

Submission Form

Marine Consents and Marine Discharge Consents Application

Date Created: 14/10/2016 01:58:05 p.m.

SUBMISSION115821

Submitter Name:

Piper

Anthony

Cloudy Bay Clams Group of companies, including Cloudy Bay Holdings and Ant Piper

Hard Copy Form

Incomplete Submission

Marine Consents and Marine Discharge Consents Application

Application Name: Trans-Tasman Resources Limited iron sand extraction and processing application

EPA Reference: EEZ000011

Applicant: Trans-Tasman Resources Limited

Notification Date: 17 September 2016

Submissions Close: Extension of submission period to 5:00pm, Monday 14 November 2016
Originally submission period was to close 5:00pm, Friday 14 October 2016

3. Electronic correspondence

You will receive information by email. If you are unable to receive emails, please indicate below:

I cannot receive electronic copies of information and updates

4. Do you wish to speak to your submission at the hearing?*

I / We **do not wish** to speak about my / our submission at the hearing.

OR

I / We **wish** to speak about my / our submission at the hearing.

If you **wish to speak** at the hearing, tick as many as apply to you:

If others make a similar submission, I / we will consider presenting a joint case with them at the hearing.

I / we wish to present in Te Reo Māori.

I / we wish to present in New Zealand Sign Language.

I / we intend on having legal representation (i.e. a lawyer speaking on your behalf).

I / we intend to have expert witnesses to support my / our submission.

5. What decision do you want the EPA to make and why?*

If you require more space, please attach additional pages. Please include your name, page numbers and *Trans-Tasman Resources Limited iron sand extraction and processing application* on the additional pages.

- Grant
- Grant with conditions
- Neutral
- Decline

My reasons for seeking this decision are:

Please see attached document.

6. Do you have an existing interest that may be affected by what is proposed in this application?

- Lawfully established existing activity, whether or not authorised by or under any Act or Regulations, including rights of access, navigation and fishing
- Any activity that may be undertaken under the authority of an existing marine consent
- Any activity that may be undertaken under the authority of an existing resource consent granted under the Resource Management Act 1991
- Settlement of a historical claim under the Treaty of Waitangi Act 1975
- Settlement of a contemporary claim under the Treaty of Waitangi as provided for in an Act, including the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
- Protected customary right or customary marine title as recognised under the Marine and Coastal Area (Takutai Moana) Act 2011

What is your existing interest and how may it be affected by this application?

Please see attached document.

If you would like to attach any supporting documents please do so below.



Cloud Bay Clams
Submission Final
14.10.2016.pdf
Adobe Acrobat Document
286 KB

Only ONE PDF or Word document with a maximum size limit of 15MB can be attached to this submission form. Please forward larger files or file types other than PDF or Word, or multiple documents directly to the EPA on a CD or DVD or USB stick.

Email Address

I wish to receive a copy of my completed submission via email.

CLOUDY BAY GROUP AND ANT PIPER

Our reasons for seeking this decision are:

1. The Cloudy Bay Group of companies and Ant Piper do not support the Trans-Tasman Resources Limited proposal to mine iron sands in the South Taranaki Bight and seeks that the application be declined.
2. CBC have an existing interest (and potentially significant future interests) and we have concerns about the potential impact on our present and future commercial activities. As an existing interest, we wish to ensure the DMC understands potential harvesting activity in the area concerned and how the effects of the TTRL proposal may impact upon that activity.
3. There is scant reference to the Clam fishery in FMA 8 and the STB in the Impact Assessment and supporting documentation that I have read. Whilst Surf Clams are very robust to survive the surf violence impacting their habitat, they are very fragile and sensitive to environmental change and are regarded as being sentinel in function around our coast line, real time monitoring in their flesh, changes to the natural environment. They are ideal for identifying accumulated toxins, heavy metals, and microbiological contaminants. This is not referred to at all. At the very least it should have been added to baseline studys.
4. In particular, my reasons supporting declining the consents include (but not limited to):
 - a. Surf clam (and probably other species) habitat is a fragile benthic strata of balanced particle size distribution and I fear this may well be compromised by deposition of such large volumes of sediment. Furthermore, I am concerned that these fines may generate a crust layer over the deeper benthic environment creating an anorobic shield destroying many other organisms, critical in the total food chain.
 - b. Significant volumes of fines are obviously transported well away from the mine site and potentially may re-suspend during subsequent significant storm events. The plume will surely effect marine habitat. I am also concerned that these fines may be injected or attached to other suspended microorganisms and transported further afield and into the food chain, thus affecting the potential food sources of the clams.
 - c. Experts agree the plume will affect fish populations but have few relevant studies to refer to. There is also little said in the application that I have seen about:
 - i. The possible influence of increased sediment directly or indirectly on algal blooms and plankton densities as these are of vital importance to surf clams;
 - ii. The real consequences of diminished sunlight penetration.
 - iii. The effect on dissolved oxygen levels both within and under this plume.
 - iv. Salinity and thermal change caused by the discharges
 - v. Dissolved and non-visible contaminants including chlorides and treatment chemicals from the Reverse osmosis and flocculation process;
 - vi. Noise shocks and changes in both water and substrate transmission;
 - vii. These potentially all affect the food sources of the clams, and therefore the whole food chain as many other species (such as snapper) rely on clams as a food source.

