

FRIENDS OF NELSON HAVEN & TASMAN BAY INC.

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Annual General Meeting

will be on **Tuesday, August 21st, 2018** at **6:30 pm**

at **Hearing House, 354 Trafalgar Street East, Nelson**

This will be followed at **7:00 pm** by the film, **BLUE**, about the world's oceans.

The Award winning **BLUE** screened at the International Film Festival in Nelson earlier this year and we are screening it for those who missed it or who wish to see it again. **BLUE** has received awards at film festivals in Australia, New Zealand, United States, Canada and France. Admission is free - koha appreciated.

Annual Report July 2017 through June 2018

The year has been very busy at both the Council and Environment Court levels, and for many cases we have worked with one or more like-minded groups to share resources and information. Such a co-operative way of working has helped produce good results in general. Some legal decisions have set national precedents. Virtually all land activities impact on our coast and this has been especially evident recently with devastating land slips, and stream and river pollution. The only ministry with statutory responsibility to advocate for the environment is the Department of Conservation (DOC), and most of its advocacy staff are gone. Volunteer groups like ours do this work until DOC again can fulfil this role. As ever, we need new members and help with committee work.

A. Research Reports and Updates (find on website www.nelsonhaven.org.nz)

1. The boat survey work in Tasman/Golden Bay, monitoring and establishing baseline information of seabird and mammal distribution, continues. Logically government, regulator and resource users should be doing baseline work and we are filling this knowledge gap using funds in part from the mediation processes.

2. Basic research on phytoplankton and zooplankton in Tasman Bay is being done by Cawthron Institute from funds resulting from Friends' mediation over a 450 ha consented area for mussel farming southwest of d'Urville Island. Effects of activity of mussel farming on the wider sea web is still not known in sufficient detail. This uncertainty is a main reason Friends are spending time advocating for precaution.

3. The King Shag studies have now incorporated otolith studies to better understand the relationship of this endemic threatened species with its main prey species. Uncertainty about the ecology and feeding areas of this species plays an important role in Court decisions in parts of the Sounds. The latest 2018 population survey (being part of a condition of New Zealand King Salmon resource consents) identified a 24% decline in the number of birds compared to 2015. Since 90% of New Zealand's sea bird species are at risk of extinction (see cutting at end of this report) this is not a minor matter

and raises the question of how many “canaries in the mine” do we need to tell us to take seriously the precautionary approach to coastal management.

B. Marlborough District Council (MDC) area

1. MDC's Environment Plan (MEP) has had 'aquaculture' removed from the present plan to be considered separately later, with submissions and hearings dealt with chapter by chapter. Friends also advocates for expansion of areas of Outstanding Natural Features and Landscapes and Coastal Marine areas of Outstanding Natural Character, leaving areas for future people to enjoy and sea biota to survive. Together, with Kenepuru and Central Sounds Residents Association (KCSRA), Friends used legal counsel Julian Ironside and a Landscape Architect and Planner to review Landscape & Natural Character Chapters with overlays and Boffa & Miskell Ltd Studies. This significant investment in good outcomes for the Marlborough Plan has been a core project of Friends' work. We also made presentations on other important chapters to the MEP. These are Chapter 4 - *Use of natural and physical resources* and Chapter 8 - *Indigenous Biodiversity*, with special regard to NZ King Shag. (*Leucocarbo carunculatus*).

With Department of Conservation (DOC) advocacy staff gone, the support for requirements in the Coastal Policy Statement is left to voluntary groups such as Friends. Industrialisation of the coastal commons is widespread and increasing. Inter-generational responsibility for this common heritage is fundamental to Friends' objectives.

The MEP received 1033 submissions, and 3000 pages of evidence indicating the considerable interest. The Marlborough Committee member is also a community representative on the Sounds Advisory Group. SAG is one of the participants of the Marlborough Aquaculture Review Working Group. This group is assisting MDC with the aquaculture chapter in the MEP. KCSRA and DOC are also members of the ARWG.

2. Port Gore, Pig Bay, Swampy/Clearwater Mussel Ltd (CML) - RC U140391,-392. Two mussel farms were in the Port Gore area that is prohibited for aquaculture. The farms were left from the existing Plan to be removed when their license expired. Instead, the licenses were sold to CML which tried to get a legal status for the farms. CML's application was declined by the Environment Court (ENV-2016-CHC-40&41. CMLvMDC). Friends, EDS (Environmental Society) and residents were parties to the appeal in support of MDC. In June 2018, the Environment Court declined the two mussel farms and CML is appealing this decision in the High Court. Endemic king shag well-being was an important factor, with Friends supplying an ornithologist expert witness, Paul Fisher, and counsel Julian Ironside.

