



Trans-Tasman Resources South Taranaki Bight Offshore Iron Sand Project Marine Consent Application

Proposal Name:	Trans-Tasman Resources South Taranaki Bight Offshore Iron Sand Project Marine Project
EPA Reference:	EEZ000004
Applicant:	Trans-Tasman Resources Limited
Notification Date:	21 November 2013
Submission Close:	5:00pm, Wednesday 28 January 2014
Further Information:	http://www.epa.govt.nz/EEZ/trans_tasman

This is a submission on the marine consent application lodged by Trans-Tasman Resources Limited with the Environmental Protection Authority (EPA). The consent application is made pursuant to Section 38 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 for the mining of Iron Sand at the South Taranaki Bight.

Part A *This part provides the EPA with data about you as a submitter. Sections with an asterisk are mandatory.*

1. Submitter Details*

Please provide your name (or company name) and as much contact information as possible. We may need to contact you during or outside of normal business hours. Please advise us if any of your contact details change.

Name of organisation (if relevant):	Fisheries Inshore New Zealand Limited (FINZ)		
Title:	Chief Executive		
First name of submitter:*	Craig (Laws)	Surname of submitter:*	Lawson
Home Phone:		Work Phone:	04 931 9527
Mobile:	021 529 701	Fax:	
Physical Address:	C/- Seafood Industry House, 74 Cambridge Terrace, Wellington		Postcode: 6011
Postal Address:*	Private Bag 24901, Manners Street, Wellington		Postcode: 6142

Trans-Tasman Resources Marine Consent Application Submission Form

Email: laws@fishinshore.co.nz

2. Alternative contact person details (optional)

If you wish to nominate a person to be your point of contact (e.g. a friend, relative, lawyer, professional advisor or any other person), please provide their contact details below. This person will receive all correspondence on your behalf.

Relationship of contact person to submitter: (e.g. legal counsel)		Contract fisheries advisor	
Name of organisation (if relevant):	Resourcewise Ltd		
Title:	X <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other: (Please tick the appropriate title)		
First name of contact person:	Richard	Surname of contact person:	Wells
Home Phone:		Work Phone:	021 457 123
Mobile:		Fax:	
Physical Address:	12 Duncan Court Port Nelson	Postcode:	
Postal Address:	71 Hunter Avenue, Richmond	Postcode:	7020
Email:	richard@resourcewise.co.nz		

3. Privacy Statement

Your personal information included in Part A of this form will be held by the EPA, 215 Lambton Quay, Wellington. Other than your name, organisation (if applicable) and address for service, your personal contact information in Part A of this form will not be published on the EPA website. All information held by the EPA is subject to the Official Information Act 1982. It will be used by the EPA for the administration of the Trans-Tasman Resources Limited marine consent application process. Copies of your full submission, including all personal information included in Part A, will be provided to the EPA, the applicant, and submitters, and may also be provided to other parties in the process. You have the right to access and correct personal information held by the EPA.

Your name, organisation (if applicable) address for service, the information in Parts B and C of this form and any attached information will be published on the EPA website, and made available to the EPA, the applicant, other submitters and the general public for use in the processing and consideration of the Trans-Tasman Resources marine consent application.

Note: If the submitter is a company then full business contact details will be publicly available.

4. Authority to act*

If this submission is made on behalf of a group, please tick to confirm you are authorised to represent all persons making this submission, and sign and date below. If you are an individual making this submission, please sign and date below.

I / We confirm that I / we have authority to sign this submission on behalf of all persons named on this form.



28/1/2014

Signature

Date

Part B This part asks for your position on the marine consent application. Sections with an asterisk are mandatory.

