

Friends of Nelson Haven & Tasman Bay Inc. P.O.Box 365, Nelson 7040

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ANNUAL REPORT July 2009-June 2010

Our AGM will be held on Tuesday 17 August 2010 at 7.30 pm at Hearing Rooms, 354 Trafalgar Square, cnr Church Lane.

The AGM will receive the Annual Report, the Annual Accounts, discuss matters arising and elect officers and committee members. New committee members or helpers are always welcome.

The meeting will be followed by an opportunity to meet and hear Dr.Glen Lauder at 8pm. Glen was head hunted by Nelson and Tasman Councils to co-ordinate and facilitate the Waimea Inlet Report which has engaged many interested groups and individuals plus three Nelson and three Tasman Councillors. An initial report released in mid June is now open for consultation with the final scheduled for an August 12th release.

A Summary of highlights and major efforts of Friends of Nelson Haven this year include:

1. We appealed the Marlborough District Council decision to permit **oil exploration in Tasman Bay**.(see MDC 1 below)
2. We continue to pursue Tasman District Council putting **Landscape Priority Areas** (LPAs) into their Plan (see TDC 1&2 below),
3. We acted on concerns over continued destruction of the margins of the Waimea Inlet for roading (see TDC 6 below), and
4. We submitted on methyl bromide use at the Port, draft Annual Plans of Nelson and Tasman and others issues (see NCC 3&4 below).

Nelson City Council (NCC)

1. Friends continues to be represented at the Port Nelson Ltd Environmental Consultation Committee meetings with subjects discussed such as a new wharf extension, methyl bromide vs phosphine use in timber treatment, small boat safety, Cawthron monitoring of new dredgings, marine biosecurity and response procedure of the regional Oil Response Team. A new port environment officer, Thomas Marchant, has been appointed. Issues which need discussion include the fact that over a tonne of carbon containing methyl bromide is stored at the port and more recently the decision to permit shipments of nuclear material through the port enroute between Australia and the U.S.A.
2. NCC has reviewed its Community Assistance granting process in part because Friends found the Nelson Rowing Club received \$10,000 to investigate a Multi-sport venue for the Waimea Inlet, but gave no accounting for the money in their annual audited accounts, nor produced any substantial report. It is unfortunate that one recipient's irresponsible behaviour put the whole granting process in question, but the review has established new criteria and accounting methods which is a plus.
3. Friends put in a submission on methyl bromide use at Port Nelson to ERMA (Environmental Risk Management Authority) which will make national policy on the use of this poisonous gas. We supported the excellent submission by NCC's Dr. David Jackson. Nelson has the most stringent controls in NZ and there is the concern that if ERMA goes for a lax regime nationally that Nelson's Port will have to comply with a lower standard. One concern which surfaced at the hearing is that the recovery method

used at Port Nelson leaves methyl bromide in the carbon filter and over a tonne of contaminated carbon filters is stored at the port awaiting a decision as to whether to use high temperature incineration or ship it to Auckland's "secure" landfill. TDC's Eves Valley landfill has refused to continue to take the filters. It seems that technological "solutions" can lead to new problems – and who pays? and what has happened to the proposals to have a secure and safe lifetime regime? Is this another example of privatising profits and socialising environmental costs?

4. Friends put in a submission to the draft Annual Plan suggesting special Heritage recognition be given to Nelson Haven since it is the reason Nelson was settled first by Polynesians and later by Europeans. Recognition is important since 40% has already been infilled, that is, completely destroyed. Also, the Boulder Bank, which is in DoC jurisdiction, needs to be awarded special status, because of its uniqueness. We applauded the joint effort with TDC on work towards a Waimea estuary management plan and encouraged the Council to support the Provincial Museum's research facility. Allowing past records to deteriorate – or not be collected in the first place – is forever. Friends archival records are stored at the Museum and have already been used for several research projects by other groups and individuals, including the new Boulder Bank book "Rolling Stones".

