

Friends of Nelson Haven & Tasman Bay Inc

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Our Annual General Meeting will be on **Thursday 10 August 2017** at Gallery Room, Fairfield House, cnr Trafalgar St Sth and Van Diemen St, Nelson at 5:30 pm followed by an opportunity to meet the committee over cuppa and nibbles.

ECO - Conference is in Nelson this year - a great opportunity to attend.

ECO (Environment and Conservation Organisations of Aotearoa New Zealand) are holding their conference in Nelson, 25 to 28 August 2017. Theme is "Environmental Responsibilities and Democracy for the Future: Limits, Pathways and Actions". Keynote speakers include historian and anthropologist Dame Anne Salmond, Sir Geoffrey Palmer who devised the Resource Management Act and is now proposing a constitution for New Zealand, Paul Young from Generation Zero on the Zero Carbon Bill, and others. See enclosed flier.

Friends is an ECO member group, so you are entitled to the discounted registration fee. For details of the programme and registration see www.eco.org.nz/about/past-eco-conferences/conference-2017.html

Annual Report July 2016 to June 2017

Sustainable resource management is increasingly difficult under the present government, which changes democratic institutions and processes to suit its own ends. The replacement of the elected Environment Canterbury (ECAN) councillors by ministerial appointments in 2010 has seen fresh water ecosystem collapse, and seen three quarters of fish, one-third of invertebrates and plants become threatened or at risk of extinction.

Now the Top of the South coastal/marine environment and public input are being eroded through ministry interference. The Ministry for Primary Industry (MPI) acts on behalf of NZ King Salmon (NZKS), bypassing long established judicial knowledge which has underpinned management decisions. The Marlborough Resource Management Plan (MRMP), evolved from decades of public consultation, is being ignored with "farms" planned for sites prohibited in the Plan. The community is not allowed to cross examine taxpayer funded "experts" and the Environment Legal Aid is made nearly inaccessible. The National Environmental Standard for marine aquaculture is currently being developed by the Ministry for Primary Industry for the industry not for the environment. Perhaps the government took direction from the Marine Farming Association executive director who stated that "...marine farming only flourished in countries with a dictatorship or one-party government." (Nelson Mail 28/10/2013)

Maybe these decision making processes are best reflected in the Noam Chomsky quote (*The Common Good*, Noam Chomsky. Odonian Press, 1998):

The smart way to keep people passive and obedient is to strictly limit the spectrum of acceptable opinion, but allow very lively debate within that spectrum - even encourage the more critical and dissident views. That gives people the sense that there's free thinking going on, while all the time the presuppositions of the system are being reinforced by the limits put on the range of the debate.

Friends works within the legal framework provided on a volunteer basis with the hope that we leave intact some coastal environment for future generations. Restoration of degraded marine areas and how to do that is not yet part of the discussion.

The Good News is that we have a taniwha on our side!! Kaikaiawaro, legend has it, has been in the Sounds for centuries, protecting seafarers and may be upset by such intrusions as the relocation of salmon farms. I. It is understood Ngati Kuia oppose some salmon farms on the grounds that they are being driven for “short term profits” and are a threat to the long-term health of the Sounds. (Sunday Star Times 16/4/17 cutting at back of this report).

Friends will continue through its committee to play a role in this demanding environment. The committee values your on-going support and interest. If you wish to take an even greater interest in the work we do please consider joining the committee – you will be made most welcome! Meetings are held as required – mainly bimonthly. Donations towards our legal and planning costs would also be very welcome.

A. Research Reports and Updates

1. Boat surveys of Tasman/Golden Bay to map the distribution of bird, fish and marine mammals were initiated by Friends in 2011. At that time, a resource consent for oil drilling was granted but based on non-existent information about the marine environment and biodiversity in Golden and Tasman Bays. Our study started with an aerial survey in November 2010 and boat surveys in December 2010, January 2011, August and November 2013, August 2016 and February 2017. It is anticipated that a final report will be produced with the distribution map of all species encountered.
2. King Shag research continues with analysis of otoliths. Friends funded a study to collect digested fish samples from king shag in 2011. The fish species have been identified with funding from Department of Conservation, this year a final report will be produced including the mass contribution of each prey species to the individual’s diet. All the preferred prey items that have been identified to date are predominantly benthic and epibenthic species highlighting the deep diving capabilities and dependency on the benthic and epibenthic environment in the Marlborough Sounds.

