

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY AT
WELLINGTON**

IN THE MATTER of the Exclusive Economic Zone and Continental Shelf
(Environmental Effects) Act 2012 (“the Act”)

AND

IN THE MATTER of the applications by Trans-Tasman Resources Limited (TTR) for
marine and discharge consents to mine iron sand under sections 20
and 87B of the Act and

BETWEEN **Trans- Tasman Resources Limited**
Applicant

AND **The Environmental Protection Authority**
EPA

AND **Kiwis Against Seabed Mining Incorporated (KASM)**
Submitter

MEMORANDUM FOR KASM AND GREENPEACE

Dated 05 May

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MAY IT PLEASE THE DECISION-MAKING COMMITTEE

Memo from KASM and Greenpeace

1. This Memorandum addresses a number of issues:
 - a. the availability of KASM witnesses,
 - b. the additional noise evidence, and
 - c. updated conditions.

Availability of Witnesses

2. The following table sets out the availability of witnesses for KASM between now and the close of the hearing on 31 May.

Expert	Availability
Shaw Mead	Available after 12 May- 26 May
Elizabeth Slooten	Available by skype or other teleconferencing any day between 9 May- 25 May Available in person after 28 May
John Cockrem	Generally available by skype depending on how times work in with lectures which vary from day to day.
Leigh Torres	Not available

3. KASM has reviewed the further report on optical modelling based on the remodeled plume models (Matt Pinkerton, “Optical effects of proposed ironsand mining in the South Taranaki Bight region – worst case update” April 2017) . The executive summary states as follows:

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1. Predicted optical effects in the new simulations are qualitatively similar to those from Pinkerton & Gall (2015) **but quantitatively greater. Averaged across the sediment model domain, optical effects that are relevant to estimating effects on primary productivity were 44% greater in the new simulations that estimated using the models summarized in Pinkerton & Gall (2015).**

This considered effects of mining on mean light in the water column, mean light at the seabed, and the number of days per year when seabed light was greater than two ecologically-relevant limits.

2. Average light in the water column averaged over the domain of the sediment model is predicted to be reduced by only a small amount: 2.9% (mine A, was 1.9%) and by 2.4% (mine B, was 1.6%). Reductions in water column light are predicted to occur predominantly to the east of the mining site due to the sediment plume often moving in this direction.

3. **The total amount of light received by the seabed in the domain of the sediment model is predicted to reduce by 30% (site A, was 23%) and 21% (site B, was 15%) and this reduction will primarily affect the area east of the proposed mining area.**

(Emphasis added)

4. This is substantially different from the initial reports provided as part of TTR original application. KASM requests that Shaw Mead, whose evidence concerns ecology and effects to primary productivity generally and John Cockrem, whose evidence concerns seabirds including little penguins who are highly dependent on light for foraging and primary productivity for feeding, attend the primary productivity caucusing.

Additional Noise Evidence

5. KASM has read the memorandum of Forest & Bird dated 3 May and agrees with the issues raised in that memorandum concerning the additional noise evidence, notably paragraph [9] of Forest and Bird memo, which states that:
- a. there may be merit in reconvening the hearing to hear from the noise modelling experts; and
 - b. there is little merit in the experts caucusing on the Humpheson report, given none of the experts has requisite expertise.

KASM agrees with both of these statements.

Memo from KASM and Greenpeace

6. KASM has already noted that its expert, Leigh Torres, is for the foreseeable future unavailable due to illness. Nevertheless, KASM will endeavour to make an expert available for conferencing and/or a hearing.
7. With respect to Dr Childerhouse and Mr Humpherson's evidence, in our strong submission, Mr Humpherson's evidence should not be referred to or admitted unless he is called as a witness. Otherwise the evidence is pure hearsay, as well as entirely untested.
8. In a number of places Dr Childerhouse refers to evidence and conferencing from the first application. This too is hearsay and not part of the evidence for the current hearing, and if it is to be part of the evidence for this hearing, we submit that the experts need to be called and statements of evidence need to be exchanged and the experts examined.

Updated Conditions

9. KASM notes that in DMC minute 37 a draft timetable was released. The timetable included a date of 18 May (optional) for TTR to provide a updated version of proposed conditions for use at expert caucusing on proposed condition and a date of 5 May for parties to have the chance to comment on updated proposed conditions.
10. TTR provided an updated version of proposed conditions on 3 May. KASM requests a extension to the timetable for parties to provide comments to conditions to 19 May, prior to any planning caucusing.

Respectfully submitted.

Memo from KASM and Greenpeace

DEJ Currie/Ruby Haazen

05/05/2017