

Coastal Resources Limited marine dumping consent application

Submission Reference no: 90

Department of Conservation (Lou Sanson (Director-General of Conservation))

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

Yes

Notes

Clause

Please list your spokesperson's first name and last name, email address, phone number, and postal address.

Notes

Name: Bronwyn Arthur. Address: Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington, 6011 Email: barthur@doc.govt.nz

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 1

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

Position 2

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

Position 3

I/We intend to have legal representation (i.e. a lawyer speaking on your behalf).

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

Refuse

Notes

Full submission is attached.



Department of
Conservation
Te Papa Atawhai

10 September 2018

Richard Johnson
Applications Manager EEZ
Applications and Assessments Group
Environmental Protection Authority
Private Bag 63002
Wellington 6140
CRL.application@epa.govt.nz

Dear Richard

Submission on Coastal Resources Limited marine dumping consent application

Please find enclosed a submission by the Director-General of Conservation in respect of the publicly notified application for a marine dumping consent to dump dredged material at a deep-sea site east of Great Barrier Island (EEZ100015).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Baucke'.

Andrew Baucke
Director, Operations
Auckland Region

CC.

Coastal Resources Limited
Attn: Mary-Ellen Stichbury
PO Box 8
Auckland 2147
Mary-ellen@kaipara.co.nz



**Environmental
Protection Authority**
Te Mana Rauhi Taiao

New Zealand Government

Marine dumping consent application

Application Name:	Coastal Resources Limited Marine Dumping Consent
EPA Reference:	EEZ100015
Applicant:	Coastal Resources Limited
Submissions open on:	9.00 am 30 July 2018
Submissions close on:	5:00 pm 10 September 2018

Make a submission online or fill in the form below

We made submitting easy for you with the EPA online form:

- **Submit online** at <https://submissions.epa.govt.nz/consultations/coastal-resources-limited-marine-dumping-consent-application/make-a-submission>

To make a submission using the form below, please fill in the details and:

- **Email** the form to CRL.application@epa.govt.nz. *Please mark in the subject line:* "Submission: (Your name), CRL application", or
- **Post** the form to Coastal Resources Limited Application, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington 6140, or
- **Deliver in person** to Environmental Protection Authority, Grant Thornton House, Level 10, 215 Lambton Quay, Wellington.

You must send a copy of your submission to the applicant

Regardless of how you make your submission, you must send a copy of your submission to the applicant.

- **If you submit online** we will send a copy for you.
- **You can email** your submission to mary-ellen@kaipara.co.nz
- **You can post** your submission to Coastal Resources Limited, PO Box 8, Beachlands, Auckland 2147, ATTN: Mary-Ellen Stichbury
- **You can deliver your submission in person to** Coastal Resources Limited, Level One, Ranger House, 190 Jack Lachlan Drive, Beachlands, Auckland, ATTN: Mary-Ellen Stichbury

Fill out the fields below to make your submission

All sections of this form with an asterisk(*) are mandatory.

1. Contact Details

Please ensure that you have authority to make this submission on behalf of the submitter(s) named on this form.

Organisation name (if relevant):	Department of Conservation		
First name of submitter:*	Lou		
Last name of submitter:*	Sanson (Director-General of Conservation)		
Postal address of submitter:	Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011		
Home phone / Mobile phone:*		Work phone:*	027 621 8195
Email*: (Please provide a valid email address)	agray@doc.govt.nz		

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No (go to question 3)
---	--

If yes, please provide the contact details for your spokesperson

First name of spokesperson:*	Bronwyn		
Last name of spokesperson:*	Arthur		
Postal address of spokesperson:	Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011		
Spokesperson Home phone / Mobile phone:*		Spokesperson Work phone:*	021 237 0942
Spokesperson email*: (Please provide a valid email address)	barthur@doc.govt.nz		

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Yes, I/we wish to speak to my/our submission at the hearing | <input type="checkbox"/> No, I/we do not wish to speak to my/our submission at the hearing (go to question 4) |
|---|---|

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

- | |
|---|
| <input checked="" type="checkbox"/> If others make a similar submission, I/we will consider presenting a joint case with them at the hearing. |
| <input type="checkbox"/> I/We wish to present in Te Reo Māori. |
| <input type="checkbox"/> I/We wish to present in New Zealand Sign Language. |
| <input checked="" type="checkbox"/> I/We intend to have legal representation (i.e. a lawyer speaking on your behalf). |
| <input checked="" type="checkbox"/> I/We intend to have expert witnesses to support my/our submission. |

4. We will send you regular updates by email*

- | | |
|---|---|
| <input checked="" type="checkbox"/> I can receive emails and my email address is correct. | <input type="checkbox"/> I cannot receive emails and my postal address is correct. |
|---|---|

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

If you need more space, please attach additional pages. Please include your name, page numbers and *CRL application* on the additional pages.

The decision I want the EPA to make is:

<input type="checkbox"/>	Grant	<input type="checkbox"/>	Grant with conditions	<input type="checkbox"/>	Neutral	<input checked="" type="checkbox"/>	Refuse
--------------------------	-------	--------------------------	----------------------------------	--------------------------	---------	-------------------------------------	--------

My reasons for seeking this decision are....

