Top of the South

The Top of the South is the most important area in New Zealand for marine farming, has the largest fishing port in the country and is a premiere area for marine based tourism. Marine pests are already threatening to compromise these and the worst pests have yet to arrive. The main way marine pests spread around the country is as hitchhikers of vessel hulls. The Biosecurity NZ is taking firm measures to secure the national borders, but our region remains vulnerable to pests coming into the region from other regions in New Zealand and to pests being moved around in the region. At present we have three legally notified unwanted organisms present in the Top of the South: the Japanese edible seaweed wakame (*Undaria pinnatifida*), the clubbed tunicate (*Styela clava*), and Mediterranean fanworm (*Sabella spallanzanii*). We do not want any more. More information can be found on our website <http://www.marinebiosecurity.co.nz/>.

Rules

Marine biosecurity rules relevant to vessels in the Top of the South have been made under the Biosecurity Act 1993 and through a Navigation and Safety Bylaw for Nelson¹.

Rules that operate everywhere

The Biosecurity Act directly imposes some rules that operate everywhere in New Zealand. The most relevant is that is an offence for any person to knowingly move a legally notified unwanted organism around the country. This means that if you know that your vessel is carrying one of the notified unwanted organisms you must stop and deal with the issue before proceeding. Full information on these organisms can be found at <https://www.bionet.nz/assets/Uploads/10818-Marine-Pest-Guide-2015-WEB.pdf>.

Rules for Marlborough

Summary for Marlborough

If you take your boat into Marlborough waters you must comply with the rules in the Regional Pest Management Plan notified by the Marlborough Regional Council². This means your vessel must have no more than light fouling unless it meets one of the exemptions below. Light fouling means 1-5% of visible hull surface covered by macrofouling or filamentous algae. Usually remaining area covered in slime. Anything more exceeds the rule and your vessel should not enter Marlborough waters as shown in the map opposite.



¹This Bylaw shall be known as the Nelson City Council ('the Council') Navigation Safety Bylaw 2019 (No 218). This Bylaw is made pursuant to sections 33M and 33R of the Maritime Transport Act 1994 and sections 145 and 239 of the Local Government Act 2002.

²<https://www.marlborough.govt.nz/environment/biosecurity/regional-pest-management-plan-2018>.

In Marlborough Mediterranean fanworm (*Sabella spallanzanii*) or 'Sabella' is subject to an Exclusion programme as part of the Regional Pest Management Plan 2018. A key component of the programme are the Rules which relate to the level of bio-fouling being carried on the craft coming into Marlborough waters, and ways *Sabella* can be destroyed. There is a maximum level of allowable bio-fouling on inward craft given craft with higher levels of bio-fouling are known to have a higher risk of also carrying *Sabella*. For full information see: https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Environment/Biosecurity/RPMP%20Individual%20Programmes%20List/Mediterranean_fanworm.pdf

Exemptions in Marlborough

The owner or person in charge of a craft entering Marlborough must ensure that the fouling on the hull and niche areas of the craft does not exceed 'light fouling' unless:

- (i) The craft is entering Marlborough for the purpose of a haul out. The haul out must be undertaken within 24 hours of arriving. Proof via receipt from a haul out facility must be provided upon request of an Authorised person, or
- (ii) The craft is required to enter Marlborough in an emergency relating to the safety of the craft and/or the health and safety of any person on the craft, or
- (iii) The craft is required to enter Marlborough in response to a declaration of a state of emergency acknowledged by the Ministry of Civil Defence & Emergency Management. A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

For (ii) and (iii) above, once the immediate danger to life or the craft has past, or declaration of emergency lifted, the rule about light fouling applies to the craft.

The fouling rule does not apply to craft that have entered New Zealand waters in compliance with the Craft Risk Management Standard (CRMS) for Biofouling in the period 2 months prior to either directly or subsequently entering Marlborough waters.

Methods to treat in Marlborough

In undertaking steps to destroy Mediterranean fanworm (*Sabella spallanzanii*), the place (such as a craft or structure) shall first be slipped or contained within an encapsulation system and treated with biocide. If that is not practicable, Mediterranean fanworm may be removed in water by divers who are appropriately trained and all Mediterranean fanworm must be contained and returned to the surface for disposal to landfill. A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

You must notify the Council and report to Biosecurity NZ

Any person who suspects to have observed Mediterranean fanworm (*Sabella spallanzanii*) in Marlborough shall notify Council within 24 hours of making the observation, detailing the location and situation of the suspected pest. A breach of this rule will create an offence under section 154N(19) of the Biosecurity Act.

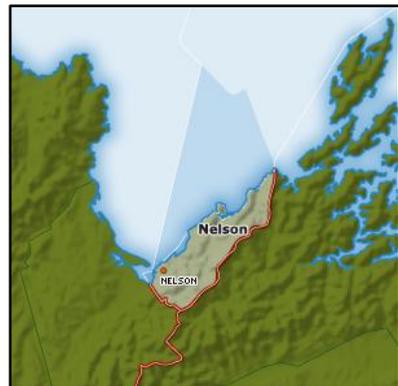
Note: Mediterranean fanworm is also a notifiable organism by way of the Biosecurity (Notifiable Organisms) Order 2016. As such, the suspected presence of Mediterranean fanworm must also be reported to MPI in accordance with section 46 of the Biosecurity Act.