Tasman District Council (TDC)

1. The saga of getting TDC to put Landscape Priority Areas (LPAs) into their Management Plan, as required by law, is now in its 13th year and the stalling continues. Friends, plus an advisor and Friends of Golden Bay, met with TDC planners Dennis Bush-King and Steve Markham on 3 February 2010 to discuss the TDC's lack of compliance despite having signed a Letter of Agreement in which the first stage was to be completed by December 2009. This Agreement was signed when Friends withdrew its Environment Court appeal, so the inaction makes a mockery of the whole legal procedure. We are seeking legal advice and awaiting the outcome of current Environment Court action being taken by the Environment Defence Society against Kaipara District Council. Dennis Bush-King states that TDC is working on complying, but offers no reliable time line. See previous Annual Reports of Friends for the history. We made a strong statement on this issue in our submission to the draft Annual Plan in May 2010.
2. The Multi-sport proposal for Waimea Inlet is on hold at present although it appears in the TDC Annual Plan. We understand that two TDC staff have been overseas looking at rowing venues, so we live in hope that this was not rate payer funded. Judging by other submissions to TDC and NCC draft Plans the ratepaying public is very concerned their money is not spent on grandiose new projects. Our submission opposes this development on ecologic and other grounds.
3. Our submission to the Annual Plan stated that there is no surety in the Plan for TDC to identify outstanding natural features and landscapes (ONFLs) nor protect these from inappropriate subdivision, use and development. The timeline of the Letter of Agreement signed in June 2008 when Friends withdrew their appeal has been ignored. A meeting with TDC's planners promised a reasonable outcome, but their subsequent letter did not. Our suggested new timeline is identification of ONFLs for Golden Bay and the NW Coast (Separation to Kahurangi Points) using the 2005 Boffa Miskell report and the Kidson report contributed by Friends with notification of a Variation by December 2010. And as above for areas Marahau to Motueka to Kina with notification of a Variation by 30 June 2011.

We supported the work in progress on the Waimea estuary in conjunction with NCC,

DoC, iwi and stakeholders and feel it needs firm timeframes. The proposal for a multimillion dollar rowing/sport venue on Rabbit Island must get no more funding and be regarded with utmost caution.

4. The Motueka sand spit is an important roosting, breeding and feeding area for shore birds including some which migrate thousands of kilometres, so it is essential the area be dog-free during crucial months. Friends has been cooperating with Forest & Bird, DoC and the Ornithological Society on this issue, though some dog owners are very resistant. In contrast, the organisers of the Festival of Lights last year held the fireworks display at the Motueka airport, and this year had a laser light show. We trust that future displays will continue to not disturb the birds with firecrackers and lights on the spit.
5. There is speculation over the lack of scallops in Tasman Bay, as contrasted with Golden Bay. Cawthron research suggests it may be due to accelerated erosion from river bourn sediment. Other theories are that there is poisoning from Mapua, port dredgings or pesticide run-off from farms.
6. Friends attended the two hearings on the Mariri causeway roadworks by the NZ Transport Agency (NZTA). Our concerns included erosion and sediment control, inhibition of fish migration through culverts, stability of edges, predator control and storm vulnerability; the second application focused on restoration and enhancement. TDC staff also raised concerns about revegetation and restoration.
7. A Mapua coastal subdivision was objected to by Friends. The TDC staff report recommended declining consent, but at the hearing that recommendation was reversed. Houses of the sub-division are to be relocatable, among other conditions. The so-called rock protection/walls on the Ruby Bay/Mapua beach coastline continue to cause great concern about landscape impacts.
8. Friends is very heartened by the “Healing the Land” work in Mapua restoring a Mapua wetland with local support including the school. Friends supported TDC acquiring 10 ha of peat land adjacent to Dominion Road, surplus to NZTA needs, to be restored by the local community. TDC unanimously agreed to make an application under Section 51 of the Public Works Act to acquire the land for public services. Compensation may be required.
9. The Camden subdivision on Bests Island was opposed by Friends on the grounds of “privatisation” of existing esplanade reserve; construction on an inappropriate lagoon and walkway and effects of sea level rise. TDC approved the application and some conditions were appealed by the developer.
10. Tukurua in Golden Bay had a non-notified consent granted for buildings in the coastal zone 15m from mhws. Friends questioned whether environmental effects were minor enough to be non-notifiable.

