

**BEFORE THE BOARD OF INQUIRY
TAMARIND DEVELOPMENT DRILLING APPLICATIONS**

EEZ100016

IN THE MATTER

of the Exclusive Economic Zone and
Continental Shelf (Environmental
Effects) Act 2012

AND

IN THE MATTER

of a Board of Inquiry appointed under
s52 of the Exclusive Economic Zone
and Continental Shelf (Environmental
Effects) Act 2012 to decide on
Tamarind Taranaki Limited's marine
consent and marine discharge consent
applications

**REBUTTAL STATEMENT OF NON EXPERT EVIDENCE
OF JASON LEE PEACOCK FOR TAMARIND TARANAKI LIMITED**

DATED: 19 October 2018

Govett Quilliam
THE LAWYERS

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MAY IT PLEASE THE BOARD

1. Introduction

- 1.1 My full name is Jason Lee Peacock.
- 1.2 I refer to and confirm my qualifications, experience and involvement as set out in my statement of non-expert evidence dated 20 July 2018.
- 1.3 I refer to the Ngā Kaihautū Tikanga Taiao Report – EEZ 10016, dated 13 August 2018 (the “NKTT Report”).
- 1.4 This evidence responds to some of the matters raised in the NKTT Report.

2. NKTT Report

All existing interests to be included in the Impact Assessment

- 2.1 At paragraph 9.6 of the NKTT Report it states that Tamarind determined impact with limited engagement and further at paragraphs 9.8 and 9.10, it states:

9.8 We are concerned that Tamarind only provided the IA to TKT and Ngati Tara for comment. We assume that this was done on the basis of the Tui Field Stakeholder 2018-2019 Drilling Campaign Plan, where Tamarind identified these two groups as high interest/influencers requiring meetings and an email as the primary form of engagement. TKONT, along with other hapu and iwi, is identified in the general group of stakeholders who were sent an FYI email.

9.10 We agree with the concern raised by TKONT and are of the view that it is not for Tamarind to designate what existing interests are prioritised over others.

- 2.2 It is my understanding that the EEZ Act 2012 requires applicants in their impact assessments to identify persons whose existing interests are likely to be adversely affected by an activity.
- 2.3 Tamarind takes its statutory obligations seriously and undertook the exercise of determining which existing interests were likely to be affected diligently and to the best of its knowledge and ability. Tamarind’s assessment was

based on those interests likely to be affected by the planned activities that the applications relate to. As Taranaki iwi hold mana whenua of the area that the planned activities are to occur within, the IA was provided to Te Kāhui o Taranaki Trust (“TKT”) and Ngāti Tara (“NT”). In addition several meetings and written and verbal communications took place as part of our ongoing dialogue and relationship with TKT and NT (discussed further below). With respect to unplanned activities, and in particular, a loss of well control, Tamarind considers this to be an extremely unlikely event and that therefore the adverse effects of such an event are equally extremely unlikely. Irrespective of that, Tamarind examined all the areas that modelling showed could potentially be affected by a loss of well control and notified iwi in those areas of the application and invited them to contact Tamarind should they wish to discuss the application and/or obtain a copy of it.

- 2.4 Tamarind considers it has undertaken a structured and robust stakeholder engagement process as part of this application and that all key stakeholders and interested parties have been notified of the application and have had an opportunity to understand the scope of the proposal and to respond accordingly with any concerns that they might have.
- 2.5 Tamarind values and respects its relationships with iwi and hapu. It further acknowledges and respects that iwi have the responsibilities of kaitiakitanga, mana whenua and ahi kaa in their respective rohe. Tamarind has, and continues to invest a significant amount of time and energy into maintaining strong, constructive relationships with iwi and is committed to doing its part to work with iwi in their role as kaitiaki.

Consultation and Feedback

- 2.6 At paragraph 9.36, the NKTT Report states:

Tamarind only actively engaged with one iwi and one hapu (TKT and Ngati Tara) that have existing interests. The extent of this engagement was primarily email communication, although meetings did occur. Tamarind supplied the impact assessment to TKT and Ngati Tara to ask for feedback/comments and only provided a 28 day timeframe for consideration.

- 2.7 I simply wish to note that Tamarind has a longstanding relationship with TKT and we meet regularly. The specifics of the application were discussed with

TKT as early as 8 December 2017 and further communications occurred throughout December, January and February 2018. I further note TKT's letter to the EPA, dated 18 October 2018, which records that TKT are satisfied with the level of consultation which occurred.