3. Treble Tree Holdings (TTH), Waitata Reach. RC U160673,-674. ENV-2017-CHC-18. Coastal permits for 3 sites were granted in 1996 for trials to cultivate sponge species, thought to have cancer-curing properties. Only the sponge was allowed in the trial and shellfish culture was specifically excluded due to the outstanding landscape and high natural character of the area. The recent application was to install mussel spat farms. Our legal counsel challenged the existence of the consents, arguing that they had lapsed. DOC joined as an s274 party and the Environment Court agreed with the Friends' argument. The area is now free of farms in an outstanding area of coastal Marlborough Sounds. The application for mussel farms has been declined by the Environment Court.

4. Davidson Family Trust (DFT) – Env-2014-CHC-34, CIV-2016, 406-14(2017), CA97/2017. DFT's Beatrice Bay mussel farm application was declined by MDC and was appealed by DFT to the High Court and the Court of Appeal. The Environment Court question about what parts of the law take precedence means that the outcome of this case is of national importance. Also in question is whether social and

economic factors rank with Natural Character. A recent RMLA (Resource Management Law Association) Newsletter states, "The R.J.Davidson Family Trust decision from the Court of Appeal ... may inform us how NZ King Salmon is to be applied in the context of resource consent applications." The Court of Appeal decision is pending.

5. NZ King Salmon (NZKS) has applied to relocate six salmon farms from low flow areas to high flow areas. The MDC Plan has identified most of these new proposed areas to be prohibited for aquaculture. MPI (Ministry for Primary Industries) bypassed 25 years of consultative work of the district Plan and the lengthy Board of Inquiry process with a process which prohibits cross examination of evidence and with the decision powers in the hands of three Ministry-appointed commissioners. MDC has taken a neutral stance and not defended their own plan against this plan change. Basically the process is an executive order, which might be called "trumping", that is, bypassing normal procedures. The present Minister of Fisheries will make the decision. The Marine Farming Association executive director has stated that "... marine farming only flourished in countries with a dictatorship or one-party government." With our three-party government we will see if this statement holds.

6. Blowhole Point (Outer Sounds east of Port Ligar) Marlborough Aquaculture Ltd (MAL) U170048 has aquaculture mussel area overlapping with NZ King Salmon (NZKS) U161142, CIV-2017-406-4 aquaculture salmon area. The High Court judged that MAL had the prior right. Friends opposes the MAL and the NZKS application for this site. Even the Panel that assessed the re-location of the six farms was not in favour of the Blow Hole site for salmon farming.

7. Wakatu Inc was granted a consent by MDC for a 450ha mussel farm SW of D'Urville Island in 2001, with conditions. Mediation with Friends resulted in requiring an Environmental Monitoring Programme approved in 2016. Monitoring was to be fortnightly sampling of phytoplankton and zooplankton, the food of filter-feeding mussels and the base of the food web for all other marine animals. Cawthron Institute scientists, hired by Wakatu, find this programme is not appropriate and advise amendments to the conditions. Friends is in discussions on this proposal. Any changes will have to be approved by MDC.

C. Tasman District Council (TDC) area

1. Identification of Areas of Outstanding Natural Landscapes & Features (ONLS, ONFs) for Golden Bay have been presented to Council after many years of a community small working group, which included a Friend's representative, but the Plan Change has been postponed for changes for reassessment of values by Council staff. Thus, Council continues to avoid its statutory requirements for the Tasman Resource Management Plan (TRMP). The process for the rest of Tasman has not begun despite an agreement with Council (and consented to by the Environment Court) that it must be done. Land and sea coastal issues have been separated and will have different hearings. Friends disagrees with this system since these issues need to be looked at regionally and holistically.

2. Wainui Bay Spat Catching Group (WSCG). ENV-2017-WLG-10. Private Plan change 61 for six spat farms. Friends, supported by Friends of Golden Bay (FGB) and the Royal Forest & Bird Protection Society (F&B) and a few locals, appealed TDC's decision to grant the plan change (which would have resulted in the spat farms being permanently located in Wainui Bay - that is "controlled" status) to the Environment Court in regard to Landscape and Natural Character and planning issues. The Court decided not to make a decision on Landscape and Natural Character issues, but to decline the Plan Change and retain the original "discretionary" status and the original term with expiry in 2024. Our counsel, Kate Mitchell, has requested that the Court withdraws a list of factors in the TRMP which would be likely to focus decision makers rather than being truly "discretionary".

