

FRIENDS OF NELSON HAVEN AND TASMAN BAY INC.

ISSUE

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This issue contains items that may be of interest to you, our members, and to pass on to others who have an interest in the coastal and marine environments.



The korora has recently been voted “the most popular penguin” in Aotearoa!

24/7 live stream that lets viewers peek inside the lives of a nesting pair of little penguins/kororā. On the stream, you'll see the pair prepare for the breeding season, incubate their eggs and care for their chicks.

Korora Livestream

Remember if you have items of interest please contact the committee at either email: em@nelsonhaven.org.nz friendsnelsonhaven@gmail.com

Kia ora tatou! Welcome to the second issue of the Friends of Nelson Haven & Tasman Bay newsletter, keeping you up-to-date with issues we think important during the year, between our more formal Annual Reports. It has been a very unusual year – one that we trust will not be repeated! The “usual” environmental challenges have however been pretty much going on as before – along with the new age advantages of zoom meetings and social distancing.

As a side effect of Covid-19 we decided to have a very low key Annual General Meeting on 27 August 2020. The current committee members were re-elected with Gwen re-installed as Chair. If you are interested in either “sitting in” on a committee meeting or joining us on the committee please contact em@nelsonhaven.org.nz

Plant & Food Research (PFR) – engineering division:

We have been involved in proposals by PFR, well-funded by central government, to research new types of cages for farmed fish and subsequent trials. PFR will lodge consent applications to Nelson City Council: *Phase 1*: three locations for trial moorings, one about 1.7 km off Horoirangi Marine Reserve, and others off the Boulder Bank and in western Delaware Bay; *Phase 2*: small scale fish culture research activities with uncertain application of feed quantities. Benthic surveys at each of the three mooring installation sites may be a condition of consents. These structures may be moved through areas of Tasman Bay to dilute the effect of fish farming on the benthic environment. Degrading of the benthos is highly problematic and contentious in the Marlborough Sounds.

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Nelson City Council has the first PFR application for moorings. Note: the Council may choose not to notify the first stage of these applications.

The Friends main concerns at this stage relate to:

- the appropriateness of the proposed sites, and the visual/landscape/biodiversity impacts that may result with farm waste interacting with either the far-field ecology or within the marine reserve boundary
- the adequacy of information provided – for instance we have not seen the cited Cawthron report which states “*low level production* (i.e. the research scale culture investigations) is *unlikely to breach existing environmental standards*”; and information on the benthos.
- Scale of proposed project and failure to bundle this proposal with other big scale aquaculture projects (that is, the Aquaculture Management Areas in Tasman and Golden Bays) already granted in the bay.

AQUACULTURE

As noted in the AGM report for this last year “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”.

To achieve such goals, we are likewise committed to ensuring that objectives, policies and rules of the resource management plans of the Top of the South councils are workable, fair and are focused on the requirement for the sustainability of our natural and physical resources. Habitat management needs to incorporate the dynamics of extractive use of the environment and needs to reflect an ecosystem-wide approach that ensures sustainability, protects water quality, prevents habitat destruction, allows a sustainable recreational fishery and acknowledges the concept of natural productive potential of the marine environment. Industrial extraction and use of marine resources is ecologically sustainable if it maintains, or is part of a management system that maintains, the natural capital upon which it and other industries depend. In the case of potentially renewable resources such as coastal environments, maintenance means not impairing the ability of the resource to provide services from generation to generation.¹

Dr Steve Ulrich, former Marlborough District Council coastal scientist, and current Lecturer in Environmental Management at Lincoln comments in an Opinion Piece **“Proposed Marlborough Environment Plan Sinks the Sounds”**:

“The Marlborough Environment Plan (MEP) was unveiled in March 2020 as the 'blueprint' for sustainable management of Marlborough. Yet the plan continues to allow the living skin of the seabed to be continually ripped up in clouds of sediment with strewn dead and dying marine species. It also sanctions sediment to continue to stream off erosion.” One of the ‘good’ points in the proposed MEP identified by Dr Ulrich was: “The ecologically significant marine sites identified by council and the Department of Conservation are finally protected from bottom-trawling, dredging, reclamation and anchoring. These postage stamps are all that remain from a wondrous, diverse seabed of towers and gardens created by living organisms, with abundant marine life – Marlborough's equivalent of coral reefs. The failure to allow these to regenerate is at the heart of the bad and the ugly from the plan”.



Sediment from a steep face reaches the sea via a creek through native bush.

