

**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

MEMORANDUM ON BEHALF OF FISHERIES SUBMITTERS

Dated: 3 March 2017

Counsel Acting
ROBERT MAKGILL
BARRISTER

Instructing Solicitor
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MAY IT PLEASE THE DECISION-MAKING COMMITTEE:

1. Counsel acts for Fisheries Inshore New Zealand Limited, The New Zealand Federation of Commercial Fishermen Inc, Talley's Group Limited, Southern Inshore Fisheries Management Company Limited and Cloudy Bay Clams Limited (**Fisheries Submitters**).
2. This memorandum:
 - (a) Refers to the report by Dr Donald Robertson dated 21 February 2017; and the addendum to his evidence in regard to adaptive management dated 28 February 2017; and
 - (b) Refers to the rebuttal evidence of Dr Jeremy Helson, Dr Greg Barbara, Mr Douglas Saunders-Loder, and Helen Anderson; and
 - (c) Seeks clarification on when the Expert Caucuses on the Effects on Fish and the Effects on Fishing will be reconvened.

Rebuttal Evidence to the evidence of Dr Don Robertson.

3. During the EPA hearing on Wednesday 22 February 2017, in response to a request by Counsel for the Fisheries Submitters, the DMC granted leave for the fisheries submitters to prepare written evidence in reply to Dr Robertson's evidence. The following evidence is filed herewith:
 - (a) Dr Jeremy Helson;
 - (b) Dr Greg Barbara;
 - (c) Ms Helen Anderson;
 - (d) Mr Doug Saunders-Loder.

Reconvening Expert Caucuses

4. During the EPA hearing on Thursday 2 March 2017, the DMC indicated to Counsel that the expert caucus on the Effects on Fishing and the Effects on Fish may be reconvened. The Fisheries Submitters request clarification as to when these caucuses may be reconvened.

5. In the event that the caucus on the Effects on Fishing is reconvened, and given Captain Andrew Smith's expertise in this area, Counsel seeks leave from the DMC to allow Captain Smith to attend this caucus.

Dated this 3rd day of March 2017

A handwritten signature in black ink, appearing to read "Dawson". The signature is written in a cursive style with a large initial 'D'.

Robert Makgill / Peter Dawson
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