

OMV marine discharge consent application

Submission Reference no: 66

Puna Wano-Bryant, **Te Kāhui o Taranaki**

Submitter Type: Not specified

Source: Email

Clause

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

Position

No

Notes

Clause

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

Position

No I/we do not wish to speak to my/our submission at the hearing

Notes

Clause

Do you wish to receive regular updates from the EPA about the progress of this application?

Position

Yes I/we wish to receive all communications relating to this application.

Notes

Clause

What decision do you want the Decision-making Committee to make and why? Provide reasons in the box below.

Position

Neutral

Notes

See attachment for full submission.

9 July 2018

Environmental Protection Authority



Tēnā koutou,

RE: OMV New Zealand Limited - Taranaki Iwi Submission

Background

1. On behalf of Te Kāhui o Taranaki Trust ("Taranaki Iwi"), we welcome the opportunity to provide brief feedback to OMV New Zealand Limited ("OMV").
2. On 27 March 2018, OMV lodged an application with the Environmental Protection Authority ("EPA") for a marine discharge consent. The consent Application is for the discharge of trace amounts of harmful substances, as offshore processing drainage, from the deck drains of one or more Mobile Offshore Drilling Units ("MODU") as part of an exploration drilling programme ("Application").
3. The discharge of harmful substances from offshore processing drainage is classified as a discretionary activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects - Discharge and Dumping) Regulations 2015. As the discharge from offshore processing drainage is from a structure (i.e. the MODU) that was not existing at the time the regulations came into force, a notified marine discharge consent is required from the EPA.
4. The discharges the Application relates to from the MODU may occur at up to 12 sites, located over six permit areas, offshore Taranaki. As an overall position Taranaki Iwi do not agree with oil, gas and mineral extraction activities in their rohe / area of interest however they engage actively with operators and companies in respect of their applications. OMV's subsequent application for 12 drill sites will be dealt with more substantively by Taranaki Iwi.

Our Interests

5. Taranaki Iwi have existing interests in the area subject to the activities proposed in the Application in particular but not limited to the Maari permit area.

6. Taranaki Iwi interests are recognised in the Taranaki Iwi Deed of Settlement¹. These interests relate specifically to Taranaki Iwi's Coastal Marine Area (OTS-053-55) which extends from Ōnukutaipari in the north to Rāwa o Turi stream in the south, and from these points out to the outermost extent of the Exclusive Economic Zone.
7. Taranaki Iwi interests in the area are first and foremost as tangata whenua and we exercise our role as kaitiaki (custodian) over this traditional rohe (area). Additionally, we hold fishing quota within Fisheries Management Area 8 and are currently in pre-application proceedings with the Office of Treaty Settlements and in the High Court with respect to making an application for customary interests across this rohe under the Marine and Coastal Area (Takutai Moana) Act 2011.
8. Consideration of the impact on the Application area should include a requirement to assess the activities against the following cultural values which are identified in *Taiao Taioa* the Taranaki Iwi Environmental Management Plan. The following statements describe Taranaki Iwi Objectives for Tangaroa-ki-Tai / the coastal marine environment:

Objectives

- “Mai i te Kāhui Mounga ki Tangaroa” – the capacity and integrity of the aquatic environment, habitats and species are sustained and enhanced at levels that provide for current and future use;
- The mauri of Tangaroa-ki-tai in the Taranaki Iwi rohe will be protected, cared for and restored;
- That all coastal waters are clean enough for swimming and kai gathering;
- Coastal habitats are protected from adverse development and introduced species;
- Taranaki Iwi has a good understanding of the state of health of our coastal ecosystems to support active protection and enhancement of these ecosystems; and
- Kaimoana is healthy and plentiful and cultural harvests and non-commercial takes are prioritised over commercial takes.

Policies

- The health of known marine habitats are protected, monitored regularly and stable or improving.
- A holistic approach will be taken to activities in the coastal area considering the impacts on the wider environment which may arise.