Ulrich asks: “Why did the council decide to allow ongoing biodiversity decline and ecosystem degradation? Why did it ignore its own 2015 State of the Environment Report, and scientific advice on the adverse ecological effects of current practices, which cause widespread seabed and land disturbance?”

¹Brundtland H. Our common future (for the World Commission on Environment and Development. Oxford: Oxford University Press; 1987. p. 45–65

Threatened King Shag



King shag are only found in Marlborough, and only about 800-850 remain. Photo Mike Cunliffe

Friends have for many years argued for the protection or better management of the feeding habitat of the threatened New Zealand King Shag. There are only 800-850 individuals on the planet, all in the Marlborough Sounds. Friends have not only used its resources to argue for better protection through the courts, it also initiated and supported scientific studies to improve the knowledge of the species. Our committee member and ornithologist, Rob Schuckard, has gathered more than 30 years of data to identify the distribution of the species. These data have been incorporated to establish Important Bird Area (IBAs) for the Marlborough Sounds according the protocol of the International Union of the Protection of Nature. The acknowledgment of IBA was an important topic for our submission to the MEP and we are appealing the way council incorporated our information in the Proposed Marlborough Environment Plan.

King shag has been a main contributor for the IBA with foraging range 25km and a bathymetry limit of 50m. The total area involved is about 1,358km².

Council has created a new policy on king shag that would require consideration of potential adverse effects on king shag feeding areas. The area was not identified based on detailed information provided in Friends submission, but through 25km circles around the colonies, increasing the presumed area of feeding to 3,750 km². **Friends want stronger Rules for the actual feeding area that was identified as an IBA and is appealing the council's decision.**

Dr Ulrich referred to this decision also in a recent article in the Resource Management Law Association's journal, criticizing the Hearings Panel for failure to set environmental bottom-lines for the seabed, as is required under the Resource Management Act, and recently affirmed by the Court of Appeal. The ongoing cumulative effects to king shag habitat from e.g. dredging and trawling are not addressed. The new rule requires applicants for resource consents and decision makers to just "take into account" feeding habitats of this threatened seabird. Dr Ulrich: 'The deliberative wording "take into account" affords a lower level of protection to the feeding habitat of king shag from cumulative effects, compared to more directive guidance for decision makers to protect these areas from frequent disturbances that are inimical to ecological complexes'.

The panel chose not to regulate seabed disturbance... instead, any activity is now to be assessed on an inefficient case by case basis.

SCALLOP STRATEGY

The Southern Scallop Strategy: Marlborough Sounds, has now been approved by the Minister of Fisheries. This strategy aims to address current sustainability concerns in the southern scallop fishery, which has been closed to fishing since 2016. The Southern Scallop (SCA 7) Golden Bay and Tasman Bay fishery (including Croisilles Harbour) remain closed as the Marlborough Sounds strategy begins to be implemented. SCA 7 catch has fluctuated a lot since commercial fishing began in the 1950s. The last 10 years have seen a significant and continuous decline. For more information on the current state of the fishery and closures please see the updated web page at: <https://www.fisheries.govt.nz/protection-and-response/sustainable-fisheries/the-southern-scallop-fishery-sca-7/>



We note, however, that both the Scallop and Snapper Strategies are concerned mainly with catch quotas and little action is considered for habitat restoration. Both fisheries have very reduced productivity compared with the past. Habitat improvement could include reducing or banning dredging and bottom and mid trawling in addition to the establishment of more marine protected areas to enable the habitat to restore itself.

Ideally, there needs to be negotiation with land use management which impacts the coast with sediment and toxins.

BIODIVERSITY...BIODIVERSITY...BIODIVERSITY...

Oh, yes, biodiversity – “the number and types of plants and animals that exist in a particular area or in the world generally or the problem of protecting this”. “**Biodiversity**” stands for “**biological diversity**” a term that seems to have been too slow to gain common use, (although first probably used in 1916) but which is now firmly entrenched in most people’s understanding of the natural world.

The 1992 United Nations Earth Summit defined "biological diversity" as "the variability among living organisms from all sources, including, 'inter alia', terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems". This definition is used in the United Nations Convention on Biological Diversity (CBD).

The United Nations designated 2011–2020 as the United Nations Decade on Biodiversity and 2021–2030 as the United Nations Decade on Ecosystem Restoration. According to a 2019 Global Assessment Report on Biodiversity and Ecosystem Services 25% of plant and animal species are threatened with extinction as the result of human activity.