- d. Further, the rich upwelling of nutrients that occur in the Taranaki Bight as a result of coastal currents and gyres, are vital to the food sources of clams and finfish species. There has been inadequate consideration of the effects of current flows, upwelling and dispersal of nutrients in the South Taranaki Bight (including the STB) on commercial fish species or surfclams.
5. There have been some significant stranding events around this coast which are most likely triggered by environmental effects such as massive dumps of silt down our rivers, flood events, unidentified toxic/poisonous discharges, sudden thermal and/or salinity change. I am also concerned about the sheer volume of sediment, water and chlorides that will be introduced into the ocean (multiple times greater than the total river discharges) by the proposed mining operation. These are huge volumes that concern me as to the short and long term impacts of this operation on our fishery and the food chain. There are too many unanswered questions to give me any confidence in the proposed operation. I oppose the granting of the consent, however if consent is granted it must be accompanied by restrictive conditions and/or bonds.
6. There are too many unanswered questions to give me any confidence in the proposed operation. For example:
 - a. Huge electromagnetic fields potentially releasing chlorine;
 - b. Exhaust gasses released from burning large volumes of HFO releasing soot containing Sulphur and other contaminants. This may meet the requirements as a stand-alone discharge, however I believe combined with all the other effects it cannot be acceptable.
 - c. Additionally, we have flocculation chemicals to deal with, the detail of which TTR have chosen to withhold.
 - d. Sand is being ground into smaller particles and then added to a significantly muddier material than was the benthic upper strata originally well compacted and stable.
7. I have made a career and business of studying the marine environment and operating sustainably and am dismayed at the prospect of a largely foreign owned mine in our ocean backyard.
8. CBC considers the proposal fails to satisfy the requirements of the EEZ Act because inter alia it:
 - a. Does not include an impact assessment prepared in accordance with section 39 insofar as it fails to:
 - i. identify the effects of the activity on the environment and existing interests;
 - ii. identify persons whose existing interests are likely to be adversely affected by the activity;
 - iii. specify the measures that the applicant intends to take to avoid, remedy, or mitigate the adverse effects on existing interests or the environment;
 - iv. contain information in such detail as corresponds to the scale and significance of the effects that the activity may have on the environment and existing interests; and

- v. contain information in sufficient detail to enable the Environmental Protection Authority and persons whose existing interests are or may be affected to understand the nature of the activity and its effects on the environment and existing interests;
 - b. fails to satisfy the decision-making criteria under ss.59 and 60 of the EEZ Act and the information principles under s.61 of the EEZ Act;
 - c. fails to take a precautionary approach in the face of uncertain information and the risk of potential significant effects on the environment and existing interests;
 - d. fails to provide sufficient baseline information against which an adaptive management approach might be taken;
 - e. is contrary to the Supreme Court's decision in *Sustain Our Sounds Inc. v NZ King Salmon Company Ltd [2014] NZSC 40 (SC)* insofar as:
 - i. there is poor baseline information about the receiving environment;
 - ii. the conditions do not provide for effective monitoring of adverse effects using appropriate indicators;
 - iii. thresholds are unlikely to trigger remedial action before effects become overly damaging; and
 - iv. effects are unlikely to be remedied before they become irreversible;
 - v. is contrary to the s.10 sustainable management purpose of the EEZ Act insofar as it fails to manage the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being.
9. Finally, I am particularly disappointed that despite giving both a written submission and oral evidence at the previous hearing, there has been no consultation with me or CBC in regard to their new application and the differences between the new application and the earlier application. I have a busy job, and it takes a significant amount of time to read the Impact Assessment and 40 plus expert reports in order to sift through the differences between this application for consents and the previous. I am unfamiliar with much of the technical jargon. The information provided is highly technical, and feel that someone from TTR could have approached us, as a significant rights holder in FMA 8 to explain their new approach and the differences from the previous failed application. I feel very much on the back foot and bullied by the sheer magnitude of the application and supporting documents and feel that this could have been avoided through direct support and engagement with me/CBC.
10. I oppose the granting of the consent, however if consent is granted it must be accompanied by restrictive conditions and/or bonds. I have also read and support the FINZ submission for the reasons outlined therein.

What is your existing interest and how may it be affected by this application?

1. CBC holds the following currently undeveloped quota in Area 8:

- (a) Paphies donacina (PDO), 262 T
- (b) Crassula aequilatera (SAE), 1720 T
- (c) Mactra murchisoni (MMI), 589 T
- (d) Dosinia anus (DAN), 214 T

As such it has an existing interest in FMA 8.

2. CBC commissioned a biomass survey in Fisheries Management Area 8 (FMA8) in October and November 2012, of the Manawatu coast, covering 20 kilometres on either side of the Manawatu River. This site was selected because sanitation sampling work was already underway, and CBCL are continuing with seven research projects to further our knowledge of this relatively unknown group of species. I estimate the costs involved in doing the initial survey and sanitation work to be in excess of NZ\$370,000.00. It is important to note that these species have been found in greater depths at lesser densities, however at this stage development is focussed on the surf zone out to 10 meters particularly.
3. The biomass survey estimated the current combined biomass of the 4-main species of surf clams at 18,384 tonnes for a total sample area of approximately 40kms. If this sample is extrapolated over the whole area of FMA 8, this would most likely result in a total biomass exceeding 60,000t.
4. Given that the survey area was at most one-third of the identifiable fishable beach in QMA8, extrapolated out, it is reasonable to suggest that a TACC could be 10,000 tonne or more per year. Assuming NZ\$10 per kilo (finished sale price), the potential value to NZ is NZ\$100 million per year (conservatively).
5. We also hold 80 % of PRK 8 (prawn killer) quota (1000kgs) in FMA 8. We have yet to develop this species, which we believe exists throughout FMA 8, and will occur in the STB. No mention is made of this species in the application documents that I have read. I am troubled by this and whatever else may have been overlooked.