B. Tasman District Council (TDC) area

1. Landscape Issues. Areas of Outstanding Natural Landscapes & Features (ONLs, ONFs) for Golden Bay (only). Latest advice is that notification of a proposed Golden Bay Outstanding Natural features and Landscapes Plan Change will be advised after September 2017. No work has been done yet on the ONFL for the remainder of the Tasman District, despite commitments to the Friends by Council as a consequence of an agreement registered with the Environment Court. Other important planning work also remains to be progressed by Council.
2. Wainui Bay Spat Catching Group (WSCG) vs Tasman District Council (ENV-2017-WLG-000010). Private Plan Change 61, which was approved by Council, made the 8 mussel spat farms in Wainui Bay, due for expiry in 2024, a “controlled” activity – a permanent Aquaculture Management Area (AMA). This is contrary to the Environment Court's decision

in the Golden Bay Marine Farmers case where the Court identified AMAs to be established off-shore not in the coastal area. The Wainui farms were not able to be considered in this decision. The Golden Bay landscape work identified Wainui Bay as having outstanding landscape values, but industry has tried to overturn the opposition to these sites. Friends with Friends of Golden Bay (FGB) and other s.274 parties (Forest & Bird and residents) have filed appeal notices to the Environment Court over Landscape and Natural Character issues. The Environment Court hearing will be in November 2017 and will be costly for the Friends with expert witness and legal assistance being required.

3. Talley's has applied for discharge consents at Port Motueka (RC 140156,-7,-8,-9 & 160291).The commissioner hearing requested further information, which has not yet been provided.
4. Moturoa/Rabbit Island Management Plan ratified in 2016, and work shop on protection and restoration of Motoiti/Rough and Bird Islands also in January 2017.
5. Progressive Enterprises Plan Change 62. Friends submission concerned with effects of the runoff from carpark areas on the values of Reservoir Creek, an urban native fish habitat.
6. Motueka Power Motor Club proposal to formalise present layout, which Friends supported.
7. Riwaka, D. & N. Inch (RM 150737 to -885, -738). Assessment of Environmental Effects not done by applicant as required. No action appears to be happening.
8. Rowing Club plans for Traverse include removing pine stumps from the launching area. Friends were consulted and support the proposal. Friends will not support the formation of a formal rowing venue in the Traverse.

C. Nelson City Council (NCC) area

1. NCC Regional Policy Statement and Long Term Plan. Friends attended the Planning & Regulatory meeting.
2. Landscape & Natural Character work of NCC. Friends, as a stakeholder, submitted that the NZ Coastal Policy Statement be incorporated into the NCC Plan. Boffa Miskell has prepared a Nelson Landscape Study 2016, and the Nelson Coastal Study: Natural Character Assessment of the Nelson Coastal Environment (November 2016). Neither have yet been exposed to public comment nor incorporated into the planning documents.
3. NCC Biodiversity Forum attended along with the Biodiversity Strategic Review and workshops on terrestrial, freshwater, marine and engagement. Further work proceeding and will be incorporated in Nelson Plan after 2018.
4. Calwell Slipway remediation at Port Nelson (RM 165168 & 165189) concerns the method of reclaiming and enlarging the boat services area where the benthic soil has large amounts of toxic substances such as tin (from TBT), copper, lead, PCBs and mercury. The soil will be lifted, de-watered and mixed with concrete and the resulting "mudcrete" will be returned to the area. Only tin, copper and turbidity will be monitored as an indicator of possible spread of toxins. Friends submitted that a bioassay of marine organisms such as fish or shellfish for toxins would be important. Expert advice was that the process was contrary to the NZ Coastal Policy Statement A large number of conditions were applied and Friends will continue to monitor the remediation and subsequent redevelopment.
5. Nelson Regional Sewage Business Unit (RM 165114, -5, -6) dealing with pipeline overflows and accidental discharges. Effects on Saxton and Orphanage Creeks as well as Waimea Inlet receiving waters was the main concern.