This submission outlines the Director-General's concerns including the potential for the application to have adverse effects on the biological diversity and integrity of marine species, ecosystems, and processes. The Director-General's concerns relate to the potential for the activity to have adverse effects on marine mammals, seabirds, and benthic habitat. While the applicant's proposed conditions go some way towards mitigation, further mitigation, clarification and monitoring is required if this application is to be acceptable to the Director-General. At this stage the Director-General considers the application should be refused. Key areas of concern are outlined below.

Marine biosecurity and the spread of non-indigenous species

1. The Auckland marine environment has been degraded and negatively impacted by the establishment of invasive, non-indigenous species (NIS). The introduction and spread of non-indigenous species can have significant adverse effects on marine habitats and communities. The source sites of the dredged material contain NIS. Some of these species, including the Mediterranean fanworm (*Sabella spallanzanii*) and clubbed tunicate (*Styela clava*) are registered as Unwanted Organisms by the Ministry for Primary Industries.
2. The transport of sediment and NIS from the source sites to the Northern Disposal Area (NDA) has the potential to increase the risk of translocation of any non-indigenous species present in the dredged material. While the application acknowledges that survival of NIS after translocation is unlikely, this risk cannot be completely discounted. There is a risk that some NIS will survive the transport and disposal and become established in the NDA and surrounding marine environment. The application does not address this residual risk.
3. Biofouling on ships is a significant pathway for the introduction of NIS in the marine environment. The use of tugs, barges, and other slow-moving vessels from the source sites to the NDA has the potential to introduce invasive species from vessel biofouling. Barges and slow moving vessels are known to be high risk vessels for biofouling containing invasive species. All working vessels should be required to be free of macrofouling, and conditions to monitor this should be imposed.
4. The application does not address the risk of spreading NIS from spillage on route to the disposal area. This risk needs to be mitigated.
5. Monitoring for NIS should be undertaken at the NDA, not just at the source sites.

Seabirds

6. Lighting on vessels can have adverse effects on seabirds – they can be attracted to lights, resulting in bird strikes and potentially mortality. The application contains no description of the lighting to be used during operations, or when the operations are intended to take place. Conditions should be included to mitigate potential adverse effects of artificial light on seabirds.

Sediment and water quality

7. Non-mechanical methods of dredging (for example hydraulic) can change the sediment grain size parameters, causing the sediment to behave differently when dumped, such as an increase in the fine sediment content in dredge material. This can lead to a wider sediment plume and/or re-suspension of dumped material. The proposed conditions need to account for and mitigate such effects.
8. The application does not adequately address the cumulative effect of high frequency barge disposals upon water column suspended sediment concentrations. Nor does it address what happens to the 1-5% of each dumped load that will be 'lost' and become suspended in the water column, which will create a sediment plume of increased suspended sediment concentrations. There is a risk that the sediment plume may travel beyond the boundary of the disposal area and adversely affect water quality and marine ecosystems. This risk needs to be adequately monitored and mitigated.
9. There is no clearly identified demand to justify the volume of dredge material for disposal in the application (disposal of up to 250,000 m³/yr). For 60% of the applied for volume, there is no identified project or demand to justify the scale of the application. Conditions allowing for a stepped increase in the amount of material disposed of and/or notification of peak increases should be included to ensure monitoring is related to disposal.
10. The monitoring conditions should be consistent in the application, proposed conditions and with previous monitoring undertaken between 2013-2018.
11. Risk of barge overturning during transport has not been addressed. There should be a requirement to have a contingency plan for this, particularly how the water quality, sediment and biosecurity risk would be managed.

Benthic invertebrates and fishes

12. The application appears to understate the biodiversity values likely to be present in the application area, as well as those present immediately outside it.
13. It is possible that there are rocks and rocky reefs in the general area. These habitats often support a diversity of filter-feeding species including abundant sponges, bryozoans and protected corals. These filter feeding species and habitats are not adapted to sedimentation. The risk of the sediment plume travelling beyond the boundary of the disposal site needs to be monitored and mitigated.
14. The historical biological monitoring has been insufficient. The proposed monitoring programme is also inadequate.

Marine mammals

15. It is possible that marine mammals may be present in the area. The risk to marine mammals needs to be mitigated. Condition 11 requires clarification in order to improve the proposed mitigation measures.

Conditions of consent

16. Notwithstanding the specific concerns addressed above which identify where further conditions are required, the Director-General also has some concerns about whether the wording of the present proposed conditions is certain enough. If it is proposed to grant this application, the Director-General will address the wording of each proposed condition to ensure it has the effect intended.

Summary

17. Unless the EPA can impose adequate conditions to address the concerns identified above, the Director-General considers the application should be rejected. These concerns do, however, only relate to the specific issues relating directly to the Director-General's conservation interests. The submission process is very likely to identify other concerns. The Director-General may wish to comment on concerns raised by other persons.