

# Friends of Nelson Haven & Tasman Bay Inc

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**Annual General Meeting will be on Wednesday August 31 2022 at 5:30 pm at 29 Bronte Street. Please wear a mask as this is at a private residence.**

## **Annual Report July 2021 to June 2022**

*Our Society (Friends) founded in 1973, is a long-standing, voluntary organisation located in Nelson and active in the coastal marine area of the top of the South Island. Our aim is to care for and protect this environment for future generations through sustainable management. We are founded on the principle that citizens need to take an active role in assessing proposals to exploit the environment for commercial and personal gain. Without such concern the health and integrity of the commons is at risk. Friends are involved in relevant research projects, work with like-minded groups, make submissions and other inputs to local bodies and government and have, with considerable success, given evidence at the Environment Court, High Court and the Court of Appeal level to test the environmental sustainability of selected applications.*

**If you like what we do**, please:

1. Renew your membership;
2. Ask other people to become members (we are asked in court how many members we have so numbers sometimes count);
3. Consider offering to help, or perhaps, joining the committee. We need someone to put us on social media such as Facebook, help with a membership drive, and we need people with knowledge of the Top of the South coastal and marine environment. If you have a particular coastal concern and wish to make a submission with Friends' support, let us know.

### **A. Research Update**

**Much of Friends' research work concerns King Shag studies.** This species is endemic to the Marlborough Sounds with only about 800 living individuals. Under the criteria for threatened species of the International Union for Conservation of Nature (IUCN), King Shag is determined to be "VULNERABLE", meaning the "species is facing a high risk of extinction in the wild in the medium-term future". The specific criterion for King Shag is that they have an area of occupancy estimated to be less than 2000 km<sup>2</sup>.

It is crucial to have study results and baseline data to gauge the impact of resource use in the Marlborough Sounds and provide information relevant to the requirements of the Resource Management Act (RMA).

1. A new project for Friends involves King Shag chick banding and resighting on Tawhitinui, Duffers Reef, Trios along with The Haystack and Port Gore if possible. It would build on work already done at these colonies and is aimed at answering the questions on juvenile survival to breeding, age of first breeding, annual adult survival and inter-colony movements. These data are essential in working out a sound population model and help to evaluate population parameters. The banding will start this spring and will run for three years (2022-2025). This project is being funded jointly by Friends and the Marine Farming Association.
2. While the actual colonies of King Shag have been given some protection, Friends consider that also the birds' feeding habitat has to be defined in the form of 'Important Bird Areas' and managed appropriately. We have commissioned an assessment of the effects of dredging and trawling on King Shag feeding grounds, and are using this in our appeal of the Marlborough Environment Plan (see MDC 1 below).
3. Friends is planning a project which will compare the diet of King Shag over the last 80-90 years, on the basis of analysis of stable isotopes in feathers.
4. Another research project which Friends has helped to fund is a benthic survey using an underwater camera (ROV) and along with a seabird count for an application site off Cape Lambert in the Marlborough Sounds (see MDC 2 below).

## **B. General Issues**

1. Friends have made submissions on the: (a) Threat Management Plan for Maui and Hector's Dolphins, and (b) Conservation Management and Processes discussion document of Department of Conservation (DOC).
2. Scitec school science expo: Friends gave prizes for marine & coastal conservation projects for both primary and secondary school projects.
3. Tasman Bay Marine Matters is an online summary of resources about coastal conservation compiled from many sources by Tasman Bay Guardians. It can be accessed on the website [tasmanbayguardians.org.nz/resources](https://tasmanbayguardians.org.nz/resources). Friends is mentioned along with other coastal groups.
4. Port Nelson Ltd, a joint business of NCC and TDC, has restarted its Port Nelson Environmental Consultative Committee and the new environment manager is Marta Karlik-Neale. Friends has been contacted and will get involved.

## **C. Tasman District Council (TDC) area**

1. Mohua/Golden Bay – An Environment Court decision is that the area, as an entity, is an Outstanding Natural Landscape (ONL). The Court indicated that such landscapes may contain relatively unmodified and legible landforms, be marked by the presence of (usually native) vegetation and convey the feeling of being uncluttered by structures and/or obvious human influence.
2. TDC's Native Habitats Tasman Oversight Group (NHTOC), which is attended by a Friends' representative, secured \$2million for weed control of Significant Natural Areas (SNAs). Michael North and Mike Harding reported on their ecological surveys of the upper South Island. Particularly

at risk are frost flats, a feature of the area around St Arnaud, which are often not recognized by farmers.