6. Fifeshire Rock lighting by NCC Civic Trust was a concern due to the impact on shags which roost on the rock. Friends reluctantly accepted that the lights go out by 11pm.
7. Orphanage Creek stormwater upgrade was consulted on and the work completed by NCC.
8. Gaire Thompson at Boulder Bank Drive applied for retrospective consent for work already done in Nelson Haven with no Assessment of Environmental Effects. Friends opposed and asked for reinstatement of the abatement notice to clear up an unsightly dumping site on the coastal margin.
9. Neale Park discharge to air from pump station (RM 1665359 & 159363). Odour problem hopefully solved using ionising method and pipe replacement.
10. Corder Park pump station completed on time and with budget. A good job done with public engagement and Friends input.
11. Maitai/Reservoir River water extraction (RM 165122, 165192, -193). Friends submitted on concerns about retaining an adequate flow for biodiversity values and on adequate fish passage.
12. Methyl bromide at Port Nelson. The new fumigation sheds are reported to provide 100% capture.

D. Marlborough District Council (MDC) area

1. The committee has spent a significant amount of time in submitting to the new plan for Marlborough, Marlborough Environment Plan (MEP). We also commissioned a well-known landscape architect, Dr Michael Steven, to provide a Review of Landscape & Natural Character Chapters, Landscape and Natural Character Overlays, and Boffa Miskell Ltd Landscape & Natural Character Studies. The latter is the baseline for the Marlborough Environment Plan. Issues have arisen since the Resource Management Act (RMA) was enacted that the Friends consider that revised planning provisions are required. These issues include:
 - Continuing ecological and wildlife degradation of Marlborough including the Sounds;
 - Decline in biodiversity and loss of ecosystem services and natural capital;
 - Increasing resource conflict in the marine environment;
 - Cumulative effects of land use activities, including urban development, forestry and farming on the water quality of coastal waters;
 - Increased exposure to coastal natural hazards exacerbated by climate change;
 - Deteriorating quality of recreational values, including for fishing, swimming and boating;
 - Cumulative effects of activities on natural character, landscape and recreational values from activities and structures in the coastal marine area, including jetties, moorings, reclamations and marine aquaculture.

Friends did not support the Council's decision to exclude marine aquaculture when addressing other activities within the marine environment in an integrated manner for the MEP. This means the plan does not recognize and provide for RMA Part 2 matters appropriately, including section 5 and section 6 matters of national importance. So far, our request for recognition and expansion of important landscape have been strongly opposed by the marine aquaculture industry in particular.