3. Talley's Group Ltd has applied for discharge consents of factory wastes at Port Motueka. (RC 140156,-7,-8,-9 and 160291). Various submitters, as well as Friends, Friends of Moutere Inlet and Ngati Kuia, indicated concern. A commissioner-decision granted the applications with conditions, and limiting the term to 3 years during which time improvements must be made. The estuary is of International importance due to its birdlife, and since the habitat is collapsing, change is urgent. Talley's is appealing - with TDC as respondent and Friends as an s274 support of Council. Mediation is scheduled for 7 August.

4. Riwaka, D.&N. Inch. RM 150737-738 & -885 application for a jetty in Riwaka would require benthic (sea bed) excavation. Currently this is still outstanding with iwi consultation being required.

5. Pakawau residents have lodged applications for a sea wall/revetment. Friends have made a submission calling on TDC to plan for coastal erosion questions and a halt to inappropriate coastal developments, in compliance with the NZ Coastal Policy Statement 2010. Nearly 300 people support the proposal with 12 in opposition (including the Friends).

D. Nelson City Council (NCC) area

1. Nelson Regional Sewage Business Unit (NRSBU) RM 165114,-5,-6 dealing with pipeline waste overflows and accidental discharges. Effects on Saxton and Orphanage Creeks, as well as Waimea Inlet, receiving waters was the main concern. Resource Consent application is for 35 years with additional monitoring.

2. L.G. (Gaire) & N.J. Thompson. (ENV-2018-WLG-23) are appealing the commissioner/NCC decision which covers conditions to allow cement block and rock barrier "protection works" in the Nelson Haven/Boulder Bank Drive area for a limited term of 10 years and with on-going monitoring and other conditions. Friends is a s274 party in support of NCC. Mediation is scheduled for August 8.

3. Calwell Slipway dredging at Port Nelson is now completed and a report on copper and TBT in the water indicates they are mostly within acceptable limits. Friends has been observing the process, but remains concerned about these and other toxins possibly accumulating in marine biota. TBT remains slightly elevated above permitted limits, but will be buried beneath a new reclamation adjacent to the slipway.

4. Methyl bromide review could result in a reduction in Nelson conditions. Nelson has a higher standard than elsewhere in New Zealand and widows of this port poisoning and others, including Friends, are still concerned. The fumigant is highly toxic, ozone depleting, and has to be phased out under an international treaty. NZ's use of the gas has increased hugely over last decade (Nelson Mail 15/6/18 p8).

5. Haulashore Island jetty removal suggestion in the NCC Annual Plan is of interest since Perrine Moncrieff was a founding member of Friends and gifted part of the island to NCC. Her will advocated a playground, named after her son Alec Moncrieff, be created, which would require a jetty rebuild.

6. Cawthron Science Fair for schools. Friends provides a prize for a coastal conservation project. Last year, Friends awarded two prizes for projects on the effects of plastic on sea life.

7. Friends has been monitoring sewage plants, pump stations, pipelines and outfalls and making suggestions where appropriate on Neale Park pump station, on outfalls in the Corder Lagoon and a power substation at the Wakapuaka foreshore.

8. Friends attends the NCC Biodiversity Forum which is doing excellent work on land and freshwater, but the energy and expertise for coastal and marine efforts is not there and is less seen. This is a problem world-wide – the sea looks superficially unchanged but we now know that profound sedimentation and pollution issues exist.

E. The National Environment Standards (NES) for Marine Aquaculture

Consultative work by Ministry for Primary Industry was started last year and is continuing. It will eventually be on the desk of the Minister for Fisheries, Stuart Nash, for approval. Friends has been part of the consultation process. The **NZ Coastal Policy Statement** review is on the Conservation Minister's desk at present.

F. Social Media.

This year we will be getting onto the social media band-wagon, as one of our members has agreed to do some work in this area. We will need to not overload this member; and also make sure that what is available is meaningful and attracts interest (and new members, hopefully) for the work we do. Should we do Facebook? Twitter? Blog? Or what? Suggestions and assistance would be most welcome, as always.