As of May 2018, 196 countries had ratified the Convention which helps develop national strategies for the conservation and sustainable use of biodiversity: Aotearoa/NZ included.

And what does this mean nationally for Aotearoa/New Zealand?

New Zealand’s first Biodiversity Strategy Action Plan ‘Turning the Tide’ (2000) had an updated Action Plan in 2016. The purpose of the Strategy was to establish a strategic framework for action, to conserve and sustainably use and manage New Zealand's biodiversity.

A Discussion Document, **Te Koiora o Te Koiora**, released by the Department of Conservation last August, led to the development of **Te Mana o Te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020**. This sets out a strategic framework for the protection, restoration and sustainable use of biodiversity, particularly indigenous biodiversity. The Strategy requires council to prepare in consultation with communities a **BioStrategy** - an aspirational high-level document commenting on local **biodiversity and biosecurity** issues (see later)

[Biodiversity in Aotearoa New Zealand \(PDF, 5,940K\) \(opens in new window\)](#)

The Discussion Document: A Tasman BioStrategy (see page 5) is available via Facebook or info@tasman.govt.nz comments to biostrategy@tasman.govt.nz

The Convention on Biological Diversity (adopted in 1982) recognised for the first time in international law that the conservation of biological diversity is “a common concern of humankind”. The agreement covers all ecosystems, species and genetic resources.

The CBD has three main goals:

- conservation of biological diversity (or biodiversity)
- sustainable use of its components
- fair and equitable sharing of benefits arising from genetic resources

In 1993 New Zealand ratified the Convention on Biological Diversity. Commitment in support of this new approach was translated in the following statement: Without a diversity of life forms to call on we would not adapt to changing environmental conditions. To maintain diversity is to maintain our future options.

BIODIVERSITY IN TOP OF THE SOUTH / TE TAU IHU O TE WAKA O MAUI

How Te Mana o te Taiao will be implemented:

Te Mana o te Taiao is the first part of the **Aotearoa New Zealand Biodiversity Strategy package**.

The second part of the package will be an **implementation plan** that will set out actions and responsibilities. The implementation plan will be developed collaboratively with central and local government, Treaty partners, and stakeholders.

National Policy Statement on Indigenous Biodiversity:

This important Policy Statement under the Resource Management Act 1992, our prime environmental law, is currently being promulgated.

Biodiversity in Aotearoa report: The report *Biodiversity in Aotearoa – an overview of state, trends and pressures*, accompanies and provides an evidence base for *Te Mana o te Taiao*.

The report provides a stocktake of the biodiversity crisis in Aotearoa New Zealand by describing the state, trends and pressures on indigenous biodiversity across marine, freshwater and land. It also identifies information gaps that prevent a complete picture of our biodiversity and the systems required to manage and measure it. *Biodiversity in Aotearoa* was developed by DOC with input from other agencies and external experts. It is a compilation of existing data and published information on indigenous biodiversity, supplemented by examples from a mātauranga (information) Māori perspective.

... and what is happening locally in the Top of the South Island/Te Tau Ihu o Te Waka o Maui?

- **Biodiversity Forums** attended by members of their communities have been operating for many years: specific objectives vary. The Nelson Biodiversity Forum has recently established a coastal/marine sub-group.
- **Kotahitanga mō te Taiao Alliance and Strategy:** In 2019 an alliance of councils, iwi and the Department of Conservation in the top of the South Island was created to “work collectively to restore natural landscapes across the region – from west to east and from the mountains to the sea.” The Alliance includes Buller, Tasman, Nelson, Marlborough and Kaikōura councils, the West Coast Regional Council, a number of iwi and DOC, and will provide environmental leadership and coordination. The Alliance will work together and with others to protect and enhance the wider region’s diverse natural landscapes and to protect indigenous biodiversity that is fragile with species and ecosystems in a state of collapse.
- **Tasman BioStrategy:** Along with the current reviews of Tasman District Council’s policies and plans for the use of land, air and water, as part of its responsibilities under the Resource Management Act, Council also has responsibilities for biosecurity (pest plants and animals). Peter Lawless, for Tasman District Council, is facilitating community consultation and collaboration on the **Tasman BioStrategy**, to “tease out critical issues and opportunities” when addressing local biosecurity and biodiversity issues. Both a Governance Group and a Working Group have been formed. A Discussion Document seeks to engage the wider community in considering the issues at stake and how best to proceed with seeking solutions.

