

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

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Annual Report- July 2012- June 2013

Our AGM will be held on Thursday August 15 2013 at 7pm at Hearing Rooms, 354 Trafalgar Square.

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 AGM will be followed by an illustrated talk by **Rob Schuckard at 7:30 pm**

Shorebirds of the Top of the South – their place and importance

Rob is an ecologist and ornithologist, and one of New Zealand's leading experts on shorebirds, having studied them extensively and intensively.

- A. Research Reports and their importance to the Top of the South coastal zone.
- B. Nelson City Council (NCC) area
- C. Tasman District Council (TDC) area
- D. Marlborough District Council (MDC) area
- E. National and General activities
- F. Acknowledgements

HELP!

In common with many not for profit groups, Friends needs volunteer help.

- We need help in publicising our work via a variety of media.
- We need help in doing more educational work about our coast in the Top of the South.
- We would be delighted if persons would come forward who could write and present submissions on behalf of Friends' coastal concerns.

A. Research Reports and their importance to Friends' work in coastal conservation

The need for knowledge before making development decisions on our coast is illustrated by a report on the present health of our bays. The report, written by eleven scientists from NIWA, Cawthron and Landcare, states that the wild fisheries for scallops, oysters and mussels in Tasman-Golden Bays was worth \$90M annually at its peak, but now these fisheries "have declined to low levels over the last decade and commercial fishing has all but ceased..." Suspended sediment in the water column that does not clear and an altered benthic (bottom) communities covered with sediment are major factors. Our ignorance of the flow on effects of catchment treatment plus excessive trawling and dredging are likely factors in destroying a productive ecosystem for a quick buck. No one claims to know how to get back what we've lost and it is likely that the shellfish and the benthic communities which have been destroyed are needed to clear the water and bottom sediments.

Friends finds many of the current coastal development decisions are based on this type of ignorance. That is, resource consents to "develop", "farm" and mine our coastal zone is based on the "suck and see", do it and then find out what happens is a common scenario. Existing research is paid for by the developers and done to justify their applications. We need sound baseline data which is relevant to understanding our coastal waters to aid in more knowledge based decision making.

Hence, Friends has negotiated and obtained funds for research projects so that decisions can be more knowledge based. Often our members are voluntarily involved in the research and other people, such as members of the New Zealand Ornithological Society, also give their time and skills. We need sound baseline data for good decisions.

To this end, Friends has been negotiating and obtaining funds for baseline research which is relevant to understanding our coastal waters to aid in more knowledge based decision making. Examples of these researches are listed below.

1. Air and boat surveys of the distribution of fish, birds and dolphins in Tasman-Golden Bay were made between November 2010 and February 2011. We now have funding to do more surveys in other seasons and repeat the previous surveys as a means of comparison. We learned that the boat surveys yield more information for money spent and the initial studies have identified biological hot spots. These studies are pilot studies in New Zealand and we hope over time to be able to show seasonal and long term trends. These are the first and only systematic surveys of wildlife beyond the harbour limit in Tasman/Golden Bay. At the time MDC granted oil exploration rights in east Tasman Bay the applicant company could rightfully claim there was no evidence of biological importance in that area of the Bay. Unfortunately, "no evidence" is often confused with "no surveys have been done".
2. Friends obtained funding for an independent Australian consultant to provide a framework of what is necessary in an Environmental Assessment when off-shore applications are made. This framework report has been formally given to all three Top of the South councils, is on our website and is available for anyone in New Zealand. When/if another application is made we will be able to provide a protocol and baseline data about the Tasman/Golden Bay biodiversity.
3. The King Shag is endemic to Marlborough Sounds and Friends' research project hired an international expert on shags from Europe to study and supply a species management plan. A number of field trips were arranged to visit all the colonies. For the first time, all the known big colonies were visited and feed samples collected. With financial support from the Department of Conservation, the analysis of these samples have been made possible and a report will be out soon. These data are important in making meaningful assessment of the impact of mussel and fin fish "farms" in the Marlborough Sounds.

