

Friends of Nelson Haven & Tasman Bay Inc

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Our Annual General Meeting will be on Thursday 27 August 2020 at 7pm at 29 Bronte St, Nelson followed by an opportunity to meet the committee over cuppa and nibbles.

Annual Report July 2019 to June 2020

Our Society ("Friends"), founded in 1973, is a long-standing voluntary organisation located in the top of the South Island. Our aim is to care for and protect the coastal marine environment for future generations. We are founded on the principle that citizens need to take an active role in assessing proposals to exploit the environment for commercial or personal gain. This applies especially to public space - the commons and in our case the coastal and marine commons. Without active public concern the health and integrity of this commons is at risk. We work at Local Government, Environment Court, High Court and Court of Appeal level as well as submitting, participating and working with other like-minded groups and individuals.

This is not a new concern:

*They hang the man and flog the woman - That steal the goose from off the common,
But let the greater villain loose, That steals the common from the goose.*

*The law demands that we atone - When we take things we do not own,
But leaves the lords and ladies fine, Who takes things that are yours and mine.*

An English nursery rhyme - circa 1764

A. Research Reports and Updates

Friends promotes research in several ways. It can be funded directly by contracting investigations on our behalf, it can be done by our own members, and it can be done with funding from a successful Resource Consent applicant as a consent condition that has been negotiated during the process by us. Friends always put scientific results in the public domain, so they are available to all interested. Directly funded research is put on our website.

Our committee member and ornithologist Rob Schuckard has been a member of the King Shag Working Group since 2017. This multidisciplinary amalgamation of parties also includes government departments, council and industry which fund and support a number of studies on King Shags. These studies are on-going and the data has been invaluable to get a better understanding of the ecology of King Shags. Friends wholeheartedly support investment in knowledge as opposed to endless battles in the courts. King Shag is endemic to the Marlborough Sounds and, unlike the five other shag species there, is not found outside the Sounds. At an earlier stage, Friends funded an otolith DNA study which

reveals through ear bones of fish which species the shag feeds on. This study continues and is now funded by the Department of Conservation (DOC). A three-year project funded by industry and DOC involves banding chicks, GPS tracking devices on adult birds and camera studies to determine survival rates, breeding success, foraging area and habits.

Other research involves baseline studies of marine species before the establishment of marine farms in eastern Tasman Bay.

B. Marlborough District Council (MDC) area

Overview:

The environmental and planning challenges around the Marlborough Sounds have again been enormously demanding in time, resources and commitment. Marlborough is one of the centre pieces of the nation, where conflicting interests between the economy and the state of the environment are spearheaded. The Marlborough Sounds, with 20% of New Zealand's coastline, is one of the country's iconic landscapes¹ and the continuous challenge of containing ever higher demands for economic outputs has been a significant part of our workload for many years.

Friends acknowledge the importance of aquaculture to New Zealand's economy, generating over \$600 million in revenue in 2018, and employing 3000 people. We question whether the investment made to provide security for the present generation will be too extractive to be sustainable for future generations. We are committed to an outcome in which there is no further degradation in the Sounds and where restoration is possible in the near future.

Since the RMA was enacted in 1991, no Marine Reserve or Marine Protected Area has been added to the Sounds since Long Island Marine Reserve was established on 30 April 1993. Concerns about the dynamics between aquaculture and the natural world has been expressed by a number of organisations in the Sounds. A survey some years ago into the public's perception of marine farming in the Marlborough Sounds found that 39.4% thought marine farming would have an impact on qualities of the Sounds, 38.1% perceived it as possible and only 19.4% said that the impact of marine farming would not have an impact². Another survey which asked the Marlborough community about the risk aquaculture posed to natural sea life found that 41% agreed and 38% disagreed³, highlighting the uncertainty about the impact of activities like marine farming.

Public and industry investment in monitoring aquaculture is greatly under-resourced. The lack of information on the cumulative effects means that inappropriate allocations may be made for future marine farms. Such baseline information is essential to ensure that outcomes will be sustainable for both industry and the Sounds coastal environment.

¹ Board of Inquiry – New Zealand King Salmon (Final Report and Decision) [573]

² New Zealanders perceptions of the Marlborough Sounds in 2012. Results of a Nationwide Survey. Report to Marlborough District Council. Corydon Consultants Ltd. April 2102.