3. TDC has decided to delay the assessing of potential Significant Natural Areas (SNA) as they await the new National Policy Statement for Indigenous Biosecurity (NPS-IB). Friends has been working for decades (since 1996) trying to make TDC do such assessments and another delay is not surprising. (See our history and previous annual reports on Friends' website).
4. Friends submitted on TDC Ten Year Plan 2021-2031 and received feedback.
5. Tasman Biostrategy Consultations Document is being redrafted for a Governance Group.
6. Friends provided feedback on the Motueka Town Catchment Management Plan and TDC Coastal Management Options. We support measures which let the tides encroach on the land naturally with no artificial impediments. We asked that land higher than the current town should be earmarked for future housing as 60% of the population live near sea level and are likely to be inundated in the future. Areas for managed retreat should be clearly identified by the Council and affected communities consulted with.
7. We attended the webinar and discussion on the Nelson/Tasman Future Development Strategy - Sea level rise and Coastal hazards (FDS). The Project has \$7.1 million, 5-year (2018-2023) research funds from Ministry for Business, Innovation & Employment (MBIE). It is hoped these funds aid restorative work and are not used mainly for more research on what to do.
8. Waimea Delta Project is on land bought by TDC adjoining Pearl Creek for restoration to coastal habitat. Friends attended a field trip on this project. George Daly is contracted to lead this project for a further three years and he is sensitive to the dynamic nature of the area.
9. We have been involved in work towards creating the Tasman Environment Plan.

#### **D. Nelson City Council (NCC) area**

1. The NZ Institute for Plant & Food Research Ltd (PFR), a government owned Crown Research Institute, applied to NCC for consent to install three 3-tonne mooring blocks in the NCC coastal zone (RM 215275-6-7). This was granted with no public consultation, the impact being deemed "no more than minor". Attached to the moorings will be cages up to 2000 m<sup>3</sup> each, with a nondisclosure clause about the design. The study concerns "open ocean aquaculture", that is non-coastal sea farming of snapper. Specifics of the work, which is in the commons of the coastal zone, is allowed to be deemed commercially sensitive and so not be made public. Friends had a Zoom consultation with PFR researchers in April 2022, and the second stage of feeding farmed snapper is planned. PFR know of our concern that no feeding take place near Horoirangi Marine Reserve (between Glenduan and Cable Bay), and we believe this concern is recognised. The current plan, to our knowledge, is to feed snapper in summer and salmon in winter in Tasman Bay during trials. Friends has suggested that any feeding be in the already designated Tasman Bay Aquaculture Management Area (AMA), which is in deeper water.  
This research raises questions. Native trevally is also being bred for the purpose of farming<sup>1</sup>. To our

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<sup>1</sup> PFR "sponsored content" article "New insights to breed native fish", Nelson Mail June 30, 2021, page 13.

knowledge, the research on these two fish is intended to lead to the first instance of native, wild, sentient vertebrates being farmed. When native fish that have been bred specifically for fish-farming conditions escape out of their cages, they can interbreed with wild stocks and so influence the wild genetic make-up. Also, diseases that have been able to establish under farm conditions can be passed to the wild fish of the same species. These factors have had to be taken into consideration in the northern hemisphere where native salmon are farmed.

2. NCC Biodiversity Forums were attended in person or on Zoom by Friends. The restoration work of NCC's Nelson Nature's report card showed effective work on all but one of the Council ecosystems. That one was the coastal/marine area, so a marine sub group has been set up and attended by representatives of about twenty groups. No restoration work has occurred, to our knowledge.
8. NCC Coastal Snap programme has been established to record changes in coastal areas with Citizen Science photos. There are photo cradles at Tahunanui Beach, Kinzett Tce, Boulder Bank, Cable Bay and Monaco.  
NCC's other Citizen Science coastal research programme involved burial of 960 tea bags in the Haven and Waimea Inlet in December 2021 as part of a global study on carbon sequestration. These projects will, hopefully, lead to estuarine restoration with NCC's marine biologist, Vikki Ambrose, coordinating. Email address [vikkiambrose@ncc.govt.nz](mailto:vikkiambrose@ncc.govt.nz).
3. Friends has submitted on the draft Resource Management Plan (RMP) on coastal and marine issues, and asked to meet for further discussion. Our primary concern with the draft Plan is that it does not appropriately protect the important ecological, natural character and landscape effects of the City's estuaries and Tasman Bay.
4. Nelson Marina Master Plan is now in draft form with an on-site office. Friends met with the Manager Nigel Skegg and consultant Phil Wardale in June 2022.
5. NCC Waste water overflows (RM 1053388 & A): Compliance and Monitoring Liaison Group met and Friends attended a meeting in August 2021. Friends believe overflows are unacceptable and are a sign that the system needs major change. Reduced pollution practices need to be considered.
6. Maitahi/Bayview housing development plan had a NCC independent assessment, the Sweetman report that noted the sediment from development would flow, via streams, into Nelson Haven (Pararoa). This is of concern, since the Haven and Tasman Bay productivity and general health is already severely compromised with suspended and benthic sediment.
7. Three Waters scheme has funded the pump station for Tahunanui. Friends also keeps an interest in the Wastney Tce storm water upgrade.

