

EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF (ENVIRONMENTAL EFFECTS) ACT 2012 (the Act)

Trans-Tasman Resources Limited iron sand extraction and processing application

M33 – Minute of the Decision-Making Committee – 13 March 2017

Marine Mammals Experts – Additional questions

1. The Decision-making Committee (DMC) directed a group of marine mammals experts to attend expert conferencing to address a number of questions raised by parties, as set out in Minutes 20 and 21. The expert conferencing session was held on 16 February 2017 and which resulted in a Joint Witness Statement being produced on 3 March 2017.
2. On 21 and 22 February 2017 Dr Torres presented evidence at the hearing. This included evidence based on data that had not been available in advance. Once the data supporting this evidence was provided, Dr Childerhouse provided a response to this evidence and this was heard at the hearing on Friday 3 March 2017. This was done on the basis that Dr Torres would have the opportunity to respond.
3. Dr Torres has provided a written response on 7 March 2017 and has indicated she is available on Skype for further questions from the DMC. The DMC consider that further clarification is required on some specific matters and request Dr Torres to provide the further information set out in Appendix 1 of this Minute. The DMC also request the EPA staff to liaise with Dr Torres to schedule a time for her to reappear by Skype.
4. The DMC acknowledges the additional information provided by Dr Childerhouse on 2 March 2017 and 7 March 2017 as requested by the DMC. There are 4 additional matters the DMC considers necessary to understand the information provided, as set out in Appendix 2.

For the DMC:



Alick Shaw
DMC Chair
13 March 2017

Appendix 1 Questions for Dr Torres

The following questions arise from the following extract from the transcript from Day 4 - 21 February 2017, pages 544-545:

“We were out there doing similar work, very similar. We were able to have nine survey days within the STB region. That includes the West Coast, so off Westport and north a bit and then into the Bight of course. Over those nine days, we had 32 blue whale sightings which included 68 Blue whales including 5 mum and calf pairs. That’s a substantial quantity of whales to deal with over nine days.”

“Of note relevant here we had two sightings of foraging Blue whales within 16 nautical miles of the proposed mining site.”

One of the questions that I did receive from the Committee was “Can you tell you us how many whales within 50 kilometres of the proposed mining area from all survey records including Cawthron?”. Through all the records that we have of Blue whales, going back as far as we have data, including this last year we have 31 Blue whales sighted within 50 kilometres of the proposed mining area.”

1. How many identifiable individual blue whales were sighted in the 9 survey days referred to in the transcript excerpt above:
 - i. within the 50 km radius of the proposed mining area?
 - ii. within the 60 km radius of the proposed mining area?

2. Please provide a map (similar to Figure 5 in your original written evidence) showing all the identifiable individual blue whales sighted over the 9 survey days referred to in the transcript excerpt above, and the relevant survey effort.

Appendix 2 Questions for Dr Childerhouse

1. The DMC notes that the estimated hearing sensitivity of the New Zealand fur seal (based on the relevant pinniped equivalent) has been discussed in the additional information provided on 7 March 2017 but the DMC also require that this be added to the relevant hearing sensitivities table.
2. Please update the data set referred to in Dr Childerhouse's evidence in chief, at paragraph 16, including stranding and bycatch data from the DOC data as was discussed (refer Day 4 – 21 February 2017 transcript page 502), with a rerun of the habitat modelling;
3. Please update Appendix 1 of Dr Childerhouse's evidence in chief to show the most recent sightings by Dr Torres.
4. Please provide a map of the application site and the wider STB showing predicted noise level contours for mining at both 'Site A' and 'Site B', assuming the limits proposed at the source, indicating where the predicted 105 dBA, 120 dBA and 135 dBA levels will be met.