2. Admiralty Bay Consortium (Admiralty Bay Environment Court ENV-2006-WLG-57,60,66,69,81,88,92,94,97), a group of eight corporate and individual marine farming interests, proposed to extend their farms in 1999 and 2000. After more than 15 years, Environment Court said it could not conclude effects on dusky dolphins and birdlife would be minor if existing farms were allowed to expand, a decision perceived as "a line in the sand" for future applications. This has been a major win for the environment. Danny Boulton was a major force to get recognition of Admiralty bay as an important dolphin area. (Marlborough Express 12/8/16 cutting at back of this report)
3. Friends submitted against granting a consent for a research facility of fish feed in Okiwi Bay. The activity was applied for in a Residential Zone that only permits domestic discharges. Also, the water being released is a discharge of hypertrophic water in a highly used recreational part of a Residential Zone. A report on the cumulative impact of all nitrogen sources in the bay was not provided and is missing from the assessment. Application was granted.
4. An application for a consent in a small prohibited area in Beatrix Bay, Tuhitarata Bay, was withdrawn after Friends and Kenepuru & Central Sounds Residents Association (KCSRA) submitted. A farm nearby (U150653) was granted with stringent conditions.
5. A number of farms in Port Gore, are in the prohibited aquaculture area. These farms should have been removed at the end of the consent. The owner of these farms is of the opinion that continuation of mussel farming should be allowed. Friends employed solicitor Julian Ironside for its submission and presented evidence predominantly dealing with impact of mussel farms on king shag feeding habitat. Together with submissions from other parties, this application was declined but has been appealed by applicant.
6. Friends submitted to three farms in the Waitata Reach of Treble Tree Holdings where the coastal permits for two sites (8105 & 8106) lapsed in May 2013. No marine farming activity has occurred at these sites since the issue of the Environment Court consent order in May 2008 settling the appeals against the grant of coastal permits (U060354 & U060562). A third site was consented until January 1999. This case will also go to the Environment Court.
7. Friends and KCSRA have for a long time maintained that Beatrix Bay is overdeveloped and further allocation of space is inappropriate. This argument found recognition in the Environment Court which supported the Council decision not to grant the application by the R J Davidson Family Trust in NE Beatrix Bay. Further development means a further decline of King Shag feeding habitat which is, with the existing state of knowledge, not giving effect to Policy 11 of the New Zealand Coastal Policy Statement (NZCPS). The R J Davidson Family Trust appealed with no success to the High Court and is now appealing to the Court of Appeal against part of the judgment of the High Court.
8. The process of Ministry for Primary Industries 'Relocation of Salmon Farms' has finally reached the end. After the last meeting of the Panel at the 22nd May 2017, an advice to the Minister from the panel can be expected at the end of July 2017. From there, it is up to the Minister's discretion to release the advice to the wider public.

E. General Matters addressed by Friends

1. NZ Coastal Policy Statement teleconference of interested parties agreed the Statement be left unchanged so as to allow Councils to adapt to implications of recent Supreme Court rulings.

2. The National Environmental Standard for Aquaculture: discussion document and proposed regulations was released by the Ministry for Primary Industries and the Ministry for the Environment on 14 June 2017, submissions by 8 August. The emphasis is on making renewal of existing consents easier for the industry, and a requirement for biosecurity plans.
3. Cawthron Science Awards for schools. Friends sponsors an award for work on coastal/marine conservation and provides judges for this annual event. Initial award won by a Nelson Girls' College student on water weed growth and de-oxygenation.
4. Biosecurity 2025. Friends submitted. Mediterranean Fan Worm is a current concern in the coastal zone.
5. Southern Scallop fishery. Friends submitted. Scallop fishery in Tasman Bay and Marlborough Sounds now closed for next 2 years to enable recovery.
6. Native fresh water fish, according to a recent Cawthron report, need greater minimum river flows in Nelson rivers than previously thought. New freshwater section in proposed Nelson Plan to incorporate minimum annual flow limits for all rivers.
7. Friends participated in in a joint Cawthron/University of British Columbia (Canada) study of Tasman/Golden Bay (Singh, G.G. et al 2017. J. of Environmental Management 199 (2017) 229-241). Representatives of commercial, iwi, and government agencies were involved in trying to understand the cumulative impacts of anthropogenic change. The main four ecosystem benefits identified were fisheries, shellfish aquaculture, recreation and biodiversity. The four main stressors identified were climate change, commercial fishing, sedimentation and pollution.
8. Waikoropupu Springs discharge from a salmon farm below the springs has allowed escaping salmon and trout to enter the river threatening native fish species.
9. Clifton Terrace School display about the Boulder Bank included material supplied by Friends to the school's archivist.

F. Acknowledgements

1. Many thanks for the huge amount of voluntary work done by committee members.
2. Support from our members is essential, so thanks to you all. We are occasionally asked for the number of members we have so membership is important. We are very appreciative of your donations.
3. The pro-bono and reduced fee work by various experts and legal counsel is essential and very much appreciated.
4. Continued financial assistance from the New Zealand T-Gear Charitable Trust has been invaluable.
5. Thanks to the Ministry for the Environment, Environmental Legal Assistance Fund for help in 2016.