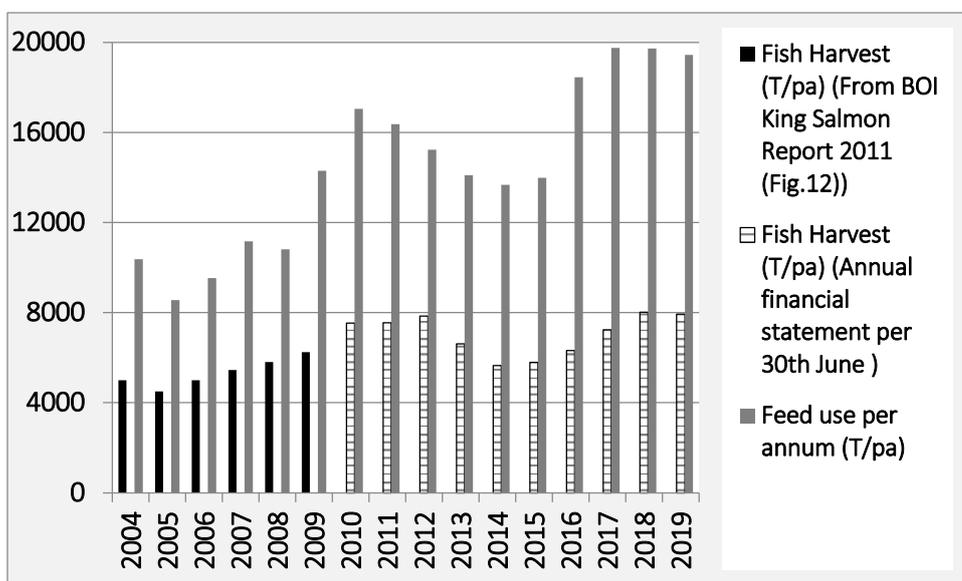
³ Public perceptions of New Zealand's aquaculture industry, 2014. Ministry for Primary Industries. Colmar Brunton 14 August 2014.

So far science backs our argument that biodiversity of the Marlborough Sounds is significantly declining⁴. We agree that there are multiple stressors but we need to identify and address what is causing the decline in biodiversity and resilience. One of these stressors is undoubtedly the impact of aquaculture. Without further investment in coastal science any guiding principles to grant consent for further expansion will be unreliable.

Contrary to what some industry representatives lead us to believe, the last few years have seen a continuing expansion of both salmon and mussel farming. The Board of Inquiry (BOI) and a Supreme Court decision allowed three of the nine salmon farms to be granted consent. This decision has effectively doubled the salmon feed use from 14,000 to a maximum of 28,000 tonnes/year through adaptive management. Between 2014-2018 Marine farming space grew from 2200ha to 2500ha, an increase of 13.5%.

Salmon Farming in the Marlborough Sounds has become more and more problematic with warmer waters, disease and more stringent environmental guidelines to curtail the environmental effects all taking a toll on maintaining existing production. The expansion of production that was anticipated through relocation of low flow farms to high flow sites has not been achieved. This will be causing uncertainty about the risk of further investment into the industry in the outer Marlborough Sounds.

Despite the expansion of three more consented farms during the Board of Inquiry, the production of salmon in the Marlborough Sounds has not increased above the levels predating the Board of Inquiry 2011. If the three farms, Waitata, Kopaua and Ngamahau, had not been granted the overall production would have shrunk significantly. In 2010, 2011 and 2012, 8000 tonnes were produced with about 16,000 tonnes of feed. The tonnage was matched in 2018 but needed 20,000 tonnes of feed. Hence the push to get away from the warmer regions of the Sounds.



Graph shows NZ King Salmon (KZKS) data of annual salmon production and feed use in the Marlborough Sounds from 2004 to 2019. BOI = Board of Enquiry. T/pa = Tonnes per annum

⁴ Marlborough District Council 2015. State of the Environment Report 2015. Our Land, our Water, Our Place – Page 150.

Friends applied, via the Official Information Act, for information on NZKS fish mortality data in the Sounds from the Ministry of Primary Industry (MPI). On their refusal to supply this due to “commercially sensitive” reasons, we made an application to the Ombudsman’s Office. Their latest advice (26 June) is that our request is with the Chief Ombudsman who will supply a “provisional response”.

