



31 July 2009

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Submission in relation to the document "Review of the Undaria Commercial Harvest Policy" June 2009.

Tena koe

This submission is made by Te Ohu Kaimoana Trustee Limited ("Te Ohu") in its role as corporate trustee of both the Maori Fisheries Trust and the Maori Aquaculture Settlement Trust (Takutai Trust). It responds to the review of the Undaria Commercial Harvest Policy released for consultation in June 2009 by Ministry of Agriculture and Forestry Biosecurity New Zealand (MAFBNZ).

Te Ohu is a statutory body established under section 31 of the Maori Fisheries Act 2004. Our purpose under the Act is to advance the interests of iwi individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:

- (a) ultimately benefit the members of iwi and Maori generally
- (b) further the agreements made in the Deed of Settlement
- (c) assist the Crown discharge its obligations under the Deed of Settlement and the Treaty of Waitangi; and
- (d) contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Deed of Settlement.

Te Ohu also has duties under the Maori Commercial Aquaculture Claims Settlement Act (the Aquaculture Settlement Act). This Act provides a full and final settlement of Maori commercial aquaculture interests since 21st September 1992 and provides for iwi to receive assets equivalent to 20% of the water space rights created in coastal waters since September 1992.

In carrying out its role, Te Ohu Kaimoana works actively with iwi organisations who have received or who will receive settlement assets under both the fisheries and aquaculture settlements. We also work actively with the wider seafood industry (both fisheries and aquaculture) and participate in industry organisations to protect the interests of iwi and Maori as the beneficiaries of the Fisheries and Aquaculture Settlements.

Te Ohu's summarised view of the review

Te Ohu considers that Biosecurity New Zealand's objective of assessing the feasibility of allowing commercial harvest and farming of Undaria in ways that do not significantly increase its adverse effects on biodiversity is timely.

Te Ohu recommends:

- a) That MAFBNZ should remove the unwanted organism status for Undaria.
- b) Option 3 – i.e. Undaria can be harvested anywhere it has naturalised, with farming only in heavily infested areas.
- c) That commercial harvest of Undaria should be managed under the Fisheries Act and the Resource Management Act, with the support of the Biosecurity Act where appropriate.

We suggest that further work is necessary to clarify the detail of how the relevant agencies will work together with the minimum of bureaucracy and duplication to ensure that commercial activity can take place without increasing the spread of Undaria into places where its effects on valued resources would be adverse. Once this detail is developed, potential users should be consulted.

The opportunities for commercial harvest of Undaria are potentially valuable to Iwi/Maori

Te Ohu does not oppose steps to fully investigate the commercial potential of Undaria farming or harvesting of wild Undaria. However, consistent with kaitiakitanga, iwi have an interest in the long term sustainability of fisheries and the aquatic environment. The commercial harvesting of Undaria would have to be done carefully to avoid its spread into areas where it has not already naturalised.

The unwanted organism status for Undaria should be removed

Keeping the unwanted organism status under the Biosecurity Act could keep its management simple in the short term, however this may not be beneficial in the long term.

Te Ohu supports the idea of removing the unwanted organism status for Undaria and allowing for management under the Fisheries Act.

Where Undaria is unwanted or in areas where it has not “naturalised”, management mechanisms can be provided for under the Resource Management Act (RMA) and Biosecurity Act where appropriate.

Nevertheless we still believe any new regime would still need to take account of the fact that there is still considerable uncertainty as to whether Undaria does adversely affect native marine life because:

- Information provided in previous technical reports suggests that, apart from altering the “natural character” of coastal ecosystems, Undaria is unlikely to have any significant broad scale effects on ecosystems or biodiversity.
- Although Undaria is an exotic seaweed, many of our seaweeds and other marine biota have a wide global distribution and may well originally have had an exotic origin.

Option 3 - Undaria can be harvested anywhere it has naturalised, farming only in heavily infested areas

Te Ohu recommends Option 3. Option 3 can provide the greatest commercial opportunity without significantly increasing Undaria's adverse impact on biodiversity. This is because commercial harvesting of Undaria in “naturalised” areas would only be likely to occur in heavily infested areas and in these areas the impacts are already likely to be realised. All other areas where Undaria has been identified as a pest in regional pest management strategies require more active management in order to prevent its spread.

Commercial harvest of Undaria where it has naturalised

Te Ohu submission in 2000 to Cawthron's discussion paper to MFish on the “National Pest Management Strategy for Undaria” supported commercial harvest as there appeared to be good commercial opportunities. However we proposed limitations on the movement of Undaria to minimise spread, but without making it a noxious weed and an unwanted organism.

The MAFBNZ consultation document suggests that even with the removal of “unwanted organism” status, regional councils can still develop regional pest management strategies to manage any adverse effects it may have on a number of matters set out in the Biosecurity Act including:

- Economic wellbeing; or
- The viability of threatened species of organisms, the survival and distribution of indigenous plants or animals, or the sustainability of natural and developed ecosystems, ecological processes, and biological diversity; or
- Soil resources or water quality; or
- Human health or enjoyment of the recreational value of the natural environment; or

- The relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and taonga (section 72 (1) (c))

We note from the consultation document that a number of councils have included Undaria in their pest management strategies (Taranaki, Southland and Tasman/Nelson). If controls on Undaria were altered to be more permissive, other councils may wish to reconsider the status and management of Undaria in their region.