Rules for Nelson

Relevant rules for vessels entering Nelson waters have been made under the Biosecurity Act through the Regional Pest Management Plan and also through the Council's Navigation and Safety Bylaw.

Fanworm Rules in Nelson

Nelson and Tasman have a rule in their combined Regional Pest Management Plan that requires you to notify them if you find fanworm on your vessel. You must also allow the Council to inspect your vessel for fanworm. This applies to the area shown on the map above as well as to the Tasman region.



 **Nelson City Council**
te kaunihera o whakatū

No fouled vessels permitted in Nelson

Nelson has a bylaw that applies to the harbour area as shown on the map below in solid blue shading.

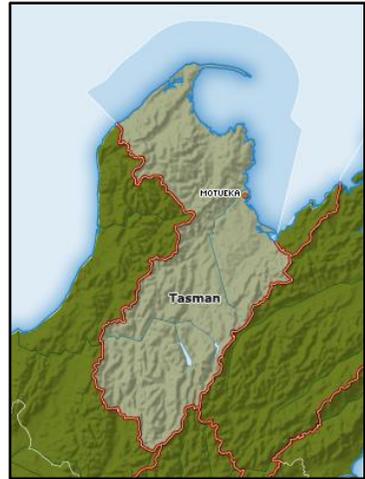
No person shall anchor, berth or moor, or allow to remain anchored, berthed or moored, within the Harbour (including within any marina) any vessel which is subject to significant fouling with marine growth. Significant fouling shall mean: 16-100% of visible hull surface covered by macrofouling or filamentous algae. Any remaining area often covered with slime. This is in accordance with Level of Fouling 4-5 of the NIWA biofouling scale.³

³ <http://www.nelson.govt.nz/assets/Our-council/Downloads/bylaws/bylaw-218/Bylaw-218-Navigation-Safety-effective-10-October2019.pdf>

Rules for Tasman

Fanworm rules in Tasman

Nelson and Tasman have a rule in their combined Regional Pest Management Plan that requires you to notify them if you find fanworm on your vessel. You must also allow the Council to inspect your vessel for fanworm. This applies to the area shown on the map below as well as to the Nelson region.



Requirements

Marinas and ports can impose requirements on visiting vessels as owners of the facilities and may refuse service if these requirements are not met.



Marlborough Marinas

The three major Marlborough marinas are owned and operated by Port Marlborough Ltd. These have adopted the 6 or 1 requirement now common in North Island marinas. These measures are designed to help to control the potential spread of fanworm, a pest that has the potential to wreck these pristine environments.

In terms of providing proof of antifouling or cleaning you have two options:

- Provide evidence that your boat has been antifouled in the last **six** months.
- Or alternatively, evidence that it's been lifted and washed within **one** month.

If you keep your boat in good condition it's most likely that your boat is clean, but you will need to remember to take evidence of this with you. This could be haul-out receipts or receipts of your paint purchase. It is advisable to check in with the marinas you plan to visit to find out what proof they require.

Marlborough marinas also screen incoming vessels for marine biosecurity risks. They specifically ask if the vessel has come from north of Tauranga as this is where fanworm is most virulent. This does not mean that the 6 or 1 rule applies only to vessels from that area. Rather these vessels are subject to extra vigilance and scrutiny.

Nelson Marina

Nelson marina is owned by Nelson City Council and operated by Nelmac. The Nelson marina requires all vessels using its facilities to comply with its berth agreement.

- (i) Berth-holder shall keep hulls clean of designated marine pests and free of conspicuous bio-fouling, and undertake regular cleaning and antifouling.
- (ii) Designated marine pests means any unwanted organism declared by the Ministry for Primary Industries or named in the Regional Pest Management Plan current for Nelson and Tasman.
- (iii) Conspicuous bio-fouling means more than 16% of the hull surface below the waterline covered in macro-fouling organisms (does not include slime).

Council may from time to time inspect vessels to ensure compliance with this clause. In the event of non compliance the Marina Supervisor or Harbourmaster may require the vessel to be removed from the water until such time as the vessel complies with the requirements of this clause.

Nelson Marina also screens incoming vessels for risks and may require an inspection if the service history and port of origin suggest this would be prudent.

Tasman Marinas

The marina at Motueka belongs to three different private organisations. The marina at Tarakohe belongs to and is operated by the Tasman District Council.

Motueka

Check with the marina operators:

- Motueka Power Boat Club http://www.mpbco.co.nz/?page_id=10
- Motueka Yacht and Cruising Club
<https://www.yachtingnz.org.nz/clubs/yacht-club/motueka-yacht-and-cruising-club>
- Motueka Peninsula Marina Society Incorporated Phone John 03 528 9329

Tarakohe

Port Tarakohe has no special provisions relating marine biosecurity. For more information see: <https://www.tasman.govt.nz/my-region/transport/ports-and-wharves/locations/port-tarakohe/>