

**BEFORE THE ENVIRONMENTAL PROTECTION AGENCY  
AT WELLINGTON**

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

**AND**

**IN THE MATTER** of an application for a further extension of time for public submissions on the applications by Trans-Tasman Resources Limited for marine and discharge consents to recover iron sand under sections 20 and 87B of the EEZ Act

**BETWEEN** **Trans-Tasman Resources Limited**  
Applicant

**AND** **Environmental Protection Authority**  
EPA

**AND** **Fisheries Inshore NZ, The New Zealand Federation of Commercial Fishermen, Southern Inshore Fisheries Management Co Limited, Macdonald & Brown Limited and Cloudy Bay Clams Limited**  
Fisheries Submitters

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**MEMORANDUM ON BEHALF OF FISHERIES SUBMITTERS**

**9 NOVEMBER 2016**

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Counsel Acting

**ROBERT MAKGILL**  
BARRISTER

Instructing Solicitor

**PETER DAWSON**  
DAWSON & ASSOCIATES

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**MAY IT PLEASE THE DECISION-MAKING COMMITTEE:**

1. This memorandum is filed on behalf of Fisheries Inshore NZ (**FINZ**), The New Zealand Federation of Commercial Fishermen, Southern Inshore Fisheries Management Co Limited, Macdonald & Brown Limited, and Cloudy Bay Clams Limited (collectively referred to as the **Fisheries Submitters**).
2. The New Zealand Federation of Commercial Fishermen, Southern Inshore Fisheries Management Co Limited and Macdonald & Brown Limited, and Cloudy Bay Clams Limited lodged submissions in opposition to Trans-Tasman Resources Limited' (**TTR**) application for marine consents, on or about 13 and 14 October 2016.
3. FINZ has yet to lodge a submission on TTR's application. This is because FINZ had been awaiting the outcome of the Environment Court's decision, in *Kiwis Against Seabed Mining Incorporated v Environmental Protection Authority* ENV-2016-WLG-41, to avoid having to file an amended submission in the event orders were made that the redacted information should be made publicly available.
4. The Fisheries Submitters, who have already made submissions, all intend to file amended submissions given the Environment Court's decision, on 8 November 2016, that the redacted information must be made publicly available.
5. The Fisheries Submitters support the directions sought by *Kiwis Against Seabed Mining Inc.*, Te Runanga o Ngati Ruanui Trust and Talley's Group Limited in the joint memorandum, dated 9 November 2016, for a further extension of 20 working days to the submission timeframe (**joint memorandum**).

6. The Fisheries Submitters support the directions sought for the reasons given in the joint memorandum, and for the following reasons:
  - (a) The Fisheries Submitters will require at least 20 working days for:
    - i. Their experts to review the redacted information subject to the Environment Court's order that it should be made publicly available; and
    - ii. To consult with their experts in respect of the implications of the redacted information on TTR's notified impact assessment, and the potential impacts of TTR's application on fish stocks and aquaculture.
  - (b) An extension would assist the Decision-Making Committee (**DMC**) to fulfil its duty of basing its decisions on the best available information as is required under s 61(1)(b) of the EEZ Act.
  
7. The Fisheries Submitters respectfully submit that the DMC should grant the requested 20 working day extension sought under the joint memorandum dated 9 November 2016.

**Dated this 9<sup>th</sup> day of November 2016**



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**Robert Makgill**  
**Counsel for Fisheries Inshore NZ,**  
**The New Zealand Federation of**  
**Commercial Fishermen, Southern**  
**Inshore Fisheries Management Co**  
**Limited, Macdonald & Brown**  
**Limited and Cloudy Bay Clams**  
**Limited**