Respectfully submitted,



Dr Gwen Struik, chair (with essential help from committee members)

Battle of the bay

Dusky dolphins in the Marlborough Sounds. PHOTO: SHARIF

Environment Court ruling draws 'line in the sand'

ELENA MCPHEE AND HEATHER SIMPSON

A 15-year battle between marine farmers and conservationists in the Marlborough Sounds has ended with the denial of mussel farm extensions in Admiralty Bay.

The Environment Court said it could not conclude effects on dusky dolphins and birdlife would be minor if existing farms were allowed to expand, a decision touted as "a line in the sand" for future applications.

The court's decision to refuse the extensions was released on Tuesday.

Dolphins living in the Admiralty Bay area had declined, and the panel of judges was also concerned about the king shag, the only bird endemic to the Marlborough Sounds.

The Admiralty Bay Consortium, a group of eight corporate and individual marine farming interests, proposed to extend their farms in 1999 and 2000.

The Marlborough District Council originally granted consents for the mussel farms in 2001 but acknowledged

new research had come to light which put a "significantly different perspective on the matters to be considered", the decision said.

Evidence dusky dolphins relied heavily on the bay emerged in about 2003.

Council environment committee chairman Peter Jerram said the court's decision had created "a line in the sand", which would have an impact on future applications.

The Marlborough Environment Centre opposed the proposals along with Friends of Nelson Haven and Tasman Bay Incorporated and the Department of Conservation director-general.

In 2009 it was agreed the Admiralty Bay farm proposals would be left on the table until long-term studies were done.

"The [consortium] recognises that the now available information about seasonal use of the bay shows that dolphins are present for significantly more of the year than previously thought," the judgment said.

"It is clear that they are present in significant numbers from late autumn, through winter, and well into spring ...

seven or eight months out of 12."

King shags were one of the rarest seabirds in the world, and there were fewer than 1000 mature individuals worldwide, the judgment said.

They were the only seabird endemic to the Marlborough Sounds and their population appeared to be stable, but small. Admiralty Bay was within the foraging range of three king shag breeding colonies.

The court proceedings had been long and "at times rather tortuous", the judgment said.

Friends of Nelson Haven committee member Rob Schuckard said the organisation was "delighted" with the outcome of the case.

Schuckard's group was not anti-marine farming, but was opposed to the "unrelenting" growth of aquaculture, which needed to be challenged in court due to its potential effects on the environment.

Schuckard was an ornithologist, but had not given evidence in the case.

A spokesman from Sanford, part of the Admiralty Bay Consortium, declined to comment on Thursday.

The [consortium] recognises that the row available about seasonal use of the bay shows that dolphins are present for significantly more of the year than previously thought.

Green MP Steffan Browning had been involved with the case for the Marlborough Environment Centre for 15 years. The prolonged court case was disappointing, and had caused considerable cost to the community, Browning said.

The decision clearly spelled out the need for precaution around habitat protection for both the dusky dolphin and the king shag, Browning said.

It also highlighted the importance of independent science in the Marlborough Sounds when it came to analysing interrelationships in food webs.

"We lack independent science," he said.

Browning said marine farmers should pay occupancy charges for using public space, and that income could be used for independent research.

The groups' success was facilitated by the long-term support of French Press man Danny Boulton, who died in 2014, Browning said.

"He's taken fisheries officials out to try and get them to understand some of the issues."

Admiralty Bay had long been known for its dolphins, with risso's dolphin Pelorus Jack bringing the bay worldwide attention in the late 19th and early 20th centuries.

The decision said the consortium had proposed removing additional lines if any adverse effect on dolphins was observed, but the court did not believe this would work as time would elapse before a negative effect could be proven.

Taniwha fight looms for salmon farms

ELENA MCPHEE

Legend has it that a tribal deity has been holed up in the Marlborough Sounds for centuries, protecting seafarers.

