

From: TTRLApplication
Sent: Thursday, 20 October 2016 10:30 a.m.
To: [REDACTED]
Subject: FW: Submission: SeaShepherdNZ, 'Trans-Tasman Resources Limited iron sand extraction and processing application'
Attachments: Submission-SeaShepherdNZ-TransTasmanResourcesLtd.pdf

From: Michael Lawry [mailto:michael@seashepherd.org.nz]
Sent: Friday, 14 October 2016 7:56 a.m.
To: TTRLApplication <TTRL.Application@epa.govt.nz>
Cc: EEZSubmissions@ttrl.co.nz
Subject: Submission: SeaShepherdNZ, 'Trans-Tasman Resources Limited iron sand extraction and processing application'

Hi EPA and TTR,

Attached is our submission on TTR's latest application to extract iron sand. We would love to participate in any verbal hearings/consultations in relation to this application. Any questions please yell out.

I seriously hope we don't have to do this every couple of years and this sends a clear message. You may also wish to refer to our recent victory this week in the Great Australian Bight.

Thanks
Regards

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Attention: Richard Johnson
Manager of EEZ Applications
Environmental Protection Agency
TTRLApplication@epa.govt.nz
Cc: Director, Trans-Tasman Resources Limited
EEZSubmissions@ttrl.co.nz

Dear Mr Johnson,

Re: Consultation on Trans-Tasman Resources Limited's (TTRL) Application for Marine Consents and Marine Discharge Consents to Extract and Process Iron Sand within the South Taranaki Bight - EEZ 000011.

Sea Shepherd welcomes this opportunity to provide a submission on the above application.

We provide the following comments on the applications from TTRL with respect to the relevant Decision Making Criteria under the EEZ Act- Marine Consent Applications.

The importance of protecting rare and vulnerable ecosystems and the habitats of threatened species

- The Impact Assessment (IA) inadequately addresses the importance of protecting habitat of the following threatened species: Hector's dolphin (including the Maui sub-species); Orca; and Southern Right Whale.
- There is a gap in identifying and evaluating how the project activities will impact upon adjacent habitat areas identified as "average" or "above average" suitability for these three threatened species. Without supporting evidence, the IA assumes that there is no impact on these habitat areas. On this basis, we would suggest that there is a gap in the evidence available to the EPA sufficient for it to determine impacts on suitable habitat of these species.
- For example, Page 57 of the IA states that Torres *et al.*, (2015) established "*habitat suitability for Hector's dolphins, and subsequently Maui's dolphins, in the project area is low*". However, the IA fails to then refer to data in Torres *et. al's* (2015) paper, which states "*The modelling established that habitat suitability for Hector's dolphins in the proposed project area was low. However, coastal areas inshore of the proposed project area were predicted to have **average to above average suitability** as habitat for Hector's dolphin.... In summary, the proposed project area in the STB appears to be of low suitability for all three species of threatened cetaceans. Areas of increased habitat suitability for Hector's dolphins and southern right whales lie close inshore and **may be increasingly used as the New Zealand populations of these species recover.***" In order for the EPA to make an adequate assessment of impact on these adjacent areas of known habitat, it would require an assessment of impact on these habitats, which is currently not available.
- Torres *et. al.'s* (2015) paper also states "*an area of average to above average habitat suitability for killer whales begins approximately 8 km seaward of the proposed project area*". Similarly, the IA

fails to identify or evaluate impacts on these adjacent areas, despite later identifying that the impact on commercial fishing activities would extend to 10km squared. Such a range of impact needs to be similarly applied to suitable habitat for three threatened species.

