

Submission Form

Marine Consents and Marine Discharge Consents Application

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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: Further extension of submission period to 5:00pm, Monday 12 December 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:

See attached letter

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?

See attached letter

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



Southern Inshore
submission on TTR
application (12 December
2016).pdf
Adobe Acrobat Document
87.2 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.

SOUTHERN INSHORE FISHERIES MANAGEMENT COMPANY LIMITED ON THE PROPOSAL BY TRANS-TASMAN RESOURCES LIMITED TO MINE IRON SANDS WITHIN THE SOUTH TARANAKI BIGHT

Existing interest and how may it be affected by this application

Southern Inshore Fisheries Management Company Limited (**SIF**) is the representative organisation for a number of quota owners who have access rights to fisheries within the South Taranaki Bight being Statistical Area 040 and 037, and beyond. (For the sake of clarity any reference to SIF in this submission, unless otherwise indicated, should be taken as a reference to the quota owners (individually and collectively) whom SIF represent).

The quota owners represented by SIF rely heavily on the fishers that target species within Statistical Areas 040 and 037 both seasonally and year-round and the need to maximise the returns on their quota value. Their quota is devalued by lack of access to fishing grounds. Access to these fisheries is granted through the Fisheries Act 1996, through quota arrangements and licencing of fishing vessels. SIF members have developed a body of knowledge and intellectual property through their operations in the area over many years under the quota management system.

The fishing information supplied by Fathom Consulting in the 2013 application and the additional information provided through the IA and supporting documents, including the additional NIWA documentation, does not adequately assess the impacts, or the cumulative effects, access to fishing grounds nor the impact that the Trans-Tasman Resources limited (**TTR**) proposal would have on the seasonal needs of fishers accessing the rig and school shark on the adjacent "Rolling Grounds". This area is a target area for these species especially, as well as other important target and bycatch species using trawl and setnet methods in the vicinity of the grounds and the application area.

Stocks within Fisheries Management Area 8 (where Statistical Areas 040 and 037 form a major component of the fishable area in this FMA) include those ranging from reef to offshore species including but not limited to:

- Blue Cod
- Leatherjacket
- Rig
- School shark
- Warehou
- Trevally
- Red Gurnard
- Hapuka/Bass
- Snapper
- Flatfish
- Tarakihi
- John Dory
- Barracouta
- Mackerel
- Tunas

Reasons for seeking decision

FINZ concerns with the proposed activity

SIF adopt and incorporate the comments and concerns raised in the FINZ submission, dated 12 December 2016, including paragraphs 3.1 to 3.6, paragraph 3.7 (Jacob's gap analysis) and paragraph 3.8 (requirements of Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (**EEZ Act**)).

Effects on fishing activities

Significant impacts to trawl, setnet and longlining may occur due to the spatial exclusion to these traditional fishing grounds and the manner in which the fishing gear is set and operated. That is, for bottom trawling to be effective it must have the ability to trawl along reasonably direct lines rather than be interrupted by the TTR vessel operation or the "pits and mounds" that will be left from the extraction process and the re-depositing of tailings. Trawl gear dropping into or going over such depressions and undulations can greatly affect the operation of the trawl net and trawl doors that help to spread the trawl net. Impacts on the efficiency of the fishing gear can cause loss of commercial catch and lost time if the gear needs to be retrieved and re-set.

Similarly, for setnet and longlining the fishing gear relies on the ability to set along strata and within tidal conditions with minimal interruption. In respect of this static gear the impact from resuspension of sediment from the re-depositing of tailings and reduced visibility by fish species is not provided in the application. Effects of turbidity on fish behaviour and feeding habits have not been fully evaluated.

Extracting only 10% from the vacuumed product and returning the remainder to the ocean floor will cause significant contour changes that impact the operation of fishing gear. The application notes that it will attempt to redistribute the tailings back into the excavated hole. The evidence for the ability to do this has not been included in the application. If this is normal practice then a survey of previous similar operations needs to be provided as evidence to be able to complete this with minimal disruption to the benthos and to the strata contours and depths.

The changes to the benthos contours and run-on effect to coastal and shore topography have not been fully explained or examples provided in the application.

Effects on fishstock species mix

The TTR application and supporting documents fail to provide adequate modelling of fish behaviour to the disruptive method of sand mining and the proposed method of extraction. Fishers rely on the stability of fisheries complexes in order to determine the target species and the mix of bycatch species expected to be caught in order to then access the required ACE (Annual Catch Entitlement) to cover that catch. Disruption to their relevant habitats will have a causal effect on fish behaviour, available food sources and trophodynamic processes.

The supporting documentation clearly states that the extraction method will have an adverse effect on the benthos and associated sealife in the path of the crawler. Changes in species mix and access to fisheries will impact on the value of quota assets and ability to catch the allocated total allowable commercial catch. Such impacts have run-on effects to the quota owner and licensed fish receiver market access and continuity of supply.

Spawning activity and juvenile presence in a fishery are paramount to the success and long-term viability of that fishery whether in that region on a seasonal or annual basis. Impacts on these proportions of a fishstock can have detrimental effects of stock status and the availability and catchability of these stocks to the commercial sector. Impacts to juvenile and spawning fish behaviour in turbid water has not been modelled and must be included in a baseline study.

The demersal and pelagic fisheries likely to be most affected by iron sand extraction operations are the commercial set net fisheries for rig, warehou, and school shark, and customary fisheries for rig and leather jacket.

Economic effects

SIF is concerned about the potential adverse economic effects, particularly in relation to the effects on the viability of commercial fishing in some areas if, as a result of the proposed activity, there are changes in the fish biomass or distribution.

EEZ Act

SIF 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;
- f. 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.

Summary

SIF considers that it is clear TTR has not addressed key issues for fishers that were raised in the previous application lodged in 2013. TTR's application does not comprehensively understand or address the impact of sand mining in the South Taranaki Bight to a plethora of commercially and customary important fish stocks, and the adverse effects that the spatial exclusion and sedimentation will have on fisheries resources and coastal and marine water quality. There has been inadequate consultation with SIF and its members.

SIF **opposes** TTR's most recent application and seeks that the EPA to **decline** the application.

Dated 12th December 2016