¹ Taranaki Iwi Deed of Settlement, 2015

- Taranaki Iwi will oppose any activity which degrades the natural balance present in the living ecosystem and environment of Tangaroa-i-te-tai, including:
 - Mining and prospecting of any kind in the marine area.
 - Activities which degrade or restrict access to mātaītai areas.
 - The direct discharge of contaminants, especially wastewater to coastal waters.
 - Building and development within the coastal marine area.
 - Sonic surveys and seismic blasting and/or surveys.
- Iwi fishers use traditional and contemporary mātauranga in Iwi hapū marae/pā management strategies;
- Consideration of activities in the Tangaroa-ki-tai will include a requirement to assess the activity against the following cultural values:
 - Te huanga o Tangaroa - degradation of the environment necessary for the wellbeing of a broad diversity of interconnected marine life, those being marine mammals, fish and the diversity of coastal inshore and deep sea offshore species;
 - Ngā tai o te moana (coastal and offshore waters) - the degradation of the balance in delicate marine ecosystems and environmental features;
 - Te takapou o Tangaroa (seabed) - the degradation of the mauri of this element;
 - Ngā taonga tuku iho (traditional Māori values and practices) - the degradation of the cultural relationships without customary fishing rights, tauranga ika and mahinga mātaītai, and the cumulative impact associated with ongoing invasive activities such as leaving structures on the seabed; and
 - Economic development and sustainability - the degradation of the marine environment impacting on the potential for the development of our fishing rights, and our ongoing capacity and ability to be economically sustainable where proposed activities and the cumulative impact associated with those activities may limit aspirations for self-sufficiency;
 - Ownership and Treaty rights -
 - a) recognition of tangata whenua ownership rights of petroleum and mineral resources.

b) Requirement that royalties or financial contributions are paid to tangata whenua for all revenue generated from the development of petroleum and mineral resources within the rohe of Taranaki Iwi.

c) Recognition of Customary Marine Title and ownership of petroleum and mineral resources under the Marine and Coastal Area (Takutai Moana) Act 2011.

d) Requirement that central government agencies and departments involved as regulators, decision makers and / or administrators of New Zealand Petroleum and Minerals programmes recognise of Treaty requirements under all relevant legislation such as the Crown Minerals Act 1991.

- Recognise the importance of Iwi waka hourua;
- Decision makers should consider the effects of an activity on the essential nature of mouri expressed within Tangaroa-ki-tai when making decision on applications and developing management and planning documents;
- Pathways for our tamariki to practise kaitiakitanga over the marine and coastal environment are developed;
- The role of kaitiaki, whānau and hapū, marae/pā to responsibly manage fisheries and takutai is well understood and upheld;
- Traditional knowledge systems are recognised and enhanced to help contribute to decision-making about fisheries and their habitats;
- Taranaki Iwi in collaboration with are able to utilise our own tikanga in the management of our fisheries; and
- Iwi, hapū and whānau of Taranaki can gather kaimoana for their customary non-commercial purposes.

Principles of Review & Assessment

9. Taranaki Iwi have existing interests in the area subject to the activities proposed in the Applications.
10. The Applications been reviewed and assessed by Taranaki Iwi against four (4) key objectives. These objectives are referenced from the protocol document

Incorporating Māori Perspectives into Decision Making² which was developed by Ngā Kaihautuu Tikanga Taiao, the statutory Māori Advisory Committee of the EPA, and approved by the EPA Board in 2016. These objectives are:

Objective 1: Uphold tikanga and the use of mātauranga Māori;

Objective 2: Recognise Māori rights and interests under Te Tiriti o Waitangi;

Objective 3: Protect and enhance the natural and built environment and ensure the resilience of ecosystems, people and communities; and

Objective 4: Acknowledge the role of tangata whenua.

11. As a result of this review, Taranaki Iwi provide the following response.

Our Response

Cultural Impacts

12. Taranaki Iwi ask that the EPA give proper consideration to the Te Ao Māori perspective in their assessment of effects and we note the reference in OMV's Impact Assessment to mauri. Taranaki Iwi are more concerned with the substantial application to follow and the potential that up to 12 wells could be drilled during the EAD Programme. Taranaki Iwi will respond thoroughly to the subsequent application on cultural matters and mitigation measures to prevent the degradation of the mauri of Tangaroa ki Tai.

Cumulative Impacts

13. Although OMV notes that *"these wells are distributed over a very large area in the Taranaki basin and within that area there are numerous drill sites"*, Taranaki Iwi are concerned about the cumulative impact of all drill sites, not just those owned and operated by OMV. If OMV has full control over drilling within their PEP's and PMP's, it should apply a precautionary approach to limiting potential discharges of harmful substances through the deck drainage and its cumulative impact on all other activities in the relevant permit areas.

14. Taranaki Iwi urge the EPA to deal with this Application in light of a proper assessment of any substantive application for the 12 drill sites first. For that reason Taranaki Iwi leave the decision making on the Application with the EPA.

² Outlined on Page 14 of Incorporating Māori Perspectives into Decision Making, 2016

Noho ora mai

TE KĀHUI O TARANAKI



Wharehoka Wano

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