B. Nelson City Council (NCC) area activities in which Friends are involved:

1. Friends, as one of the nearly 30 organisations associated with the NCC Biodiversity Forum, supports its objective to create a biologically rich and sustainable future. Of the 33 priority actions Friends are to take a lead to "Improve community knowledge of coastal and marine environments and develop understanding and commitment to their protection". The Forum meets about four times a year to hear of the varied work of member organisations, and others, as well as take initiatives in co-ordinating conservation efforts on land as well as fresh and coastal waters.
2. The Boulder Bank is being considered for National Historic Places Trust Historic Site status. Friends made a submission in support of this initiative.
3. Friends made a submission on the restoration plans for Paremata Flats (Maori Pa Road) and assisted in a presentation at the NCC Biodiversity Forum in support of this ecologically important area.
4. The Corder Park rising main sewer and pumping station was visited with the NCC engineer with concerns about a) the capacity and reliability of the pump station especially during flood and emergency events, b) effects on adjacent stream, lagoon, water table and recreational use and c) educational opportunities for nearby school and pre/school. Two of the three pumps were not working for a period. Iwi are also concerned about impacts.
5. The Wakapuaka pond needs desludging to restore the depth of up to 1.5 m and remove approximately 70,000 cu m of sludge for dewatering prior to land disposal. The volume of the dried sludge of 10 to 15,000cu m is to be applied to nearby farmland or perhaps forests, but needs to be checked for contaminants and possible leachates.

6. The Port Nelson stakeholders meeting discussed treatment and disposal of sludge from beneath Calwell slipway. The Ministry for the Environment will provide half funding for investigating options for cleanup of hazardous wastes. With up to 40,000 cu m of excavated material, high in copper and tri-butyl-tin (tbt), needing processing we have a huge problem.
7. Friends attended consultations of the Compliance & Monitoring Group concerned with accidental discharge of untreated "waste" water to land, fresh and coastal waters.
8. Friends have discussed a)NCC draft annual plan, b)"Framing our Future" and c)draft Nelson 2060. We made a submission on the Long Term Plan and attended the hearing.
9. Friends supports in principle, the Forest & Bird proposal to restore natural flows to the Whakapuaka Wildlife Management Reserve and that F&B be appointed by Department of Conservation to "control and manage".

C. Tasman District Council (TDC) area activities in which Friends is involved

1. Friends continues to work with TDC on incorporating Outstanding Natural Landscapes and Features (ONLF) in their Plan as required under the Resource Management Act. This is the 16th year of our involvement.
2. The coastal cycle trail along the Waimea Inlet has included screening in the sensitive Pearl Creek area where wetlands birds such as the shy bittern reside. There are questions as to the adequacy of the screening and whether opening up the area will enable dogs and cats more access.
3. The coastal cycle trail along Golden Bay foreshore estuaries raised similar questions, but the expense of the possible processing costs of the application appears to have stopped, or delayed, any decision. The Friends' objections to this Motupipi application focussed on the adverse effects of the cycleway on wildlife. This estuary, along with other Golden Bay estuaries, has been recognised as an Outstanding Natural Feature, so this also applies to the proposed cycle way from Abel Tasman National Park to Farewell Spit.
4. The Carter Holt Harvey development at Kina Peninsula was settled by an Environment Court decision -CHH vs TDC- with 50% costs being awarded to Friends and others since the case had no justification.
5. Some of Friends' submission suggestions on the Abel Tasman Foreshore Scenic Reserve Management Plan were adopted.
6. The Resource Consents for the Pattinson Trust Farm Trust development in Upper Moutere were granted with conditions which satisfied Friends' neutral submission.
7. Friends was represented at the Ruby Bay seawall hearing with the Commissioner granting the consent for 33 years.
8. Friends submitted on the TDC draft annual Plan.
9. Tasman School's "Muddy-Buddy" fund raiser was questioned at a May DoC forum.