Cumulative effects

- The EA does not consider cumulative impacts upon threatened species or threatened species' habitats. Ironically, it does consider cumulative impacts of: a) visual changes; b) commercial fishing exclusions; and c) ecology. No qualitative or quantitative assessment of cumulative impacts on threatened species or habitat appears to have been attempted yet the IA's authors have still managed to conclude that there is no cumulative impact, stating:

“Overall, it is concluded that the potential cumulative effects are difficult to assess in this case due to the nature of the activity and the existing environment. Further, it is reasonable to summarise cumulative effects on the basis that the project will not result in adverse cumulative effects as any effects will only be present while project operations occur and once completed, the areas will be recolonised almost immediately and any additional plume effects above the naturally occurring background levels will be removed”.

- This is a completely inappropriate assertion, based on the absence of any assessment of cumulative impacts. Further, the statement is scientific nonsense with no supporting data regarding recruitment or re-colonisation behaviours provided for any species identified to occur in the area.

If, in relation to making a decision on the application, the information available is uncertain or inadequate, the EPA must favour caution and environmental protection

- There is a fundamental lack of data and/or evaluation of the following :
 - Impact on adjacent habitat areas known to be attractive (rated as average or above average) habitat for Maui's dolphins, southern right whales, and orca; and
 - cumulative impacts on these threatened species.
- Thus the data made available in relation to the impact on the three threatened species is both uncertain and inadequate.
- Therefore, the EPA **must** exercise caution and exercise the Precautionary Principle in this regard.
- The application must be amended to provide consideration of the above before it can even be considered for approval.

The nature and effect of other marine management regimes

- It is Sea Shepherd's view that the National Threat Management Plans for the Maui's dolphin, Orca and southern right whales are inadequate.
- However, the EPA will need to consider these “plans” before determining how they effect the proposed activities.

Best practice in relation to an industry or activity

- TTRL has not demonstrated how it could possible apply industry best practice in managing impacts on threatened species.

- For example, the AA states “... *whales would seek to avoid the specific areas within the project area where iron sand extraction activities are occurring due the noise and disturbance effects*”. We note that such avoidance activities have not been further explained nor explored.
- Sea Shepherd is aware that there are numerous studies of noise impacts of various industrial activities on cetaceans and related recommendations relating to best practice management of these impacts. TTRL has failed to even review or cite best practice in this regard.

The economic benefit to New Zealand of allowing the application

- Sea Shepherd is aware that BlueScope Steel, the parent company of New Zealand Steel, has recently put its Taharoa ironsands mine up for sale (refer to: <http://www.scoop.co.nz/stories/BU1602/S00679/nz-steel-puts-taharoa-ironsands-mining-operation-up-for-sale.htm>), citing a depressed international market for ironsands and substantial EBIT loss on the Taharoa operations. This raises a question mark over the economic viability of the TTRL proposal- on what basis does TTRL believe the market will bounce back or that it will be able to achieve a profitable business? Sea Shepherd notes that TTRL’s assessment refers to revenue vs EBIT so is not addressing underlying profitability of such a business. If the company is not able to remain liquid, any of the cited national benefits (including revenue and jobs) becomes moot.

Other comments:

- Section 2.3.2.1 refers to the IMV having been approved “*in principle*’ by the American Bureau of Shipping. It is unclear what approved “in principle’ means as it does not appear to be an identified certification status. We would suggest the IMV needs to be fully certified, rather than approved “in principle”.
- Sea Shepherd is disappointed that TTRL has failed to adequately evaluate impacts on three key threatened species known to be present in the impacted area. This includes a failure to consider and evaluate cumulative impacts or examples of best practice to reduce impacts.
- Further, Sea Shepherd has concerns about the long-term financial viability of such a project, including profitability of iron sands in a suppressed global market, and therefore has concerns relating the financial benefit to New Zealand from the project.
- We do not believe the IA has provided enough data for the EPA to be in a position to approve the two applications.
- We understand that substantial parts of the application(s) have not been made public. Obviously, this is not ideal if the public is to make informed comment on how common assets are used.

In summary we request that EPA decline the application citing the above points.

Sea Shepherd welcomes the opportunity to speak about our submission at the hearing.

Thanks

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