

**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

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**SUMMARY STATEMENT OF EXPERT EVIDENCE OF  
NICOLA GIBBS FOR TAMARIND TARANAKI LIMITED**

**Dated:** 7 November 2018

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**Govett Quilliam**  
THE LAWYERS

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## MAY IT PLEASE THE BOARD

### Introduction

1. My full name is Nicola Gay Gibbs.
2. I have owned and operated Fathom Consulting Limited (**Fathom Consulting**) since the beginning of 2012. Fathom Consulting specialises in strategic policy, industry development, environmental policy, and natural resource management, with a strong focus on the marine environment. Fathom Consulting has a core client base within the New Zealand commercial fishing sector, and also has minerals sector, iwi, and international clients.
3. In this summary statement of evidence, I summarise and set out the key conclusions of my primary evidence dated 20 July 2018.
4. Commercial fishing, customary fishing and recreational fishing are all potentially “existing interests” under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (**EEZ Act**). My evidence focuses on commercial fishing. The impacts on commercial fishing that I describe are applicable to existing interests in the commercial fishing sector as a whole, including Māori commercial fishing interests.
5. My evidence does not address recreational or customary (non-commercial) fishing directly. However, I note that Māori customary fishing interests are sometimes exercised using commercial fishing vessels. If this occurs in the Tui Field, Māori customary fishing interests would be directly affected in the same way as commercial fishing interests (as described in my evidence). In addition, cultural values associated with customary fishing may be affected, but these impacts are beyond the scope of my evidence.

### Commercial fishing in and around the Tui Field

6. I describe the commercial fishing activity in and around the Tui Field in paragraphs 3.4 to 3.27 of my primary evidence.

7. A fleet of eight factory trawlers targeting jack mackerel is the only commercial fishery regularly operating in the vicinity of the Tui wells. Jack mackerel is harvested using mid-water trawling gear that is fished on or near the seafloor. Although jack mackerel is a relatively low-value species, it is a high-volume fishery that can be fished in the “off-seasons” of other deepwater fisheries and is therefore of economic and strategic significance for New Zealand’s seafood industry. Other species taken in association with jack mackerel include barracouta, frostfish, spiny dogfish and blue mackerel.
8. The jack mackerel stock in the vicinity of the Tui Field is referred to as JMA7. The JMA7 management area covers the entire west coast of the North Island and the South Island down to Jacksons Bay (see Figure 1 in my primary statement of evidence). The Tui Field is a very small part of JMA7. I calculated that in each of the last ten fishing years, catches of jack mackerel taken in a 10km buffer zone around the Tui wells amounted to less than 1% of total JMA7 catch.

#### **Potential impacts from planned activities**

9. I address the potential impacts on commercial fishing of Tamarind’s proposed activities in paragraphs 4.1 to 4.16 of my primary evidence.
10. Commercial fishing vessels are currently prohibited from entering a Safety Zone around the FPSO Umuroa and from deploying fishing equipment or anchoring in a 22.33km<sup>2</sup> Protection Area incorporating the Safety Zone and surrounding the five wells in the Tui Field. I understand that Tamarind intends to apply under the Crown Minerals Act 1991 for a non-interference zone which may extend up to 500m from the outer edge of the rig anchors. The non-interference zone would cause some additional temporary spatial displacement of fishing activity. I consider the additional displacement will have negligible impacts on commercial fishing because the non-interference zone would be temporary and very small in relation to the widely-dispersed jack mackerel fishery.
11. Tamarind’s proposed activities may result in some short-term, localised changes to the distribution of commercially harvested fish species – for

example, as a result of individual fish moving away from the area immediately around the anchors, mooring lines and drilling operations. However, jack mackerel and associated species are highly mobile and the scale and duration of any changes in fish distribution are such, that in my opinion, adverse effects on commercial fishing will be negligible.

### **Potential impacts from unplanned activities**

12. I address the impacts of unplanned activities in paragraphs 4.17 to 4.26 of my primary evidence, primarily in relation to impacts of an oil spill arising from a loss of well control at the Tui Field.
13. The scale and significance of adverse effects of an oil spill on commercial fishing depend on numerous factors including the characteristics of the spill, the location of the fishery in relation to the spill trajectory, and the sensitivity of affected fisheries. The impacts of a worst case oil spill at the Tui Field would be inter-regional in scale, potentially extending along the west coast of the North Island from Waikato south to Kapiti and possibly including parts of coastal Marlborough and Tasman. A range of inshore and deeper-water fisheries would be adversely affected for a period of weeks or months, resulting in moderate to significant economic loss for quota owners, fishers and downstream businesses. The commercial fisheries that I consider to be most vulnerable to the impacts of an oil spill are the CRA9 rock lobster fishery and the inshore set net fishery on the west coast of the North Island.
14. I accept and acknowledge however, based on the evidence of Mr McCallum and Mr Peacock, that the occurrence of such an event is extremely unlikely.

### **Potential impacts from deck drain discharges**

15. I address deck drain discharges in paragraphs 4.27 to 4.31 of my primary evidence. Based on the evidence of Dr Alison Lane and Dr Alison MacDiarmid for Tamarind, I consider that deck drain discharges will have a negligible impact on species targeted by commercial fishers.
16. I note that pelagic fish may accumulate contaminants in their body tissues but I am not aware of any particular seafood industry concerns about

contaminants in jack mackerel. I consider the potential for this type of adverse effect to be negligible because jack mackerels and their prey would experience only brief, one-off, low level exposure to any contaminants from deck drain discharges.

**NICOLA GAY GIBBS**

**7 November 2018**