D. Marlborough District Council (MDC) area activities in which Friends is involved.

1. The NZ King Salmon (NZKS) application was assessed by the Minister of Conservation to be an application of national importance. Under this protocol, the Environment Protection Agency (EPA) delegates the decision process to a Board of Inquiry (BOI). In this case, the BOI needed to decide about a plan change to allow eight new salmon "farms" outside the area designated for aquaculture by the Marlborough Sounds Resource Management Plan. The BOI also needed to decide the suitability of another "farm" within the designated area. This nine month fast track procedure, started with the Plan change request and applications for resource consents notified on 31 March 2012. The final decision was released on 22 February 2013. The process was designed to make meaningful opposition impossible since NZKS had time and money needed to prepare their legal and technical justification for expansion, whereas any contrary view started from nothing. Surprisingly, the feeling against such a wholesale giveaway of the Sounds' ecosystem was countered thanks to many individuals and groups like Sustain Our Sounds (SOS), Guardians of the Sounds and Friends' cooperation and support. Friends took part in the hearing and presented legal and planning evidence. The EPA received almost 1300 submissions with a majority in opposition. The hearing involved 10,400 pages of evidence and 4147 pages of transcript after a hearing period of 37 days. The wide participation of the Sounds community in this process was unprecedented. The BOI granted four "farms". SOS was best positioned for an appeal and the full decision of the BOI was appealed in May in the High Court in Blenheim. The

Environmental Defence Society (EDS) appealed two granted “farms”. At present (July 2013) the High Court, which addresses points of law only, is working on a decision. Bypassing the Sounds Plan, and sequence of Plan Change followed by a Resource Consent consideration were not properly followed as the law prescribes. The BOI procedure is designed to shove through development, with minimum concern for flow-on effects. This makes for a quick buck, short term jobs but no long term sustainability. Since at least one established NZKS “farm” has failed and been moved, it is important that any further growth be one step at a time, if at all. Present evidence shows both water column and benthic deterioration below and around salmon “farms”. Economics Prof. Hazeldine testified on behalf of MDC at the BOI hearing that the economic cost benefit analysis of 9 new “farms” was no more than opening a Pak’n’Save supermarket. NZKS had done no such analysis, nor adequately considered environmental costs. Danny Boulton’s underwater video was invaluable in showing the impact of salmon sludge under a salmon “farm”.

Jobs are extremely important to all of us, and the fact that 400 jobs in Nelson and 200 in Blenheim in the mussel industry were lost suggests a short term boom and bust industry. How much better to have fewer jobs in perpetuity and a healthy, productive environment. It would be preferable to stabilise the existing 9 “farms”, rather than spend \$10Mplus applying for new coastal space via foreign ownership.

2. Aquaculture in the Marlborough Sounds has fully occupied the ribbon zone, the discretionary area for aquaculture. Now we are experiencing a new cluster of applications to extend “farms” beyond the 200 metre zone into mid bay waters. This is the non-complying zone where council is allowed to make “ad hoc” decisions on a case by case basis. Essentially, this is a no-plan scenario and has resulted in aquaculture applications, predominantly by marine farmers concerned that someone else will apply for space next to their existing “farm”. The recent MDC decision to allow Talleys and Clearwater Mussels Ltd to go out to 350 m in Beatrix Bay has resulted in a deluge of aquaculture applications. In 2002 Judge Kenderdine ruled that mid-water farms should not be allowed and at the NZKS hearings the MDC lawyer defined mid-water as all water space beyond 200m resources. A Beatrix Bay resident states “The whole bay has become a 24-hour industrial zone with revving engines, clanging of mussel harvesters and spat collection boats and powerful lights lighting up the night sky when they are working on the lines.”

In south Beatrix Bay, Knight Somerville has applied and been granted a resource consent to extend their “farm” from 200 m to 450 m offshore, again making a nonsense of the original ribbon Plan of MDC. Friends is appealing this decision.

