



FIORDLAND MARINE Regional Pathway Management Plan

This plan aims to protect some of these amazing species in Fiordland.



▲ Snakestar on black coral



▲ Sea pen



▲ Blue cod



▲ Brachiopods



▲ Spiny sea dragon



▲ Red coral

Biosecurity Act 1993

Southland Regional Council Fiordland Marine Regional Pathway Management Plan

It is hereby certified that this is a true and correct copy of the Fiordland Marine Regional Pathway Management Plan 2017.

The Plan was approved by Southland Regional Council resolution pursuant to section 95 of the Biosecurity Act 1993 on 21 February 2017.

The Plan shall become operative on 5 April 2017.

The Common Seal of the Southland Regional Council was affixed pursuant to a resolution of the Council dated 5 April 2017.



Rob Phillips, Chief Executive

A handwritten signature in black ink, appearing to read 'Rob Phillips', written over a horizontal line.

Nicol Horrell, Chairman

A handwritten signature in black ink, appearing to read 'Nicol Horrell', written over a horizontal line.

Fiordland Marine Area

Awarua Point



Sand Hill Point



▲ Breaksea Sound (SHAUN CUNNINGHAM, ENVIRONMENT SOUTHLAND)

Introduction

▶ Purpose

1. The purpose of the Fiordland Marine Regional Pathway Management Plan (the Fiordland Marine Pathway Plan) is to minimise the risk of marine pests being transported into the area within one nautical mile of the landward boundary of the Fiordland Marine Area (FMA).

▶ Statutory basis

2. The Fiordland Marine Pathway Plan is established pursuant to the Biosecurity Act 1993.

▶ Coverage of the Fiordland Marine Pathway Plan

3. The Fiordland Marine Pathway Plan operates within the FMA, as defined by the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (see map and description from Schedule 2 of that Act below).

Schedule 2: Description of Fiordland (Te Moana o Atawhenua) Marine Area

4. The Fiordland (Te Moana o Atawhenua) Marine Area is all of that part of the coastal marine area shown on SO Plan 345612 enclosed by a line—
 - (a) commencing at the mean high-water springs of the west coast of the South Island at the

westernmost point of Awarua Point (at a point approximately 44°15'33"S and 168°03'13"E); and

- (b) proceeding—
 - (i) in a generally north-westerly direction to a point 44°07'45"S and 167°50'33"E; then
 - (ii) in a generally south-westerly direction, following the limit of the territorial sea around the west coast of Fiordland, to a point 46°24'52"S and 166°39'36"E; then
 - (iii) in a generally easterly direction to a point 46°27'39"S and 167°09'35"E; then
 - (iv) in a generally easterly direction, following the limit of the territorial sea around the south coast of Fiordland, to a point 46°27'13"S and 167°21'30"E; then
 - (v) in a generally north-westerly direction to the mean high-water springs of the south coast of the South Island at the southernmost point of Sandhill Point (a point approximately 46°15'20"S and 167°19'05"E); then
 - (vi) in a generally westerly direction, and then a generally northerly direction, along the line of mean high-water springs to the point of commencement.



► Interpretation

5. Terms and expressions used in the Fiordland Marine Pathway Plan have the meaning specified in the Glossary.
6. Unless the context otherwise requires, terms and expressions used in the Fiordland Marine Pathway Plan that are not defined in the Glossary, have the meaning (if any) specified in the Biosecurity Act 1993.

► Commencement and duration of the Fiordland Marine Pathway Plan

7. The Fiordland Marine Pathway Plan will commence on the date on which the Council fixes its seal to the plan (or part thereof, in the event of an application pursuant to Section 96 of the Biosecurity Act 1993).
8. The Fiordland Marine Pathway Plan remains in force in perpetuity from the commencement date.

► Plan Review

9. Environment Southland will review the Fiordland Marine Pathway Plan after it has been in force for five years from the commencement date and every 10 years thereafter.



▲ *Undaria (Undaria pinnatifida)* poses a major risk to the Fiordland marine area (KATH BLAKEMORE, DOC)

Exclusion programme

10. The Fiordland Marine Pathway Plan consists of an Exclusion Programme.

▶ The pathway to be managed

11. The movement of vessels, with associated gear and equipment, into the area within one nautical mile of the landward boundary of the FMA.

▶ The Fiordland Marine Pathway Plan’s objective

12. To exclude marine pests and other harmful marine organisms from the area within one nautical mile of the landward boundary of the FMA over the duration of the Fiordland Marine Pathway Plan. The Plan will do this by addressing the threat of them being transported into the area by vessels. This will prevent significant adverse effects on the unique marine ecosystems in Fiordland and the associated impacts on economic wellbeing, the environment, enjoyment of the natural environment, and the relationship between Maori, their culture, and their traditions and their ancestral lands, waters, wahi tapu, and taonga.

