

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY
AT WELLINGTON**

IN THE MATTER

of the Exclusive Economic Zone and
Continental Shelf (Environmental Effects)
Act 2012

AND

IN THE MATTER

of a decision-making committee
appointed to hear a marine consent
application by Trans Tasman Resources
to undertake iron ore extraction and
processing operations offshore in the
South Taranaki Bight

**EXPERT REBUTTAL EVIDENCE OF TOKATUMOANA KEVIN WALDEN ON
BEHALF OF TRANS TASMAN RESOURCES LIMITED**

8 FEBRUARY 2017



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INTRODUCTION

1. My name Tokatumoana Kevin Walden.
2. I prepared Expert Evidence dated 16 December 2016 (First Statement) with respect to these proceedings on behalf of Trans Tasman Resources Limited.
3. My qualifications and experience are set out in paragraphs [2] to [6] of my First Statement.
4. The purpose of this Rebuttal Evidence is to respond to matters raised in the Statement of Evidence of Mr Graham Young of behalf of Ngāti Ruanui.
5. In preparing this evidence I have also reviewed the evidence of Maria Cecilia Cashmore.

RESPONSE TO EVIDENCE OF GRAHAM YOUNG

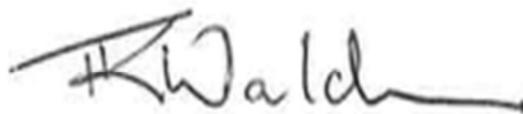
6. In paragraph [64] of his evidence, Mr Young makes no mention of the many attempts made by TTR to engage with Ngāti Ruanui from February 2015 until our one and only face to face meeting on 3 September 2015. .
7. In my view, Ngāti Ruanui had no intention to engage with TTR on the new marine consent application. Ngāti Ruanui's opposition to seabed mining of any type was made very clear through their statements to the media. Ngāti Ruanui were not going to support any new marine consent application put forward by TTR and in my view, this stance has meant Ngāti Ruanui saw little point in seeking to engage with TTR.
8. In paragraph [69] Mr Young refers to the Best Practice Guidelines for Engagement with Maori that Ngāti Ruanui prepared for the Ministry of Business, Innovation and Employment. Mr Young focuses on the provisions relating to engagement where an iwi is willing to engage, but makes no mention of the recommendations where an iwi refuses to

engage. These provisions are set out in section 5.2 of that document and recommend that an applicant keep an open door, continue to provide information to the iwi, and continue to seek opportunities to engage. In my view, TTR has complied with these guidelines and tried at every opportunity to seek substantive engagement.

9. At paragraph [70] of his evidence Mr Young states that the stakeholder package was inadequate for an affected party such as Ngāti Ruanui and that full versions of all documents should have been made available. However, in the first hearing, TTR was criticised (including by Ngāti Ruanui) for not providing a user friendly summary of all the relevant information. The purpose of the stakeholder package was to address this concern. TTR offered to make full copies of all the technical reports available subject to a confidentiality agreement being signed to protect what it deemed commercially sensitive information. Mr Young explained in his evidence why he considered Ngāti Ruanui were unable to sign the confidentiality agreement – however these reasons were not conveyed to TTR until after the application was lodged and Ngāti Ruanui engaged legal counsel. Had these concerns been conveyed earlier, TTR would have worked with Ngāti Ruanui to come up with a solution to address both parties concerns.
10. At paragraphs [76] – [78] Mr Young states that it would be difficult for Ngāti Ruanui to undertake a Cultural Impact Assessment (CIA) when they do not have all the information. Ngāti Ruanui failed to deliver a CIA for the first marine consent application after agreeing to providing one. They have also failed again to provide a CIA for this new marine consent application despite TTR's requests for and willingness to commission one from them. As noted in the Nga Kaihautū Report a CIA ideally needs to be undertaken by mana

whenua (here Ngāti Ruanui) who have responsibilities and obligations as kaitiaki over the proposed project area. The information for the CIA is information that they hold as an iwi, their stories, connections, associations, relationships, species, fauna and flora, fishing grounds, Tauranga waaka etc.

11. In other words, the CIA is a Ngāti Ruanui view of the world, told from their voices, from their perspectives. Its purpose is to inform companies like TTR of Ngāti Ruanui 's physical, social, cultural, environmental and economic aspirations for the area that the company is wanting to develop. Only Ngāti Ruanui can provide this and if they required other iwi input into the CIA then the usual process is that Ngāti Ruanui would make contact with the relevant iwi to have some input. This never occurred. TTR was therefore left with no option but to commission an independent cultural values assessment, and to review the information that is publicly available (including their submission from the first application) about Ngāti Ruanui's views, cultural values, and concerns.
12. In paragraph [80] Mr Young states that Ngāti Ruanui should have had access to TTR's full application before TTR submitted the application to EPA for a completeness check. My understanding is that the process TTR followed is standard practice for any marine consent application. In my view had Ngāti Ruanui engaged the relationship between both parties could have been healthier and better outcomes could have been achieved for Ngāti Ruanui.



Tokatumoana Kevin Walden

8 February 2017