## **E. Marlborough District Council (MDC) area**

1. Marlborough Environment Plan - Natural Character, Landscape and Biodiversity.  
MDC released the Proposed Marlborough Environment Plan (PMEP), minus the Aquaculture chapter, in February 2020. We appealed the Plan decision to the Environment Court on the topics of Natural Character and Landscape (NC&L), and of Indigenous Biodiversity (ENV-2020-CHC-21). We engaged legal counsel plus experts on landscape, planning, bird life and benthic health. Considerable time was spent in mediation to solve issues and considerations on NC&L, but disappointingly our suggestions were rejected and these aspects of our appeal have been

withdrawn. Recently, however, the Outstanding Natural Landscapes of Cook Strait have been under discussion and Natural Character work done by Friends and associated groups on the NZ King Salmon application off Cape Lambert (MDC 2 below) deemed relevant. The health of the 129 "Ecologically Significant Marine Sites" recognised in Marlborough is an ongoing concern as a result of cumulative anthropogenic activities and climate change. Many of these are designated as "biogenic", meaning essential to marine life. These significant spots are described as remnants of past more widespread biogenic areas.

Friends' main topic, as regards Indigenous Biodiversity, concerns the feeding habitat of King Shag, especially in relation to dredging and trawling within these areas. Their feeding habitat is defined as up to 50m deep and 25 km from the main colonies. The proposed ecological assessment criteria of the Plan do not provide sufficient rules and policies for managing the King Shag feeding habitat as required by the RMA and in particular the NZ Coastal Policy Statement (NZCPS) 2010. We will argue that dredging and trawling in the feeding habitat of a threatened species needs to be a discretionary activity (requires a Resource Consent). This challenge to fishing activities is logical if biodiversity in our marine environment is going to be maintained or restored.

The Court of Appeal has already considered whether regional councils could manage fishing to maintain biodiversity under the RMA without seeking to manage fisheries resources. An inference from this directive is that regional coastal plans and fisheries management should complement each other and therefore need to be well-integrated to better manage our coastal marine diversity.

#### 1a. Proposed Marlborough Environment Plan – Aquaculture

Another concern of Friends is the separation of Aquaculture from the rest of the MEP. Presumably, this separation is based on the mistaken belief that land and sea are separate unrelated entities, or more likely, it is convenient to the planning process, but not the health of the Sounds.

In December 2020, MDC released the aquaculture chapter of the proposed plan, subdivided into shellfish aquaculture (Variation 1) and finfish farming (Variation 1A). Friends submitted on both topics on the grounds of planning issues, and sought that no further increase in production above the existing level be allocated. Our reasons included a lack of understanding of cumulative effects, decline in production levels of existing farms, and unresolved noncompliance issues with current salmon farms. The MDC hearing was in November 2021 and we await the decision.

#### 2. Salmon Farming Cape Lambert

NZ King Salmon (NZKS) applied for a resource consent to establish a new salmon farm within a 1,000 ha site located 5 km due north of Cape Lambert in Cook Strait. Untested technology, called Open Ocean Aquaculture (see NCC 1 above), will require inshore coastal infrastructure and is intended to be expanded down the east coast of the South Island. The application was not appraised by a Board of Inquiry and instead a hearing with three commissioners was held at Council level. The meetings and hearing of this application by MDC have been going on for over a year, the application was received in 2019. In the early stages NZKS withdrew and changed evidence, and also introduced new evidence making work for other parties. Friends is working as part of a coalition of groups, Kenepuru Central Sounds Residents Assn, Guardians of the Sounds and the Marlborough Environment Centre. The coalition initiated a study of the benthic environment using an underwater camera (ROV) and contracted the company e3 Scientific to interpret the ROV data. The main finding is that the wider area and parts of the footprint of the application have been identified as the largest intact biogenic habitat of the Marlborough Sounds. Marine biogenic habitats are created by living organisms and provide essential ecosystem functions and services, such as physical structuring, nutrient cycling, biodiversity support, and increases in primary, secondary, and tertiary production. This habitat includes horse mussel, brachiopod fields and bryozoan reefs. Similar benthic habitats in Tasman Bay were damaged by dredging, and

subsequently, dredging and trawling were banned in 1981 to protect juvenile fish. Those reefs have not regenerated, so remaining biogenic areas are that much more precious. We contend that this NZKS application, within an area of such benthic qualities, is inconceivable in times when the Sounds' biodiversity is steeply declining. The finding has flow-on effects for the work on the Marlborough Plan (MDC 1 above). In addition, seabird count transects were conducted along with expert detailed evidence about the possible effects of this application on seabirds. These research studies formed a basis of the coalition's evidence for the hearing on the application that took place in October 2021, and we await a decision.