13. The key known organisms to be excluded from the area within one nautical mile of the landward boundary of the FMA are - *Undaria pinnatifida*, the sea squirt *Styela clava*, Mediterranean fanworm *Sabella spallanzanii*, the Asian paddle crab *Charybdis japonica*, the shallow water tunicate *Pyura doppelgangera*, the droplet tunicate *Eudistoma elongatum*, and the sea squirt *Didemnum vexillum*.

▶ Principal measures to be taken to achieve the objectives

14. The principal measures to be taken to achieve the objectives are:
- (a) requiring the owner or person in charge of a vessel entering or operating within the area within one nautical mile of the landward boundary of the FMA to hold a Fiordland Clean Vessel Pass to assist with vessel operator knowledge and identifying higher-risk vessels;
 - (b) implementing clean hull, clean gear and residual seawater standards, and bilge water procedures;
 - (c) implementing a communications plan to ensure that owners or persons in charge of vessels entering the area within one nautical mile of the landward boundary of the FMA understand the rules and the reasons for them;

- (d) monthly hull inspections at Bluff to assist with vessel operator knowledge and identifying high-risk vessels; and
- (e) a compliance and enforcement programme to ensure that non-compliant vessels are identified and corrective action is taken.

► Implementation

15. To implement the principal measures, the following steps must be completed:

Development of a communications plan

16. The communications plan is to:
- (a) ensure owners or persons in charge of vessels understand that it is a legal requirement to comply with the clean vessel, clean gear and residual seawater standards set forth in the Fiordland Marine Pathway Plan;
 - (b) ensure owners or persons in charge of vessels understand that it is a legal requirement to hold a current Fiordland Clean Vessel Pass when a vessel enters or is located within one nautical mile of the landward boundary of the FMA;
 - (c) encourage vessel operators to conform to the following bilge water procedure:
 - (i) prior to entering the area within one nautical mile of the landward boundary of the FMA bilge water must either be pumped into purpose-built collection tanks for disposal on land or discharged overboard in accordance with current marine pollution regulations;
 - (ii) if a vessel is located within one nautical mile of the landward boundary of the FMA, the bilge water must either be discharged into the same waterbody (fiord) as it originated from, or be subjected to chemical treatment and discharged in accordance with health and safety and marine pollution regulations;
 - (d) encourage best practice for anti-fouling, cleaning, and hull inspections;
 - (e) to increase community knowledge of marine pest pathway dynamics;
 - (f) consider all persons entering within one nautical mile of the landward boundary of the FMA and how they should be targeted accordingly.

► How the achievement of the Fiordland Marine Pathway Plan's objectives will be monitored or measured

17. The performance of the Fiordland Marine Pathway Plan will be monitored using key indicators, including:
- (a) the number of pest incursions reported or discovered;
 - (b) the proportion of owners or persons in charge of vessels intercepted within one nautical mile of the landward boundary of the FMA that are not in possession of a current Fiordland Clean Vessel Pass;
 - (c) the proportion of vessels intercepted within one nautical mile of the landward boundary of the FMA that do not meet the clean hull, clean gear and/or residual seawater standards;
 - (d) the proportion of hull inspections that do not meet the clean hull standards.

► Sources of funding for the implementation of the Fiordland Marine Pathway Plan

18. The Fiordland Marine Pathway Plan is to be funded by payments from:
- (a) general and targeted rates;
 - (b) other Council funds;
 - (d) the Crown.

► Limitations, if any, on how the funds collected may be used to implement the plan

19. There are no limitations on how funds collected from the sources listed in paragraph 18 may be used to implement the Fiordland Marine Pathway Plan.