G. 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 and we hope you can encourage friends of yours to join. We very much appreciate your donations.
3. The pro-bono and reduced fee work by various experts and legal counsel is essential and very much appreciated.
4. We have worked collaboratively with many other groups on projects of similar interests. These include Friends of Golden Bay, Friends of Moutere Inlet, Guardians of the Sounds, Sustain Our Sounds, Forest & Bird branches in Nelson/Tasman and Golden Bay, Kenepuru & Central Sounds Residents Association, Department of Conservation, Environmental Defence Society and individual people in Wainui Bay and the Sounds.
5. Continued financial assistance from the New Zealand T-Gear Charitable Trust has been invaluable.
6. Thanks to the Ministry for the Environment Legal Assistance Funds for help in 2017-2018.

Respectfully submitted, **Dr. Gwen Struik**, chair

(with essential help from committee members)

Sea birds at risk of extinction

CHARLIE MITCHELL

Ninety per cent of New Zealand's sea birds are at risk of extinction, as "serious pressures" threaten the future of our oceans.

The *Our Marine Environment 2016* report, released yesterday by Statistics NZ and the Ministry for the Environment, found that New Zealand had the highest number of threatened seabird species in the world.

More than a quarter of marine mammals were also at risk. It was due to a degraded environment, the report said. Global warming and polluted coastlines were among the causes.

"We're a maritime nation. Having healthy and resilient oceans is important for all New Zealanders and for our economy," Government Statistician Liz MacPherson said.

Of particular concern was the threat to marine species: almost all of the country's 92 seabird species were at risk of extinction. Half of the 12 most threatened species of seabird had been declining since 2008. None were improving.

Increasing acidification of the oceans, caused by rising temperatures, would affect shell species such as plankton, the report said. That had a flow-on



Albatross may be wiped out as the marine environment deteriorates.

effect for the rest of the food chain. "The future of our marine birds and mammals, most of which are at or near the top of the food chain, is of international interest and has importance for global biodiversity.

"The extinction of these species may have consequential impacts on other species and the resilience of ecosystems."

The report looked at the impact of fishing practices on vulnerable species, particularly bycatches, when an animal is inadvertently caught and killed in a fishing net.

However, Secretary for the Environment Vicky Robertson said the number of bycatches had decreased.

"The number of seabirds caught by commercial fishing bycatch almost halved from around 9000 in 2003 to 5000 in 2013." It remains a major cause of

"Our marine environment is facing a number of serious challenges."

Government statistician Liz MacPherson

death for several species, the report said.

A key example was the Salvin's albatross, frequently seen on the South Island's coast.

Despite being nationally critical - the highest of all threat rankings - hundreds were being killed each year in fishing nets.

It was also a problem for marine mammals, such as the critically threatened New Zealand sea lion.

It is one of the world's rarest seal species and found only in New Zealand, but dozens each year are killed in fishing nets.

It is also forced to compete with commercial fisheries, which had contributed to its decline, the report said.

Damaging fishing methods such as trawling had also decreased, but still had a substantial effect on the marine environment, the report said.

World Wide Fund for Nature (WWF) New Zealand said the report painted a worrying picture of the state of the oceans.

"This report gives a stark warning and should serve as a wake-up

call on the need for action to ensure ecosystems are not further degraded and species are not driven further towards extinction," campaigns head Peter Hardstaff said.

Creating a network of marine protected areas was an essential part of addressing the problem, Hardstaff said.

The fragility of the marine environment would affect New Zealand's \$4 billion marine economy in future, as well as recreational opportunities, the report said.

The sector provided more than 100,000 jobs.

Pressures from human activities were degrading the coastal environment, particularly in areas close to urban centres.

Of most concern were the effects of rising temperatures, which caused increased acidification, sea levels to rise and coasts to erode.

"We cannot be certain that future New Zealanders will enjoy the same benefits from the marine environment as we do," the report said.



A New Zealand sea lion female and pup. They are critically threatened.

"The extent and rate of change from ocean acidification and warming over centuries depends on what we - and the rest of the world - do about global greenhouse gas emissions."

There were many unknowns when it came to the marine environment, particularly regarding the impact of fishing.

While it was clear destructive forms of fishing had decreased, there was not enough data to make solid conclusions about fishing's overall ecological impact.

The risk status of 40 per cent of marine mammal species was also unclear, due to a lack of data.

"Another theme that came through in producing this report is how much we don't know about our marine environment," MacPherson said.

- Fairfax NZ