With a change in the management regime, we envisage a process would need to provide regional councils with the opportunity to review the need for pest management strategies in their regions and instigate any measures taking into account how a new regime under the Fisheries Act would integrate with any pest management strategies they have developed or are developing under the Biosecurity Act, or with any provisions in their regional coastal plans under the RMA.

Where MFish is asked to issue a permit to harvest Undaria, it would need to know where in fact Undaria is “naturalised”. There would need to be a checking process with relevant regional councils to establish what the status of Undaria is within the region. In some cases, if harvest is managed under either of Option 2 or 3, some regional councils may need to consider the potential effects of more intensive harvesting in their region and develop specific management measures that they have not seen as necessary under the current regime.

This also raises the question as to whether regional councils should be required to identify – in advance of the management regime being changed from the status quo – where they consider Undaria is “naturalised” and where areas of the region are “heavily infested”.

Marine farming of Undaria

Te Ohu acknowledges that there are growing interests in marine farming and we view Undaria as a potential commercial crop in its own right.

The controlled culture of Undaria is attractive because it can provide high quality raw material with specifically selected characteristics that wild harvest of Undaria would not always provide.

The opportunities for Iwi as beneficiaries of the Aquaculture settlement and allocation of 20% of any new space would also enable the development of that space for Undaria if an Iwi's aspirations are to do so.

Maori are also 50% shareholders of Sealord. Sealord is actively involved in the Aquaculture Industry. Sealord do not oppose the farming of Undaria, and would consider farming it in the future if farming proves to be commercially feasible.

Aquaculture in New Zealand is a valuable industry which is already worth \$325 million per year to the New Zealand economy. With government support, New Zealand's aquaculture industry strategy goal is to grow the industry to \$1 billion a year by the year 2025. “The New Zealand Aquaculture Strategy” has clearly identified the requirement for growth to take place within a framework of sustainable management.



Therefore, for the Aquaculture industry, any option allowing farming of *Undaria* must avoid significantly increasing the adverse effects of the organism on the environmental qualities it relies on. At the same, as long as any adverse effects are managed, the farming of *Undaria* could contribute to the overall value of the industry.

The current regulatory regime¹ means that any farming of *Undaria* on structures will be authorised under the RMA (as with any other form of aquaculture). Any relevant environmental risks will be considered as part of the RMA planning and consenting process. Management of the risks to any High Valued Areas such as Fiordland and offshore islands can be managed by the regional councils with pest management strategies they have developed under the Biosecurity Act, or provisions in their regional coastal plans under the RMA.

Commercial harvest of *Undaria* should be managed under the Fisheries Act and the Resource Management Act, with the support of the Biosecurity Act where appropriate

The purpose of the Fisheries Act is to provide for utilisation of fisheries resources while ensuring sustainability. Of relevance to *Undaria* is the requirement to “*Avoid, remedy, or mitigate any adverse effects of fishing on the aquatic environment*”. There is no sustainability issue with *Undaria* but any commercial harvesting of *Undaria* must avoid, remedy or mitigate any adverse effects of its harvest on the aquatic environment. The Fisheries Act includes constraints on where fishing for *Undaria* can be allowed and can provide for regulations to mitigate the effects on fishing for *Undaria* particularly in reference to mitigating the spread on *Undaria*.

Therefore, Te Ohu considers the Fisheries Act to be the most efficient and effective legislative mechanism to manage the commercial harvest of *Undaria*.

We expect that during the initial stages of *Undaria* being managed under the Fisheries Act, management will be through the Acts permit regime with later entry into the QMS.

Previous Te Ohu submissions to Mfish have supported the proposed introduction of seaweeds to the QMS. The Deed of Settlement and Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 requires that the Crown provided for Maori, through the Maori Fisheries Trust (Te Ohu), to receive 20% of all new species that enter the QMS.

To avoid the spread of *Undaria* into areas where it is unwanted or not “naturalised”, Regional Councils can integrate the management of *Undaria* in their pest management strategies under the Biosecurity Act, or with provisions in their regional coastal plans under the RMA.

¹ As MAFBNZ will be aware, the government is proposing to review and reform the aquaculture regulatory regime



The development of the management framework to support commercial utilisation of Undaria

As previously mentioned Te Ohu strongly advocates the development of enabling policy to harvest Undaria for commercial purpose while being supportive of measures to ensure it does not increase its adverse impacts on biodiversity. The next stage we will be concerned with is its effective management and prevention from spread in areas where Undaria is unwanted.

Again we suggest that further work is necessary to clarify in more detail how the relevant agencies will work together with minimal bureaucracy and duplication to ensure that commercial harvest of Undaria can take place without increasing its spread into places where its effects on valued resources would be adverse. Once the relevant agencies have clarified this detail, iwi and commercial stakeholder groups should be consulted.

Thank you for the opportunity to provide you with our comments on the Review of the Undaria Commercial Harvest Policy. We look forward to further discussions on the collaborative work that will be necessary for the development of an appropriate framework to support the management of Undaria. Please do not hesitate to contact me should you require any clarification on our comments contained in this submission.

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