The potential relocation of up to six existing salmon farms through regulations made under Section 360A of the Resource Management Act 1991 (RMA) was anticipated and a panel advised the minister of the best sites for relocation. However, the latest proposal was not adopted by the panel and will require the Minister of Fisheries to first agree to put a new section into the RMA 360A regulations to change the operative Marlborough Sounds Resource Management Plan.

This will require a new consultation, submission and hearing process with recommendations to the Minister of Fisheries after consultation with the Minister of Conservation as to whether to make the change. This process will take at least 12 months and uncertainty over any change can be expected. Thus New Zealand King Salmon has fast-tracked its interest in producing salmon nearer Cook Strait.

Mussel farming is also getting more problematic and has significant challenges in maintaining production levels for Spat catches which have decreased over last decade. The total annual production of Greenshell Musselstm is static at about 90,000 tonnes. However, in 2006 this tonnage was achieved from 2,600 ha, while in 2019 5,500ha was required for a similar production. The price paid for mussels between 2006 and 2019 increased from \$240m to \$350m⁵.

While the coastal environment is under the threat of degradation, we see ministers from both National (*...doubling the value of aquaculture exports to 1 billion by 2025*)⁶ and Labour (*...“streamline” the aquaculture industry toward becoming a \$3 billion industry by 2035*)⁷ getting prime time for further expansion proposals with the Marlborough Sounds a part.

New Zealand’s marine habitats, the communities of marine life within them, the processes that drive marine ecosystems, the full extent of threats to marine biodiversity from human activities and broader environmental changes have still not yet been identified and/or classified. As far back as 1998, the director-general of the Department of Conservation provided this bleak overview of the knowledge of our marine environment:

- Less than one percent of New Zealand’s marine area has been surveyed to assess the diversity of marine species and ecosystems.
- We don’t understand fully how increasing pressures of exploitation are affecting the marine environment generally, and how those pressures should be managed.
- Marine species and ecosystem knowledge base should increase rapidly and accurately, so that we do not end up with marine kakapo scenarios.
- A change in the national mind-set to a more caring attitude of the marine environment is required to increase the level of understanding and appreciation of the complexity of marine ecosystems.

Friends agrees with these observations and can see that little gain has been made since then. Where New Zealand Aquaculture is talking about a "blue revolution", we perceive our blue coastal forest to be on fire. The only difference with a terrestrial comparison is a lack of smoke.

⁵ Blenheim Aquaculture Conference 18th September 2019

⁶ Minister Nathan Guy (Nelson Aquaculture Conference 30th October 2014)

⁷ Minister Stuart Nash (Blenheim Aquaculture Conference 18th September 2019)

Specific Involvement of Friends with marine farming August 2019-2020:

1. Clay Point (U160675). NZ King Salmon (NZKS) applied to change existing consent conditions for single year class fish. This would result in higher feed application during a part of the 18-month cycle compared to that allowed in the consent conditions. We submitted to this application arguing that a further deterioration of benthic mitigating capabilities is pushing this application further into a state of being non-compliant.
2. Waitata Reach, Outer Pelorus/TeHoiere (U190357). NZKS proposed to expand the surface area of consented Waitata salmon farm from 1.5 to 2.25ha. The total footprint area was estimated to be at least 38 ha or 58% beyond the consented area during the initial feed application of 2,500 – 3,000 tonnes. A significant number of parties submitted and the commissioner declined the expansion requested. This decision was not appealed in the Environment Court.
3. Cape Lambert (U190438). The NZKS application for a 1792 ha off-shore salmon farm 6-12 km north of Cape Lambert proposed to use untested technology while requiring inshore coastal infrastructure to make it all work. This application is part of a number of open ocean projects along the east coast of the South Island. Underwater camera (ROV) work of the benthic environment and bird count transects have been conducted as part of Friends' own evidence gathering. There are extensive biogenic habitats that cover 45% of the area applied for. These habitats include horse mussel with brachiopod fields and bryozoan structures. Friends observe that these benthic habitats were protected in Tasman Bay in the 1970's by commercial fishermen to protect commercial fish stocks. We perceive this NZKS application within an area of such benthic qualities as inconceivable in times when the Sounds biodiversity is steeply declining.
4. Blow Hole Point, Pelorus Sound (U16114). A new 10 ha expansion of a mussel farm at the entrance of the Pelorus Sound is proposed. This farm is arguably the biggest expansion of a marine farm site for some time. The development is immediately opposite the biggest King Shag colony of Duffers Reef. It is a relatively high current area containing habitat-forming epibenthos like brachiopods. Such areas have in the past been assessed as problematic for marine farming due to benthic changing and the importance of these habitats for their ecosystem services.
5. Port Gore (U180586). The permit of this last remaining farm in Port Gore, owned by Wainui Green Ltd. & Two MF Ltd., expired on 13 January 2019. Where previous decisions in Port Gore have not been favourable to maintain the farms in this area, the notification for this last farm will be around early September 2020. Friends will submit on this one.
6. Tawhitinui Bay (U200493). Friends submitted to this application by Kuku Holdings Ltd for a 6.11ha new farm. We have a long-standing concern about the cumulative impact of this industry on the habitat of the Marlborough Sounds. The cumulative and diffuse effects of large numbers of small farms have not been investigated and are not known.
7. Friends have been actively participating with the new Resource Management Plan for Marlborough. Friends submitted in 31st August 2016 on the Marlborough Environment Plan (MEP) on a range of topics including Landscape, Natural Character and Indigenous Fauna. Friends also have strongly advocated against the release of the Plan without the aquaculture provisions. In the Proposed Marlborough Environment Plan released in February 2020, the chapter on Aquaculture

