



24 June 2020

Sandra Balcombe
Acting Manager, Land and Oceans Applications
Environmental Protection Authority
Private Bag 63002
Wellington 6011
New Zealand

Dear Sandra,

Re: Request for advice under section 56 of the EEZ Act regarding a notified marine discharge consent application by Beach Energy Resources NZ (Holdings) Ltd – EEZ100019 (Canterbury Basin)

Recently you emailed Ray Smith for advice regarding the application for a marine discharge consent from Beach Energy Resources NZ (Holdings) Limited (Beach Energy). The application is for permission to discharge trace amounts of harmful substances from the deck drains of a Mobile Offshore Drilling Unit (MODU) as offshore processing drainage (OPD). The MODU will be used to drill exploration and appraisal wells in the Canterbury Basin within Beach Energy's Petroleum Exploration Permit area (PEP38264). This has been passed to me to respond to as Director of Plants and Pathways, within Biosecurity New Zealand.

You have asked the following questions regarding the risk, scale and significance of the potential spread of non-indigenous marine species due to the activities described in the impact assessment of Beach Energy's application. Please see our response to these questions below.

1. Please describe Biosecurity New Zealand's responsibilities in relation to the operation of any MODU operated by Beach Energy in the Canterbury Basin.

Biosecurity New Zealand (BNZ) administers the Biosecurity Act 1993 (the Act), and is responsible for the management of pests and diseases on craft arriving into New Zealand. Risks specific to the MODU for which BNZ is responsible include:

- Above water risks, such as regulated species and contaminants
- Biofouling
- Ballast water

BNZ would also be responsible for any craft that are leaving New Zealand Territory (NZT), visiting the MODU and then returning to within the NZT, and any risk goods associated with the arrival of these craft.

2. Beach Energy considers the Biosecurity Act 1993 does not provide measures to avoid, remedy, or mitigate effects in relation to its current application to discharge harmful substances from the deck drains of the MODU it operates (page 31, section 2.45).

a. Please provide information on any standards that relate to biosecurity that any MODU must meet.

All vessels arriving into New Zealand Territory (NZT) are subject to the requirements of the Craft Risk Management Standards for Biofouling (CRMS-BIOFOUL) and Vessels (CRMS-Vessels).

- The CRMS-VESSELS seeks to mitigate the above-water, or topside biosecurity risks (regulated species and contaminants) associated with the entry and arrival of all vessels into New Zealand Territory.
- The CRMS-BIOFOUL manages the risks associated with vessel biofouling on vessels arriving into New Zealand. The CRMS-BIOFOUL requires generic measures to be applied to all vessels to manage biofouling on an ongoing basis. The CRMS-BIOFOUL also requires vessels to arrive in New Zealand with a clean hull (as outlined in the “clean hull thresholds”).

Under the Act, “arrival” is defined as any craft that anchors, berths, or comes ashore. While the MODU is unlikely to arrive into the NZT, sections 162AJ and 162AK of the Act modify powers relating to craft (Part 3 of the Act) to apply to vessels exploring or exploiting resources in the EEZ. Powers relating to craft allow MPI to manage biosecurity risk goods if an operator or owner of a craft does not comply with the aforementioned standards.

All craft are also required to comply with the ballast water Import Health Standard (IHS) and Marine Protection Rules Part-300 to manage biosecurity and health risks associated with ballast water discharge. While the rules in Part 300 are administered by Maritime NZ, the Act gives powers to inspectors to take compliance action on craft (section 18).

b. Please comment on any measures you consider are reasonably necessary to avoid, remedy, or mitigate the effects of a biosecurity incursion.

Although the MODU may not be entering NZT, Part 3 of the Act applies as it is a craft that is exploring or exploiting the EEZ (sections 162AJ and 162AK modify powers relating to craft).

As such BNZ advises the MODU comply, as far as is practicable, with the requirements of the CRMS-Vessels, CRMS-BIOFOUL, and the ballast water convention.

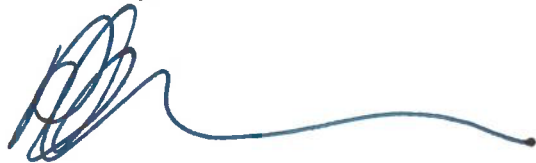
Craft that cannot meet the requirements outlined in a CRMS may propose measures that manage the biosecurity risk to a level equivalent to, or greater than the CRMS in the form of a Craft Risk Management Plan (CRMP). This is the only mechanism for achieving equivalence with a CRMS outlined under the Act.

3. In relation to your responsibilities under a marine management regime (as defined in section 7 of the EEZ Act), please provide comment on any other matter you consider may assist the DMC in determining the applications under section 59 and 61 of the EEZ Act.

As the MODU may be serviced or supplied by domestic craft, there is a risk of topside or below water risks translocating across the NZT. For example a domestic vessel may visit the MODU and by coming into close contact with it, pick up any non-indigenous marine species or crew may move risk goods such as fresh produce or contaminants onto the

visiting vessel. As such any international vessels that are proposed to work with the MODU as part of the project must also comply with the regulations mentioned above.

Yours sincerely,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke that ends in a small dot.

Peter Thomson
Director, Plants and Pathways
Biosecurity New Zealand