Marlborough District Council (MDC)

1. **Oil Exploration in Tasman Bay.** In November 2009 MDC granted a resource consent for Australian Worldwide Exploration Ltd (AWE) to drill for oil in Tasman Bay 10 nautical miles SW of D’Urville Island within the Coastal Marine Zone at 50 m depth. Commissioner Ron Crosby’s report stated the decision was “on a narrow balance” between the “relatively low probability” of a blow-out and the “very high impact risk”. The most accident prone time in oil extraction is during exploration since the drill goes into the unknown. If a blow-out or leak occurs the oil could be carried by currents and winds and effect areas in Tasman Bay and go through French Pass to Admiralty Bay. Friends felt the risk was too high, but was the main appeal to advocate decline of the consent with a ban on any oil exploration in such a high risk area. Imagine the effect of

oil spill on Abel Tasman Park, Farewell Spit, Tahuna Beach, shellfish and fish growth of the bay and at Cawthron's Glenhaven as well as the vulnerable 650 endemic King Shag, cetaceans and other coastal life in the Sounds. Some things must be considered priceless. This is the first application for oil drilling within the 12 mile zone and could be used for protocol in future applications.

An inadequate Assessment of Environmental Effects (AEE) was provided by the applicant, although that is a legal requirement. Since very little ecological work has been done in the area, except for benthos samples, the applicant could claim there was no known environmental concern. There is however a 1972 study that records the importance of the area to pilchard life cycle. The plankton feeding pilchard is a crucial link between plankton and the fish, mammal and birdlife which feed directly or indirectly on pilchards. In recent months Friends, represented by Rob Schuckard, Steffan Browning and counsel Sue Grey have been in direct mediation with AWE. In mediation, Friends and AWE intend engaging NIWA researchers in outlining a research plan for the drilling area, which will be funded by AWE. This is in response to the inadequate AEE and may be used by AWE if it makes future consent applications for drilling. This NIWA-Friends-AWE contract is being negotiated at present. Mid July is the present scheduled time for drilling to begin.

Friends also hired Simon Mustoe of Applied Ecology Solutions, Melbourne, Australia who has extensive experience with oil applications in NZ and Oz and has worked for both oil companies and conservation groups. Mediation has resulted in a jointly agreed set of Standards and Code of Practice for oil exploration to be offered to MDC and other Councils as a guide for this and future applications. These Standards will be much improved on the ones set in place by MDC and include an outline for AEE analysis. AWE has agreed to adhere to the Standards and to fund a proper AEE when they commence drilling. Although this will not affect the present consent, it will be relevant to any future resource consent applications for oil exploration and extraction in Tasman Bay. Friends have already secured a Court approved requirement that drill "spudding" can only be done when weather conditions are calm. This capping is the most accident prone part of the exploration process. The Standards will be of assistance to any future local body decisions and potentially of relevance to the new Environmental Protection Agency (EPA) which the Ministry for the Environment (MfE) is establishing to oversee coastal and deep water oil exploration nationwide. These Standards are valuable information and will be available at no cost to Councils and the EPA.

Speaking of the MfE, we applied to their Legal Assistance Funds at the time we decided to appeal the MDC decision in November 2009. We were informed that all funds were assigned until June 2010. So that's how you can have a legal fund source with no funds. Friends would prefer no drilling in such a high risk area and, since the Gulf of Mexico April oil spill disaster, there is likely more support for our position now than six months ago.

2. Wakatu Inc. has an application approved for a 770 ha mussel farm in east Tasman Bay (3 nautical miles west of the southern tip of D'Urville Island), which Friends has appealed. We have agreed for Wakatu to proceed with two 200 metre lines while a one year environmental study precedes our appeal hearing against the 770 ha farm. Logically, a final appeal decision should be influenced by the information from the one year of data collection. There have been Environment Court pre-hearings, but the research trial has yet to begin. MFish produced an Initial Position Paper in January 2010 and has approved the application. MFish was concerned, in part, with alienation of area for fin fishing.