► Powers in Part 6 to be used to implement the Fiordland Marine Pathway Plan

20. The following powers will be used to implement the Fiordland Marine Pathway Plan:

ADMINISTRATIVE POWER	BIOSECURITY ACT 1993 REFERENCE	LEVEL OF DELEGATION
Exemption from rules	Section 98	Authorised Person*
The appointment of authorised and accredited persons	Section 103(3) & (7)	Principal Officer
Instructions to authorised persons	Section 104	Principal Officer
Delegation to authorised persons	Section 105	Principal Officer
Power to require assistance	Section 106	Authorised Person*
Power of inspection and duties on exercising power of entry	Section 109 & 112	Authorised Person*
Entry in respect of offences	Section 111	Authorised Person*
Power to record information	Section 113	Authorised Person*
General powers	Section 114	Authorised Person*
Power to seize evidence	Section 118	Authorised Person*
Power to seize abandoned goods	Section 119	Authorised Person*
Power to intercept baggage etc	Section 120	Authorised Person*
Power to examine organisms	Section 121	Authorised Person*
Power to apply article or substance to place	Section 121A	Authorised Person*
Power to give directions	Section 122	Authorised Person*
Power to administer vaccinations	Section 123	Authorised Person*
Declaration of restricted area	Section 130	Authorised Person*
Power to act on default	Section 128	Authorised Person*
Liens	Section 129	Authorised Person*
Declaration of controlled area	Section 131	Principal Officer
Options for cost recovery	Section 135	Authorised Person*
Failure to pay	Section 136	Authorised Person*
Offences	Section 154N	Enforcement Panel, Environment Southland

*the powers of each individual Authorised Person are subject to their terms of appointment.

Note: Environment Southland maintains a database of procedures authorised persons will follow when owners and/or occupiers or other persons do not comply with the rules or other general duties.

Minor changes have been made to the powers above, as per council resolution on 11 June 2020.

Fiordland Marine Pathway Plan rules

▶ Rule 1

- 21 The owner or person in charge of a vessel (excluding any vessel signed up to the Deed of Agreement between the New Zealand Cruise Ship Industry and Environment Southland) entering or located within one nautical mile of the landward boundary of the FMA must hold a current Fiordland Clean Vessel Pass that applies to that vessel, obtained in accordance with the procedure set out in Appendix A.

Contravention of this rule creates an offence under Section 154N(19) of the Biosecurity Act 1993.

▶ Rule 2

- 22 The owner or person in charge of a vessel entering within one nautical mile of the landward boundary of the Fiordland Marine Area must ensure the vessel complies with the following clean hull, clean gear and residual seawater standards:

- **Clean hull standard:** The hull and niche areas have no more than a slime layer and goose barnacles, defined as the Biofouling Threshold for Long-Stay Vessels in the Ministry of Primary Industry's Craft Risk Management Standard: Biofouling on Vessels Arriving to New Zealand dated 15 May 2014.

Advice note: Out of water cleaning is the preferred technique to achieve the clean hull standard.

- **Clean gear standard:** All marine gear and equipment on the vessel (including any equipment to establish new moorings) is visibly clean, free of fouling, free of sediment and preferably dry.
- **Residual seawater standard:** All on-board residual seawater has been treated or is visibly clean and free of sediment.

Contravention of this rule creates an offence under Section 154N(19) of the Biosecurity Act 1993.

▶ Rule 3

- 23 The owner or person in charge of a vessel entering within one nautical mile of the landward boundary of the FMA must keep records of the actions taken to meet the clean hull, clean gear and residual water standards in Rule 2 of this plan, and must provide those records to an authorised person on request.

Contravention of this rule creates an offence under Section 154N(19) of the Biosecurity Act 1993.

Advice note: The Biosecurity Act 1993 provides that a person may have a defence to any offence under Section 154N if the person proves that their actions were necessary for the purpose of:

- (a) *saving or protecting life or health; or*
- (b) *preventing serious damage to property; or*
- (c) *avoiding an actual or likely adverse effect on a natural and physical resource or human health;*

and the person's actions were reasonable in all the circumstances, and the person took steps that were reasonable in all the circumstances to mitigate or remedy the effects of the action after it occurred, and that notice is given in accordance with the timeframes set out in Section 154N(5) of the Act.

Management agency

24. The management agency responsible for implementing the Fiordland Marine Pathway Plan is the Southland Regional Council.

► Miscellaneous matters

APPLICATION OF THE PLAN TO ROADS

25. The Fiordland Marine Pathway Plan does not apply to any roads.

COMPENSATION

26. The Fiordland Marine Pathway Plan does not provide for the payment of compensation for losses incurred as a direct result of the implementation of the Plan.

ACTIONS THAT LOCAL AUTHORITIES MAY TAKE

27. The Fiordland Marine Pathway Plan does not require any specific actions to be taken by territorial local authorities.



▲ Sea squirt (*Styela clava*) is harmful to the marine environment (CHRIS WOODS, NIWA)

Glossary

Biofouling – accumulation of aquatic organisms such as micro-organisms, plants and animals on surface structures immersed in or exposed to the aquatic environment.

Commencement date – the date on which the Council fixes the Council’s seal to the Fiordland Marine Pathway Plan (or part thereof, in the event of an application pursuant to section 96 of the Biosecurity Act 1993).