Other groups are raising concerns about the welfare of farmed fish. *SAFE For Animals* states on their website "...beneath the pristine waters of the Marlborough Sounds and Stewart Island, millions of salmon are living secret lives of misery and suffering in underwater factory farms. ... [NZKS] regularly reports mortality rates of over 20 % ... Currently, there is no legal maximum 'stocking density'". *SAFE* are advocating a Code of Welfare for Farmed Fish. See their website [safe.org.nz/our-work/animals-in-aotearoa/factory-farms-of-the-sea/](https://safe.org.nz/our-work/animals-in-aotearoa/factory-farms-of-the-sea/) for more information, and also that of *Animal Aotearoa* [animalsaotearoa.org/2022/05/30/the-life-of-farmed-salmon-in-new-zealand/](https://animalsaotearoa.org/2022/05/30/the-life-of-farmed-salmon-in-new-zealand/).

Friends concentrates on environmental impacts, but it is difficult not to be concerned about animal welfare also. We now know that 1269 tonnes of dead salmon were dumped at landfill in Marlborough with evidence of severe stress, depression and spinal damage. The blame has been laid on climate change and warming seas, but it is known that released salmon do not go up rivers north of the Clarence River, 130 km south of the Sounds, indicating the Sounds were marginal from the beginning.

3. Mussel Farming Port Gore.

There has been an application (U180586) to renew a marine farm in a prohibited area in Port Gore. A hearing is scheduled for November 2022. We are wondering why, after so many Environment Court decisions in our favour in this area of the Sounds, another attempt is being made.

4. Mussel Farming Blowhole Point.

Marlborough Aquaculture Ltd has applied (U161142) to expand a 10.38 ha mussel farm near Blowhole Point, outer Pelorus Sound.

5. Mussel Farming Tawhitinui Bay.

Kuku Holding Ltd applied (U200493) to expand a 6 ha mussel farm near a King Shag colony. Both MDC and DOC were strong in their rejection of the application and an Independent Commissioner Sharon McGarry refused the application. Friends contributed and we were pleased with the outcome. The applicant has appealed to the Environment Court (ENV-2021-CHC-104), and we are a party in the case.

6. Salmon Farming Clay Point.

NZ King Salmon (NZKS) applied (U160675) to change the consent condition of their salmon farm to a single year class which we argued would result in higher feed application with further deterioration of the benthic and likely to result in non-compliance with consent conditions. The application has since been withdrawn.

7. Salmon Farming Waitata Reach and Ngamahau Bay.

NZKS applied (U140294 & 296) to expand their Waitata farm and for a change of consent conditions for both farms to mitigate non-compliance. MDC declined the application and NZKS

appealed to the Environment Court (ENV-2021-CHC-74 & 105). We have joined the proceedings. At present the case seems to be in abeyance.

8. Mussel Farming Eastern Tasman Bay

Wakatu Inc requested an Aquaculture Management Area (AMA), with restricted controlled activity for a site south of D'Urville Island (Rangitoto ki te Tonga) in Tasman Bay. Their resource consent requires that seabird and marine mammal studies be done, and that an adequate assessment of the impact of mussels on zooplankton be made before aquaculture can begin. These requirements have not been met, and an AMA is inappropriate for this area. Tasman Bay already has an AMA in deeper waters.

## **E. Acknowledgements**

1. The voluntary work of committee members is essential and makes the above possible. Friends exists due to the dedication of these people - as is true of many volunteer groups.
2. Special recognition needs to go to committee member Rob Schuckard, who is stepping down from the committee after many years of invaluable service. Fortunately, he will assist in bringing ongoing projects in the Marlborough Sounds to a finish and also continue to participate in the King Shag working group.
3. Member support is also essential and very much appreciated. Since the Court sometimes asks us for our membership numbers, your continued support adds to our mana and believability, so many thanks to all of you who read this. We also very much appreciate your donations.
4. The pro-bono and reduced fee work by various experts and legal counsel is essential and is very much appreciated.
5. We work collaboratively with many groups and individuals and this is essential and very much appreciated. These include Guardians of the Sounds, Kenepuru & Central Sounds Residents Association and Marlborough Environment Centre.
6. Much appreciated financial help from the New Zealand T-Gear Charitable Trust.
7. Thanks to the Ministry for the Environment Legal Assistance Fund.

Respectfully submitted,



Dr. Gwen Struik, chair. With essential help from committee members.