

Coastal Resources Limited marine dumping consent application

Submission Reference no: 85

Fisheries Inshore New Zealand (FINZ) (Oliver Wilson)

Submitter Type: Not specified

Source: Email

Overall Notes:

Clause

Do you intend to have a spokesperson who will act on your behalf (e.g. a lawyer or professional adviser)?

Position

No

Notes

Clause

Do you wish to speak to your submission at the hearing?

Position

Yes I/we wish to speak to my/our submission at the hearing

Notes

Clause

If you wish to speak to your submission at the hearing, tick the boxes that apply to you:

Position

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

Notes

Clause

We will send you regular updates by email

Position

I can receive emails and my email address is correct.

Notes

Clause

What decision do you want the EPA to make and why? Provide reasons in the box below.

Position

Grant with conditions

Notes

Full submission is attached.

The submitter have elected to withhold their personal details from publication.

10 September 2018

Environmental Protection Authority (EPA)
Private Bag 63002
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Wellington 6140

RESPONSE ON RESOURCE CONSENT APPLICATION LODGED BY COASTAL RESOURCES LIMITED WITH THE ENVIRONMENTAL PROTECTION AUTHORITY

Applicant: Coastal Resources Limited
Application Numbers: EEZ100015
Details of the Application: Application for a marine dumping consent to dump dredged material at a deep-sea site east of Great Barrier Island

Introduction

1. These comments are provided by Fisheries Inshore New Zealand Ltd (*FINZ*) on behalf of its Northern Regional Committee. Members of the Northern Regional Committee are quota owners and harvesters of wild fish stocks that could potentially be exposed to, and adversely affected, by the activity in question.
2. FINZ has a mandate from the Northern Regional Committee to work directly with and on behalf of its members on the management of fisheries. The focus is on stock-specific and regional issues that impact on the local fisheries they represent.
3. FINZ note that companies, other quota-holders and local fishers may also make their own submissions on the resource consent application. This submission does not detract in any way from those individual submissions.
4. We wish to be heard in support of our submission.

Consultation

5. For the current consultation, the applicant has stated the following organisations associated with FINZ have been consulted: Coromandel Scallop Fishermen's Association, Fisheries Inshore New Zealand and the Northern Fisheries Management Stakeholder Group.
6. The applicant states that no fishing representatives/interest groups have responded to the consultation documentation (page 15 of Impact Assessment).
7. It is unclear what form the consultation took and the level of effort that the applicant put in to engage with commercial fishery stakeholders. Our assessment of the lack of information regarding consultation with commercial stakeholders is supported by the EPA's pre-lodgement feedback to the applicant regarding the impact assessment which noted that a summary should be provided by the applicant detailing who and how organisations/persons of existing interest were identified in line with s 39(1)(c).¹
8. We assert that the applicant has not sufficiently addressed the requirements in s 39(1)(d) and (e) of the *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012* ("the Act"). This point was emphasised by the EPA that noted the brevity of the applicant's impact assessment when detailing the consultation process.¹
9. We consider that the EPA cannot be satisfied that the required levels of effort to identifying interested parties and allow them an opportunity to consult has been made as per s 39(3) of the Act.