Little Blue Penguins

Little Blue Penguins/Korora, *Eudyptula minor*, have been in the news lately. This is the smallest species of penguin and the only species of penguin which comes ashore after dark to either its nest or to moult. They have been recorded by divers at depths of over 50 metres but they usually fish close to the surface. They nest in shallow burrows, rock crevices and caves, under tree roots, wooden nesting boxes and sometimes under buildings – often where they are not welcome. Little Blue Penguins are very vulnerable not only when they are nesting but also during their annual moult when they do not eat as they cannot swim without feathers. Their official status is-

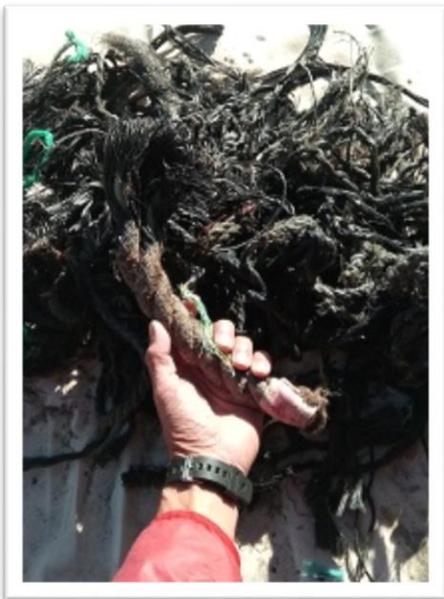


“at risk – declining” (DOC). These charismatic birds do have their protectors, however with interested locals, for instance at Tarakohe Harbour in Golden Bay and Little Kaiteriteri in Tasman Bay, and often banding together to provide nesting boxes and educate dog owners. Golden Bay residents, and more recently those in the Tapu Bay to Split Apple Rock area of Tasman Bay, have been active by inviting the Kaikoura Research Institute, who have a “penguin Conservation dog”, Mena, a Hungarian vizsla, which “points” or indicates the presence of little blue penguins in the rocks niches, or penguin boxes, by scent. GPS is then used to provide baseline data by identifying penguin sites which are then photographed, tagged and logged. Dogs off leashes and roaming, and trail bikes disturb these birds and often cause harm. Tasman District Council does have some control under their Dog Control Bylaw, with an owner having been \$400 for “failing to keep their dogs under control” but not for killing a little blue penguin at Kaiteriteri Beach. These Bylaws are reviewable every 10 years with the next programmed review in 2024. Golden Bay Community Board has, however, gained an earlier review; Motueka Community Board has decided not to do so.

We ask you to put pressure on the Council and the Motueka Community Board to seek an urgent review of their Bylaws: to restrict dogs on beaches, not only to protect the Little Blues but also the other shorebirds that feed, nest, rest and breed on our shorelines. Vehicular access also needs to be restricted.

Golden Bay Marine Farming Impacts

The Marine Farming Impacts Group (MFIG) carried out an online survey in Golden Bay over a one month period from July to August 2020. There were 200 respondents (195 Golden Bay residents and 5 visitors). The MFIG acknowledges that the data cannot be considered “statistically significant” in the technical sense, therefore, the data cannot be interpreted as representative of the entire population of Golden Bay. However the results clearly show that there are a significant number of residents who are adversely affected by the mussel farming industry. The MFIG is hopeful that the survey results will alert TDC and the marine farming industry to this fact and will support the group’s efforts to work with them to mitigate the adverse effects.



Mussel industry noise was a big concern affecting sleep and tranquillity, with 72% of respondents being negatively impacted. Other concerns were visual pollution, light pollution, debris washed ashore, effects on marine life, microplastics, Port Tarakohe development, council rates, traffic issues, and loss of freedom of movement around the Bay.

MFIG and many Golden Bay community members are concerned with the expansion of marine farming activities and the associated impacts. To manage this, MFIG would like to see tighter regulations and strong penalties for breach of consent conditions by marine farmers in the Bay. The outstanding natural character of Golden Bay is why many people choose to live and visit this amazing area of New Zealand. The marine and coastal areas need protecting from a range of human impacts. For more information:

FONHTB committee: Dr Gwen Struik (Chair), Gillian Pollock (Secretary), Margot Syms (Treasurer), and Rob Schuckard; Stuart Slack, Helen Campbell. We also have a number of ex-officio committee members, who provide valuable assistance from time to time. And thanks Rosie for producing this newsletter!

contact Rod Barker of Marine Farming Impacts Group, email: marinefarmingimpacts@gmail.com