And now the spiritual guardian or taniwha known as Kaikaiawaro could be used to try to block the relocation of six salmon farms.

It's understood Ngati Kuia, who are opposed to the salmon farm on the grounds that it is being driven for "short-term profits", will cite the creature as one reason why the development shouldn't go ahead.

A Ngati Kuia spokesman said the salmon farms were a threat to the long-term health of the Sounds.

"The world is changing with increasing demands and new technologies. It is increasingly important that we take a long-term view and look after our special place, our home, our taonga.

"In our view this proposal is being driven for short-term profits and over the long-term will have major consequences on our environment, social, economic and cultural wellbeing."

Maori historian Peter Meihana said there were believed to be many different incarnations of Kaikaiawaro.

"For Ngati Kuia, their identity is based firmly on their relationship with the 'white dolphin' – Kaikaiawaro – and the waters he frequented," Meihana said.

In their written submission on the salmon proposal the iwi said they had the "unenviable task" of being in the position of kaitiaki, or guardians of the area.

Meihana said he believed Ngati Kuia's objections were predicated on the cultural significance of the site, and the iwi's history and association with Pelorus.

Kaikaiawaro is known as the kaitiaki of local iwi Ngati Kuia, appearing to give assistance at times of need.

King Salmon chief executive Grant Rosewarne said an iwi

The Kaikaiawaro is famed for protecting seafarers in the Pelorus Sound.

member had raised the subject of Kaikaiawaro with him, at a late stage of the consultation, and it had come as a surprise.

The company was trying to find out how many Ngati Kuia members still believed in the deity, Rosewarne said.

"I doubt whether a majority hold that belief."

If Ngati Kuia members truly believed in Kaikaiawaro he would expect them to do something to indicate their belief, for instance as Christians celebrated Easter and Christmas, Rosewarne said.

Kaikaiawaro is said to live in a cave at the entrance to the Pelorus Sound, and has helped travellers cross Cook Strait.

According to local legend, the latest incarnation was the well-loved risso's dolphin Pelorus Jack, famous around the world for guiding ships through French Pass at the turn of the 20th century.

The Ministry for Primary Industries is proposing to relocate

“ For Ngati Kuia, their identity is based firmly on their relationship with the 'white dolphin' – Kaikaiawaro – and the waters he frequented.

Maori historian
Dr Peter Meihana

six salmon farms at low-flow sites for better environmental outcomes.

Two of the relocated salmon farms would be near the western entry point to

Pelorus Sound. There were three further farms proposed for Pelorus Sound and one proposed for Tory Channel.

The Pelorus Sound was often described as an "industrial sound" but Ngati Kuia took issue with that, Meihana said.

Tribal deities have caused headaches for the Government in the past, with Transit New Zealand moving part of State Highway 1 in 2002 after Ngati Naho of Meremere claimed it was cutting through the domain of one-eyed taniwha Karu Tah.

While some taniwha are depicted as monsters, they are also often interpreted as protectors of different iwi.

A North Island version of Kaikaiawaro is known as the taniwha Tuhirangi.

Kaikaiawaro was said to have arrived in New Zealand with Kupe, an early Polynesian navigator, and is credited with guiding both Ngati Kuia ancestor Matuahautere and mythical swimmer Hine Poupou into the Sounds.

Pelorus Jack disappeared at the time of World War I, and one interpretation was Kaikaiawaro travelled to Europe to protect the Ngati Kuia men who had enlisted in the armed forces.

In January this year MPI called for submissions on its proposal to relocate the farms, after concerns three were failing to meet best-practice guidelines, and three more would fail to meet them in the future.

Nearly 600 submissions were received on the proposal, with two-thirds supporting King Salmon.

However submissions have been received from residents and environmental groups concerned about the proposal's environmental impact.

A hearings panel is listening to submissions from residents, businesses and other groups until May 17.

Rosewarne claimed he had tried to build a better relationship with Ngati Kuia, but the iwi had not communicated with King Salmon the way the company would have liked.