Conditions and Mitigation Measures

2.8 Finally, I note that at paragraph 9.25.3 of the NKTT Report it recommends that Tamarind work with hapu and iwi on mitigation strategies to minimise impact. Tamarind has engaged with TKT, NT, Te Korowai o Ngāruahine Trust ("TKONT") and Otaraua hapū throughout the application process and has worked with these iwi and hapu to agree on appropriate mitigation strategies to minimise impact on cultural values.

2.9 With respect to the table on pages 16 and 17 of the NKTT Report, I can update that as follows:

Conditions/Mitigation	TKT	TKONT	Otaraua	Tamarind
Commitment to the development of environmental indicators, using both a Te Ao Maori perspective and western science, and integrating these into existing operational documents	√		-	√ Comment – Tamarind have entered into a separate agreement with TKT in relation to the implementation of this.
Commitment to cultural training for all staff involved with operations	√	√	-	√ Comment – A hui is scheduled to occur in January 2019 for this training to take place. It is Tamarind's understanding that both TKT and TKONT will be involved in the training.
Commitment to holding an AGM with iwi to outline the general scope of activities to be undertaken under both consents	√	√		√ Comment Tamarind has confirmed its commitment to this and notes its relationship agreement with TKT includes an annual meeting also. Tamarind and TKONT are also in the process of finalising a relationship agreement which includes the requirement for an annual meeting.
Commitment to plug and abandon any wells	√	√		√

drilled or re-entered at the end of the consent period				Comment - Tamarind commits to this mitigation but notes, for clarity, that plugging and abandonment of the wells will occur at the end of field life, not at the end of the marine consent period (5 years)
Commitment to removing all structures that are placed or deposited on the seabed at the end of their use.	√	√		√
Commitment to give preference to the use of substances with low eco toxicity wherever practicable and to meet with TKT and Ngati Tara re unplanned placement structures	-	-	-	√
Development of an engagement strategy with hapu/iwi	-	√	-	√ Comment - Tamarind has a long standing Relationship Agreement with TKT which provides for an engagement protocol for both parties. Further, Tamarind has recently held a further hui with TKT to commence the process for developing protocol for consideration of Te Ao Maori perspectives. As above, Tamarind is also in the process of finalising a Relationship Agreement with TKONT.
Spill management plan is revised. Commitment to notify TKT, Ngati Tara and TKONT in the unlikely event of a spill	-	√	-	√ Comment – Tamarind has committed to work with TKONT in relation to its spill management plan and to include a provision that TKT, NT and TKONT are notified in the unlikely event of a spill.
With all future applications, commitment to holding scoping exercises with iwi to understand a Te Ao Maori perspective and cultural values and the impacts of activities on these	√	-	-	Y Comment – Tamarind has committed to this and these exercises have already begun. A hui was held with TKT on 27 September 2018 to discuss Tamarind’s non-notified discharge consent. Both parties discussed and agreed on the process for including Te Ao Maori perspective in the application.

Development and implementation of a noise monitoring programme	-	√	-	√ Comment – Tamarind has agreed to undertake noise monitoring at the start of the proposed activities to measure the full range of noise that is generated by the activities to empirically measure the actual noise during normal operating conditions.
Agree to fund a marine mammal and fish population survey to assess all potential cumulative impacts of the programme on marine species	-	√	-	X Comment - Tamarind's expert evidence concludes that a marine mammal and fish population survey would not provide a meaningful improvement in understanding of this issue. However Tamarind has committed to improving the marine mammal and fish observation tools to be used on the rig.
Develop a comprehensive five year post-activity programme	-	√	-	√
Agree to invest in environmental action within Taranaki that can support the restoration and improvement to the waioara of the marine and coastal environment.	-	√	-	√ Comment – Tamarind is working with both TKT and TKONT on environment enhancement projects within Taranaki.

2.10 Based on the mitigation measures outlined above and those outlined in my earlier statement and the statements of Tamarind's other witnesses, all of which Tamarind has worked with iwi on, I note that Otaraua has now elected to withdraw from the hearing process and that TKT is satisfied that these mitigation measures minimise (to the extent possible) the impacts identified by TKT and that it considers Tamarind has taken its interests into account.



JASON LEE PEACOCK

19 October 2018