

15 February 2017

Richard Johnson
Manager EEZ Applications
Climate, Land and Oceans Group
Environmental Protection Authority
Private Bag 63002
Wellington 6140
TTRapplication@epa.govt.nz

Dear Richard

Request for advice regarding the TTRL marine consent application under section 44 of the Exclusive Economic Zone and Continental Shelf (Environmental Effect) Act 2012 (EEZ Act)

Thank you for your letter of 10 February 2017 requesting advice under section 44 of the EEZ Act regarding the Trans-Tasman Resources Limited (TTRL) marine consent application.

Your letter has requested the following advice and information –

1. A copy of the Departmental assessment of the application referenced at para 54 of the Department memo dated 12 October 2016 -

Further to our previous letter dated 8 February 2017 in response to the Peter Longdill report, there is no single summary report supporting this statement. This statement in para 54 refers to the iterative assessment of the draft TTRL application and conditions that the Department worked through with TTRL, prior to its second application being lodged with the EPA.

You will note the Report to the Department's Decision Maker refers to the fact that discussions on TTRL's second application included consideration of material that was prepared during the first application. For example, see paragraph 26 in relation to marine mammals. To assist you in this respect we refer you to the joint witness statements relating to marine mammals (noise and other conditions) from the first hearing (attached).

In respect of sediment modelling, the Department has offered for Dr Peter Longdill to prepare a summary of the advice he provided to the Department for you. We await a response on what information the DMC requires and (as per our separate correspondence) how the costs will be covered. Dr Longdill has indicated his availability is increasingly reduced, however he can still allocate two days to preparation prior to a possible Skype appearance at the hearing next week. Please also note that his expertise is Sediment Plume Modelling, not Sediment Plume on Primary Production. We would need to advise Dr Longdill in the next 1-2 days if he is to appear at the hearing. For completeness, we note Dr Longdill's contribution to the "assessment" referred to in paragraph 54 also progressed through an iterative process as described in our prior letter dated 8 February 2017.

2a. Attendance of experts for conferencing and the hearing –

Further to the request for Department experts to attend expert conferencing this week -

- Seabirds – As noted in our previous letter dated 8 February 2017 the seabird expert who advised on TTRL is undertaking work on an offshore island, he does not return until 17 February 2017. We cannot determine his availability until he returns. We will get back to you as soon as we can.
- Marine Mammals – The expert that reviewed the prior TTRL application is unfortunately unavailable to participate in expert conferencing or the hearing, owing to existing commitments that cannot be changed at short notice, including long planned leave. However, if the DMC considers it would be helpful, DOC can recommend a mammal scientist who could provide advice on marine mammals. However, we do consider this may have some practical issues given the timing of the hearing.

2b. Witnesses from the Department at the hearing to help the DMC understand the conclusion at paragraph 7 of the Departmental memo regarding its views that no further conservation gains can be made by lodging a submission –

The Departmental Report to the Decision Maker is an internal document that summarises all the work undertaken by a range of experts over a period of some months, as noted in paragraph 54 of that report and in our prior letter dated 8 February 2017.

This report is the summary assessment that the DMC is looking for and provides the full context on which the Department's Decision Maker made the decision not to submit. Therefore, other than the information from the first hearing attached to this letter the Department cannot provide any additional context on paragraph 7.

I look forward to your reply.

Yours sincerely



Mike Slater
Deputy Director-General Operations

Attachments:

- 1: TTR First Application Hearing: Joint statement of experts in the field of effects on marine mammals including noise, dated: 26 March 2014
- 2(a): TTR First Application Hearing: Noise conditions, dated: 11 April 2014
- 2(b): TTR First Application Hearing: Statement on Noise Conditions, Dr Elisabeth Slooten, University of Otago, dated 11 April 2014
- 3(a): TTR First Application Hearing: Memorandum on behalf of the Director-General of Conservation concerning further caucusing of marine mammal experts on conditions (not noise), dated 1 May 2015
- 3(b): TTR First Application Hearing: Trans-Tasman Resources Limited Application to the EPA: Suggested Marine Mammal Conditions (other than noise)