3. The Waitata Reach/ Goulding & Curtis “farm” application to convert mussels to salmon has a reef in the middle which needed protection and no evidence was offered to support the idea that the suggested 10 metre buffer zone was adequate. Friends is in the process of negotiating a shift in “farm” site to protect the reef, which may result in a withdrawal of our submission.

4. Ngai Tahu Seafoods has been granted the right to convert their mussel “farm” to fin fish, initially hapuku/groper, in Beatrix Bay. Hapuku, like salmon, are carnivores and will be fed a protein diet with nitrogen release into the water column and benthic communities. If this application is allowed then a flood of conversion applications will follow. Overfertilisation during the warmest period of the year is a concern since the nutrient balance in the water column could be altered. This could result in a change of phytoplankton from diatoms, which are the favoured food of mussels, to dinoflagellates, which are not good shellfish food and some species produce serious toxins. These factors mean that the Bay’s ecosystem health and productivity could be severely challenged.

Ngai Tahu also has applications for expanding mussels “farms” in Anakoha and Forsyth Bays. All these are non-complying and Friends would like to see a ruling which embodies a long term vision of the Sounds instead of a series of expensive ad hoc decisions. It is difficult not to be concerned that we are now doing to the Sounds what has already been done to Tasman/Golden Bay, described at the beginning of this report, albeit by a different route.

5. Friends have been a main party to the challenge of a mussel “farm” transformation into a salmon “farming” operation near Port Ligar. The Environment Court heard the evidence of the applicant and the appellants in June.

The issues of this case were very similar to the NZKS case and the cumulative effects of these “farms” was a main topic of the court hearing.

6. Wakatu Inc.’s east Tasman Bay 770ha mussel “farm” application of 2000 has been negotiated to a settlement with Friends. The “farm” size has been reduced to 450 ha, with increased monitoring, and Wakatu will support a research program managed by Friends to survey Tasman/Golden Bay. At present, almost all our knowledge of the Bays is close to the coast in the estuaries and harbours, and little is known of the ecology offshore.

E. National and General Activities

1. On a national level committee members have attended conferences, summer gathering and AGM of the umbrella group Environment and Conservation Organisation (ECO). We also sent a representative to the Resource Management Law Assoc. (RMLA) meeting and to the Select committee of Parliament hearings on changes to the Resource Management Act (RMA).

2. On a local/regional level we have had a representative at the Nelson/Marlborough Ocean Governance seminar, a workshop for community groups seeking funding, a DOC sponsored workshop on funding and sponsorship and several committee members went to the Cawthron Glenhaven open day. We have also met with two local MPs, both environment spokespersons for their parties, Nick Smith and Maryan Street. Our object was to inform them of our work and find out their views.

3. Friends has made submissions on the Exclusive Economic Zone (EEZ) Act, Resource Management Act changes, and replied to a survey on the Environmental Legal Assistance Fund (ELA) work.

F. Acknowledgements

1. The volunteer efforts of our committee members is, as ever, the basis of all our work and results. Speaking personally and as current chair, I am continually amazed at how much we do on so little, due to the skills of the committee members. We have dealt with multi-million and, in the case of oil, multi-billion dollar applicants and negotiated something better for the coastal zone.

2. Thanks to the Friends’ membership for their ongoing support.

3. Thanks to The NZ T-GEAR Charitable Trust for their support.

4. Thanks to New Zealand Nature Co. (107 Bolt Road, Nelson, www.nznature.co.nz) who support us and who feature Friends of Nelson Haven on their personalised growth charts and place mats.

5. Thanks to The Canterbury Community Trust for their support.

6. Thanks to Nimbus Software of Nelson for support.

7. Thanks to the Ornithological Society of New Zealand for voluntary assistance in research projects.

8. Thanks to the Ministry for the Environment, Environmental Legal Assistance Fund.

Respectfully submitted

Dr. Gwen Struik, chair.