3. Red Sky Trust (K & L Oldham) application for a double-parked marine farm in Forsyth Bay has involved many changes and much negotiating. The testing regime is now agreed and the negotiated grant has been received for research into King Shag, which may be effected by marine farming. This endemic bird has about 650 individuals and is only found in the Sounds, so a study could be very important.
4. Port Gore marine farm applications have been appealed since 2006 because the area has much natural character. Friends is supportive of landowners' appeals for most of the area to be free of marine farms. One recent renewal application succeeded on the basis of landscape and natural character, but another lost at Council level. Friends continues to support the landowner in his appeal.
5. Salmon farming, with its attendant sea floor degradation, will be expanding. King Salmon has applied for Plan changes to allow for more space within the Marlborough Sounds. They have been granted new provisions for space allocation, but apart from converting existing mussel farms to salmon, there will not be new areas permitted until government direction and MDC's planning work is clearer.
6. Pacifica (Skeggs) was granted consent to include fin fish farming in existing mussel space. Friends submitted on the application, but on balance decided against appealing the decision. Pacifica's Crail Bay salmon farm will involve the use of "arctic circles" which is a system of double nets as protection from predators. The circles within the farm space are swapped with mussel lines before the sea floor becomes anoxic. Cawthron investigators have devised a system identifying seven stages of sea floor degradation with the circles shifted once stage four is reached. When deposits breakdown to an earlier stage the circle may be returned to the previous position. Over time the system is unlikely to prove any more sustainable than current salmon farm techniques as the time between stages will reduce due to existing material. Friends will monitor Cawthron reports.
7. Ferry speeds continue to be an issue. Friends cooperates with Guardians of the Sounds in these matters. MDC has approved Kaitaki speeds of 19.5 knots in Queen Charlotte Channel and 18 Knots in Tory Channel.
8. Methyl bromide (MBr) use on timber in Shakespeare Bay is very lax compared to Port Nelson. Friends works with Guardians of the Sounds in informing the public of MBr dangers, while MDC has no satisfactory regulations – not even notifying when MBr is used. At the ERMA hearings in Nelson (see NCC 3 above) it was stated that the Picton site was too difficult to model or monitor. There is no conclusive evidence of the MBr/motor neurone disease link although there is a definite statistical link and there is no doubt that MBr is a poison. Perhaps that means no preventative action will be taken, the health costs will land on the unfortunate public while timber fumigators and traders bank the profits.
9. Sounds Plan changes 15 & 53 deal with changing mussel farms to salmon farms and space allocation issues. Friends works with Guardians of the Sounds on this.

Other Matters

1. Relevant conferences, forums, meetings and consultations attended by committee members included ECO conference, Environmental Defence Society conference, Challenger Scallop Enhancement annual consultation, Bell's Island sewage treatment site visit, DoC NGO forums, Resource Management Act revision information sessions, Top of the South Marine Biosecurity Strategy meeting, launch of the book about the Boulder Bank "Rolling Stones" by Karen Warren, Waimea Inlet Project group, and the TDC/NCC joint Waimea Inlet biodiversity forum.

2. Committee members met on separate occasions to discuss coastal matters with Nelson M.P. and Environment Minister Nick Smith, Labour M.P. Maryann Street, Kaikoura M.P. Colin King, Labour Conservation spokesperson M.P. David Carter, and Director of the Suter Gallery Julie Catchpole during seaweek. She gave us a print of Marjorie Naylor's portrait of Mrs. Perrine Moncrieff and Friends gave her a print of Perrine Moncrieff's "Waimea estuary".
3. We continue to need help inventorying our archival files in preparation for storage at the Nelson Provincial Museum.
4. Two committee members were invited to be on a panel at the first showing in Nelson of "End of the Line", a film on the decline of world fisheries held at the Suter theatre. Mfish, industry spokesmen and Forest & Bird were also on the panel. **Friends has a DVD copy of this award winning film which we can loan to interested members and friends.**
5. Submission made on Consultation document on TDC's Management of Lakes and River Beds.
6. Submission on Resource Management Act changes, especially to clarify NGOs role. Is their interest greater than the general public? Concern also expressed on the increased fee for appealing clearly making it more difficult for volunteer, unfunded groups.
7. Submission made on the Aquaculture Technical Advisory Group (TAG) report which had no independent or environment or sustainability input in our opinion.
8. Answered a Survey questionnaire from the Nelson Provincial Museum on their research facility services.

Thanks and Acknowledgements

1. Major acknowledgement to the committee members who do so much work with skill and dedication. In my opinion, they keep many of our public servants focused on basic ecologic needs and not just the monetary "bottom line".
2. Thanks to our membership for their continued support.
3. Thanks to Rob Schuckard and Danny Boulton who are generous with their knowledge and skills.
4. Thanks to Nimbus Software of Nelson and to New Zealand Nature Company (107 Bolt Road, Nelson, www.nznature.co.nz) for financial support and Konika Minolta for photocopy help with this Annual Report.

Respectfully submitted,

Dr. Gwen Struik, co-chair
June 2010