is missing. Within a plan, an integrated streamlined statute with a clear purpose and focus to bring together the suite of various legislative interventions and mechanisms has been the strength of the Act. To deviate from such approach has been a stain on the MDC performance to deal with the complexity of their iconic part of the world. Friends have appealed the MEP on two topics:

- a. Topic 5: Natural Character and Landscape
 - i. Both aspects as proposed in MEP fail to give effect to RMA s6(a) and s6(b) and NZCPS Policy 13 and 15.
- b. Topic 6: Indigenous Biodiversity.
 - i. The proposed MEP policy framework takes a narrow approach to protection of biodiversity in the coastal environment. Such protection is limited to vulnerable ecologically significant marine sites. While the incompleteness of identification of such sites is acknowledged, Friends is of the opinion that the policy should also take into account the incompleteness of the survey for significant sites. Recognition and providing for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance (RMA s6c).
 - ii. The Important Bird Area (IBA) for Marlborough Sounds (1,358 km²) is significant for the threatened NZ King Shag given its small and fragmented population and dependency on its breeding colonies found only in the Marlborough Sounds. Friends argue that anthropogenic effects within the IBA feeding habitat need to be quantified and be controlled with a resource consent application process. For a species like the King Shag to survive its feeding habitat must be sustained. Frequent, intense disturbance to the seabed disrupts ecological function and decreases resilience.

C. Tasman District Council (TDC) area

1. Tasman Resource Management Plan. Friends made submissions on Plan Change 71, which proposes no Coastal Occupation Charges be levied, and Plan Change 72, which identifies areas where moorings may be located. Structures for aquaculture and other coastal activities occupy the coastal marine area, the "commons" or public space, for private profit. Currently the "no levy" situation nationally is the norm except for Southland Regional Council which carried over the former Harbours Act levies.
2. Friends regularly attends TDC meetings including the Biodiversity Forum and the Native Habitats Tasman Oversight (NHTO).
3. Golden Bay Aquaculture Management Area Ring Road activities include spat catching, but the approved sites have only been used for spat holding in order to qualify as "essential", which does not meet the requirements of consent conditions.
4. Waimea Inlet. TDC has been given central government grants for Waimea Inlet enhancement involving the improvement of water quality in tributaries, the increasing of saltmarsh habitat and in weed control, in order to "help protect significant migratory bird species" (\$500,000). And as part of the Billion Trees project, given \$1.1 million for planting of 70,000 trees and fencing the edges of the Inlet.