Environment Southland – the Southland Regional Council.

Fiordland Clean Vessel Pass – a pass obtained in accordance with the procedure set out in Appendix A.

FMA – the Fiordland Marine Area, as shown in Figure 1 and described in paragraph 4 of this plan.

Goose barnacles – also called stalked barnacles or gooseneck barnacles. Goose barnacles are ubiquitous foulers of tropical, subtropical and temperate seas, with a wide oceanic distribution that includes attachment to drift wood, floating plant debris and vessel hulls, as well as turtles and whales.

Hull – the immersed (including occasionally immersed) surfaces of a vessel.

Landward boundary – the line of mean high water springs, except where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of –

- (i) 1 kilometre upstream from the mouth of the river; or
- (ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.

Niche areas – areas on a vessel hull that are more susceptible to biofouling due to different hydrodynamic forces, susceptibility to coating system wear or damage, or being inadequately, or not, painted, e.g. sea chests, bow thrusters, propeller shafts, inlet gratings, dry dock support strips etc. and includes appendages.

Slime layer – a layer of microscopic organisms, such as bacteria and diatoms, and the slimy substances that they produce.

Vessel – a ship, boat, or other machine or craft including amphibious aircraft used or able to be used for the transport of people or goods, or both, by sea.

▼ **Vessel with a fouled hull** (DEREK RICHARDS, ENVIRONMENT SOUTHLAND)



Appendix A

Clean Vessel Pass Procedure

▶ When to apply

- Applications for a Clean Vessel Pass can be made online at any time throughout the calendar year, and an electronic copy will be provided immediately.
- Applications for a Clean Vessel Pass made in person, post or email can be made during normal business hours. There will be some delay in receiving a pass if the application is made via post.
- The Clean Vessel Pass is valid for one year from the issue date on the pass.

▶ Where to apply

There are several options available to get a Fiordland Clean Vessel Pass:

- apply for or renew a pass online through the Environment Southland website – www.es.govt.nz;
- apply at Environment Southland's local office (Monday–Friday, 8.00 am–5.00 pm, excluding public holidays) in person;
- apply by post to Environment Southland, Private Bag 90116, Invercargill 9840;
- apply by email to service@es.govt.nz.

▶ What details will need to be provided

- Full name(s) of the owner(s) or operator(s)
- Contact postal address of owner or operator
- Email address of owner or operator
- Contact phone number of owner or operator
- Vessel name
- ID number
- Vessel type
 - > Special purpose vessel
 - > Service vessel
 - > Fishing vessel
 - > Research
 - > Super yacht
 - > Recreational yacht
 - > Military
 - > Person carrier
 - > Kayak/canoe
 - > Trailer boat
 - > Other
- Closest home port
 - > No home port e.g. trailer boat
 - > International
 - > Fiordland-based
 - > Northland
 - > Auckland
 - > Waikato
 - > Bay of Plenty
 - > Gisbourne
 - > Taranaki
 - > Hawkes Bay
 - > Wellington
 - > Nelson/Marlborough
 - > Canterbury
 - > Westland
 - > Otago
 - > Southland

- * Trip intention
 - > Commercial tourism
 - > Commercial fishing
 - > Charter
 - > Recreational
 - > Other
- How long will the vessel reside within one nautical mile of the landward boundary of the FMA.
 - > <7 days
 - > 1-6 months
 - > 6-12 months
 - > 12+ months
- General biosecurity information
 - > Where was the vessel last cleaned?
 - > When was the vessel last cleaned?
 - > How often is the vessel antifouled, surveyed?
 - > Has the gear associated with the vessel been in seawater, used in seawater or stored in seawater outside of the FMA?
 - > Where and when was the gear associated with the vessel last cleaned?

Declaration

- The owner or person in charge of the vessel must make the following declaration:

I, *[insert name]* declare I have read and understood the clean hull standard, clean gear standard and residual seawater standard, that *[insert registered name of craft]* complies with those standards as at the date of this declaration and that *[insert name of craft]* will comply with those standards on every entry into the area within one nautical mile of the landward margin of the Fiordland Marine Area for the duration of the Clean Vessel Pass.



▲ Mediterranean fanworm (*Sabella spallanzanii*) poses a serious risk to Fiordland. It has already established itself further north and has a tendency to hitch rides on the hulls of ships. (CHRIS WOODS, NIWA)



The Fiordland Marine Regional Pathway Management Plan is developed and implemented by a partnership group including:



Ministry for Primary Industries
Manatū Ahu Matua