¹ EEZ100015 EPA pre-lodgment feedback on CRL sediment dumping application

Inadequate analysis

10. We support the EPA position that the new consent needs to include up to date data to support the decision-making committee as per s 59 of the Act.
11. Furthermore, the EPA feedback to the applicant notes that “the Bioresearches Report is mostly related to the impacts of the existing disposal activity rather than estimating the cumulative impact of the disposal of significantly larger volumes.” We do not consider that a sufficient level of analysis has been conducted on fishery impacts related to this new resource consent application.
12. The view of the impact assessment is that “No fishing rights are affected by the proposal. No parties identified specific fishing right concerns during the consultation process and it is noted that no fishing representatives/interest groups responded to the consultation documentation.” Regarding the views that no fishing rights are affected, we would contest this on the basis that the level of analysis provided in the application is not sophisticated enough to support such a conclusion.
13. The Bioresearches Report acknowledges that the “presence of fine sediment plumes will potentially impact on fish present in the water column” and then states that given the mobile nature of fish they are able to avoid the plumes and given the low numbers, the risk is “likely to be low”.²
14. It is notable that the important distinction between fisheries and fishers has not been addressed by the applicant. The former relates to the biological effects, the latter to the consequent social and economic effects; both must be considered. The fact that mobile fish avoid plumes needs to be considered in a fisheries sense. Such effects must be considered as part of any analyses on the effects on commercial fishing and commercial fishers.
15. Without accurate and detailed information on fishing activity, the effects of the proposed activity cannot be adequately assessed as required by s 59 of the Act. Fisheries information also needs to be considered in relation to the sediment plume that will be generated, and the effect that the resulting high-turbidity areas will have on fish distribution, and therefore the viability of commercial fisheries as per s 59(2)(g) of the Act.
16. A common error in undertaking such analyses is to homogenise the fishing fleet, and to examine the effects of an activity in the context of a far greater spatial and temporal scale. This approach fails to consider the nature of commercial fishing and commercial fishers – each of whom will have a variable reliance on specific species, areas and times of year. This needs to be taken into account as per s 59(2)(g) of the Act.
17. We assert that the lack of analysis on the impacts of this application on commercial fishing means that the EPA’s consideration as per s 59(2)(b), (g) and (h) of the Act are not adequately addressed to provide sufficient information for the EPA to consider this application.
18. A more appropriate analysis is required that addresses the following considerations:
 - The nature of the sediment plume, including the spatial and temporal dynamics
 - The extent of any displacement (species, area affected, temporal impact)
 - Where the fish are expected to go if they are displaced
 - Whether they would still be available to the commercial fishery
 - The displacement impact on the fishery
 - The economic impact any displacement would have on those that rely on the fishery
 - The impact on the wider fisheries and fishers in the region

² Northern Disposal Area – Assessment of Source Material, Ecological and Sediment Quality Effects Assessment of Disposal (Section 4.5 at 86).

Position

19. We are opposed to the application as proposed and seek that it be granted with conditions.
20. Members of the Northern Regional Committee welcome a collaborative approach with the applicant. We signal our willingness to meet and work through the proposed resource consent conditions and our concerns.
21. We seek that adequate analysis of the impacts on the commercial fishing sector be conducted and presented to EPA and the commercial fishery stakeholders for consideration.
22. We seek changes to the consent conditions to ensure that potential effects on our business have been adequately recognised, and processes and procedures put in place to avoid, offset or mitigate potential adverse effects and better manage risks to the marine environment and our businesses which are reliant on it.

Relief

23. The amendments that we seek include what and where the environmental baseline data is collected, for how long, who undertakes the analysis of these data, the subsequent recommendations that feed into the adaptive management plan, and how triggers are monitored and reported on. For example:
 - Explicit conditions in the consent aiming at safeguarding the water, seabed and life sustained by it
 - An explicit commitment by the applicant to work collaboratively to secure a healthy, productive and sustainable marine ecosystem
 - The use of 2 years' worth of baseline data as the basis for developing management plans, using the results of analysis outlined in paragraph 18 to inform the baseline data.
 - An agreed environmental monitoring and reporting framework for water quality (managing sedimentation and the plume) that includes how the applicant will collaborate, involve and share information with commercial fishers
 - An agreed pathway for dealing with unintended consequences of disposing including a stepped development
 - An explicit commitment to involve the commercial fishing sector in the decision-making process
 - Management plans to be signed off prior to the commencement of any operations
 - Assurance that changes to management plans are done in consultation with and after seeking advice from commercial fishers
24. We note that none of this work on consent conditions relieves the applicant from properly obtaining the necessary information about the effects of the proposed activity on the marine environment, and therefore fishing interests, so that the EPA can make an informed decision under the Act.



Oliver Wilson
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