

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY
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 marine consent under section 38 of the EEZ Act by Trans-Tasman Resources Limited to undertake iron ore and processing operations offshore in the South Taranaki Bight

BETWEEN **Trans-Tasman Resources Limited**
Applicant

AND **Environmental Protection Authority**
EPA

AND **Fisheries Inshore New Zealand Limited, New Zealand Federation of Commercial Fishermen Inc, Talley's Group Limited, Southern Inshore Fisheries Management Company Limited and Cloudy Bay Clams Limited**
Fisheries Submitters

**EVIDENCE IN REPLY OF DOUGLAS SAUNDERS-LODER TO THE
EXPERT EVIDENCE OF DR DONALD ROBERTSON**

Dated: 1 March 2017

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INTRODUCTION

1. I prepared evidence, dated 23 January 2017, in relation to the application by Trans-Tasman Resources Limited (TTR).
2. Dr Donald Robertson, in response to a request by the Decision-Making Committee (DMC), reviewed the fisheries evidence of TTR and submitters and prepared a report dated 21 February 2017.
3. The purpose of my evidence in reply is to respond to comments made by Don Robertson in his evidence.

Threats to Stock

4. At paragraph [88], Dr Robertson states that “there is no basis to suggest that the proposed mining activity could ‘threaten the stock whilst in New Zealand waters’. He states further that it is stretching the information to suggest that the TGL vessel track in FMA 8 means that Skipjack Tuna schools migrate through the proposed mining site and plume area.
5. I recognise that these stocks are highly migratory and that they can appear anywhere. My proposition is that skipjack can very easily frequent this area and there is evidence that they have been found in the area adjacent to the proposed mining site (as revealed by the track of the TGL vessel).
6. I maintain the view that skipjack travelling through this area could easily be distracted or driven away by both sediment load in the water and/or noise. Rather, my concern is that if we lost access to fish because of the effects of mining, that could conceivably become a reason for international markets to question the quality of water and in turn the quality of the fish.
7. My suggestion that an activity might threaten the stock whilst in NZ waters refers to the reputational risk that might be experienced because the fish are affected by sediment loads or noise in the water. My view is not that the biology or sustainability of the stock was being threatened i.e. that fish would die.

Tuna Stocks

8. At paragraph [89], Dr Robertson remarks on my comments on the behaviour of tuna and states that if there was some impact on tuna stocks caused by the proposed mining by TTR it would be challenging to distinguish what that impact might be with such a highly variable species.
9. In my evidence, I am simply stating that these stocks are highly variable both in terms of where they might be and in what numbers.
10. My proposition remains that sediment load in the water could affect both the transit of fish (should they find themselves in that area) and the health of the fish.
11. I do not accept that determining those effects, other than the fact that they would avoid the proposed site, would be difficult. Fish caught in the vicinity could be tested for many effects and it might be that part of TTR's conditions are that they have to ensure regular tests are done, not just with migratory stocks, but all stocks that live within the fall-out zone of the proposed mining. This would at least provide us with better information and would eliminate uncertainty, which is one of the biggest problems we have with the application.

Nursery Grounds

12. At paragraph [90] Dr Robertson provides an explanation of what is meant by the term "nursery ground". My reference to nursery grounds in the context of my evidence is a relatively 'colloquial' application based on fishermen's experience of the area. They identify parts of the rolling ground as inaccessible and draw the conclusion that these allow small fish to develop without disturbance.
13. I was not regarding this as a dedicated, voluntarily closed area for the benefit of specific fish protection, certainly not like formally and well recognised closures like Golden Bay and Tasman Bay for juvenile snapper or the South East coast for elephant fish.
14. My reference had nothing to do with spawning fish. Juvenile fish are not necessarily spawning fish.

15. Dr. Robertson at paragraph [91] asserts that fishing activity is light, that the mining area is small and that, as a consequence, the 'likely' impact on commercial fishing will be minor. He also asserts that any variability in catch is due to a mismatch in commercial catch species mix.
16. Dr Robertson will be aware that the mismatches within most inshore fisheries have decreased over the years. (In the STB for example only two stocks stand out as being mismatches: Snapper and Kingfish). Politically, the momentum on flexibly adjusting catch limits on inshore stocks has slowed. Nevertheless, many regional allocations now more accurately reflect the catch mixes.
17. I do not subscribe to Dr Robertson's simplistic view that minor fishing combined with small mining site means any impact will be minor. The testing simply has not been done for this to be determined.
18. Dr Robertson promotes the collection of data to support determining any long-term change and suggests that an adaptive management approach would be preferable. In my view, the testing should be done, and the effects determined, before mining starts. This requires the best available base-line information – something the application by TTR lacks.

Trawling

19. Dr Robertson comments on bottom trawling at a paragraph [94].
20. I do not subscribe to his view that large scale trawling is a major disturbance to the natural environment or that it is likely to affect fish-stocks.
21. Trawling activity in the STB has modified the environment through years of continued use and it has most certainly not affected fish-stocks in any detrimental way. On the contrary, fishing in this area is very productive and is monitored closely to determine whether there are any negative effects from trawling. Both science and anecdotal information combine to determine whether fish-stocks are under any stress and management is constant. It is not apparent that trawling causes a major disturbance.
22. I maintain the view that any disturbance to the natural environment 'that is likely to affect fish-stocks' has the potential to significantly undermine both the capital value of quota and the income of fishermen. This is not an over-

statement. Environmental disturbance on the scale proposed has the potential to cause serious financial harm to both quota-owners and fishermen that operate in this area.

Dated: 1 March 2017

A handwritten signature in black ink, appearing to read "Doug Saunders-Loder", written over a horizontal purple line.

Doug Saunders-Loder