D. Nelson City Council (NCC) area

1. Friends have been represented in the NCC compliance and monitoring committee relating to upgrade of storm water, sewage outfalls and pumping station consents. The meetings also cover part of the network connected to North Nelson sewage works, and the Nelson Regional Sewage Business Unit (NRSBU). A resource consent application was heard on storm water discharge to the Waimea Inlet, especially relating to overflow of sewage after rains. Friends submitted concerns about discharge to Tasman Bay and the sludge sprayed onto pines. Sewage overflows in the Maitai River should be fixed by replacement mains work in the Wood.
2. Friends submitted on Haven culvert repairs, with concern that local material be used and revegetation be with local coastal species. There are 38 coastal culverts between Miyazu and Todds Valley and nesting birds may utilise them between March and May so need to be watched for during these months.
3. Friends is represented on the NCC Biodiversity Forum and attends the recently introduced Marine Section. Until now the Nelson Nature program has mainly worked on land projects, and the coastal marine area is the only section rated by the Forum as having little or no attention or improvement. Hopefully this will change, especially since our estuaries and Tasman Bay have declined environmentally in recent years.
4. A proposal for a 216-berth marina for the Haven has been designed, but no further information is available. Hopefully the idea has been died. Watch this space.
5. Plant & Food Research (PFR) Marine Engineering section has a proposal, with over \$18 million MPI funding, to trial new technologies for submerged, semi-submerged and surface fish cages to be anchored near the Horoirangi Marine Reserve, in Tasman Bay off the northern Boulder Bank and in Delaware Bay. The proposal has been divided into two stages, first building the cages, followed by feeding trials. This project is to test "open ocean" cages to benefit from the "underdeveloped" Exclusive Economic Zone (EEZ). Initial 100 cu metre cages will be followed by 1000 cu metre cages. Fish to be trialed include salmon and snapper. Applicant PFR believes the seabed in the area is lifeless due to bottom trawling, but to date very little scientifically-based information has been made available. It is hard to believe that \$18m of engineering trials will have no effect on the marine reserve and perhaps Tasman Bay. Resource consent applications will be lodged in mid-August. We consider that these sites are inappropriate, and while not opposed to the trials per se, have advised PFR that use of the existing Aquaculture Management Area (AMA) sites in western Tasman Bay is more appropriate. If they choose to proceed with the Nelson sites, we have advised Council that these must be publicly notified due to the public interest in these areas.

E. General, National and Miscellaneous Items

1. National Environmental Standards-Marine Aquaculture (NES-MA), involves Ministries of Primary Industry (MPI), Environment (MfE) and Fisheries (MinFish). Friends with Kenepuru & Central Sounds Residents Assn (KCSRA), sent a submission in August 2017. Our concerns include (a) marine farms pre-date the NZ Coastal Policy Statement (NZCPS 2010), (b) cumulative environmental effects have never been studied or assessed and (c) non-notified re-consenting makes no allowance for climate change. This has still not been finalised.

2. Friends submitted on the National Policy Statement for Indigenous Biodiversity (NPSIB) to the Ministry for the Environment (MfE). We submitted also on the National Biodiversity Strategy document "Te Koiora o te Koiora - Our vision for nature".
3. Friends submitted on the National Plan of Action on Seabirds.
4. Friends provided primary and secondary school awards for coastal research at the Cawthron Scitec annual event.
5. Friends attended the Open Ocean Symposium at Cawthron where the social and economic effects of aquaculture were emphasised over environmental effects. It is relevant, in this regard, that the present Commissioner for the Environment Simon Upton has stated that "The economy is a subset of the environment", i.e. dependent on it. We learned that "meta-analysis reveals enhanced growth of marine harmful algae from temperate regions with warming and elevated CO₂ levels."
6. Port Nelson Ltd is owned by NCC and TDC and formerly had an environment advisory committee which Friends attended. A question has been raised about whether dredging maintenance for larger ships is necessary. This dredging results in increased dumping in the TDC area of Tasman Bay, with the consent expiring in 2039. There is concern that the spreading zone will be affected by the contaminants copper, lead, zinc, polycyclic aromatic hydrocarbons (PAH) and others.

F. Acknowledgements

1. The voluntary work of our committee members is essential and makes all the above possible. Friends only exists due to the dedication of these people - as is true of many voluntary groups.
2. Member support is always essential and the support is very much appreciated. Since we are occasionally asked in Court what our membership is, your continued membership adds to our mana and believability. (N.B. we need more members.)
3. We are also dependent on the pro-bono and reduced fee work by experts and legal counsel and this is very much appreciated and essential.
4. The support from the New Zealand T-Gear Charitable Trust is very much appreciated.
5. Thanks to the Ministry for the Environment Legal Assistance Funds.
6. We work collaboratively with many groups and individuals and this is also very much appreciated. These include Nelson/Tasman Forest & Bird, Guardians of the Sounds, Kenepuru & Central Sounds Residents Association, Friends of Golden Bay and the Environmental Defence Society.

Respectfully submitted,



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