5. Do you have an existing interest that may be affected?

Do you have an existing interest that may be affected by the application? (Tick as many boxes as appropriate)

<input checked="" type="checkbox"/>	Lawfully established existing activity, whether or not authorised by or under any Act or Regulations, including rights of access, navigation and fishing
<input type="checkbox"/>	Any activity that may be undertaken under the authority of an existing marine consent
<input type="checkbox"/>	Settlement of a historical claim under the Treaty of Waitangi Act 1975
<input type="checkbox"/>	Settlement of a contemporary claim under the Treaty of Waitangi as provided for in an Act, including the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992
<input type="checkbox"/>	Protected customary right or customary marine title as recognised under the Marine and Coastal Area (Takutai Moana) Act 2011

If you have an existing interest (confirmed by ticking one or more of the above boxes), please describe your existing interest.

Description of your existing interest	<p>FINZ is not a trade competitor.</p> <p>FINZ represents the interests of those who have a lawfully established activity</p> <p>The proposed iron sand mining occurs in NZ fisheries waters as defined in the Fisheries Act between 22km and 35km offshore in an area known as the South Taranaki Blight. The proposed operation is located in Fish Management Area 8 (FMA 8) and is within the New Zealand Fisheries Statistical Area 040.</p> <p>Fisheries Inshore New Zealand (FINZ) is a not-for-profit organisation that seeks to advance the interests of quota owners and fishers in inshore finfish, pelagic and tuna fisheries. It is a nationwide organisation and has more than 130 members, representing their interests in 239 fishstocks. Our vision is</p> <p><i>'A healthy sustainable fishery that is internationally competitive, profitable and recognised as the preferred source for consumers of wild caught fish worldwide'.</i></p> <p>Our mission is to provide dynamic and transparent leadership, inform decision making and</p>
---------------------------------------	--

Trans-Tasman Resources Marine Consent Application Submission Form

actively engage with our members, officials and other stakeholders as we advocate for the increased recognition of the value of New Zealand's inshore fisheries.

FINZ is the Sector Representative Entity for inshore finfish stocks and holds a mandate to represent a large number of commercial inshore finfish and highly migratory fishstocks in New Zealand waters and represent the following (for example) key species from FMA 8:

- Snapper
- Tarakihi
- Flatfish
- Gurnard
- Trevally
- Blue warehou

Commercial fishing rights are recognised in the EEZ and Continental Shelf Act 2012 as lawfully established activities; existing fishing rights need to be taken into account by the EPA when determining marine consents (s59(2)).

If you have an existing interest (confirmed by ticking one or more of the above boxes) which you think may be affected, please provide a brief explanation of how you may be affected by the application.

Explanation of how your existing interest may be affected by the application

The applicant proposes that over a 20 year period it will mine 50 million tonnes of the seafloor every year through excavating material in a trench up to 11 metres deep while operating in water depths from 20 to 42 metres. That equates to displacing approximately one million tonnes of seafloor per week. Each year 10% of iron sand product will be extracted and 45 million tonnes will be returned to the seafloor as tailings. The tailings will be deposited from a height of about 4 metres above the seafloor.

As a direct result of the proposed mining activity FINZ is concerned about the potential for adverse effects to our fishing grounds, adjacent seabed, water column and the fishstocks reliant on them due to changes in sediment levels.

FINZ is concerned with the potential for immediate and cumulative effects from mining including the effects of the plume (suspended particles) and the Trans Tasman Resources' proposed mitigations, which we consider to be too limited.

FINZ does not consider that the applicant has had sufficient regard to the environmental consequences that could result as a consequence of their activity on our fishing activity. We consider that there is the potential for a multimillion dollar negative impact from this activity which would adversely affect the social wellbeing of our members (and therefore also New Zealand) by:

- affecting our ability to generate sustainable income
- diminishing the value of quota assets
- reducing access to the public water space and
- increasing the cost of our legitimate existing fishing activity.

In particular FINZ is concerned about the potential for significant adverse environmental effects arising from the mining activity that includes but is not limited to:

- increased turbidity – including reduced underwater visibility and smothering of underwater marine features critical to the sustaining of our fishstocks
- re-suspension of the sand, papa and mud deposits (tailings) during subsequent storm events and the potential for long term and cumulative turbidity issues both in the mined area and further afield
- the speed and success of re-colonisation of biota in the mined area, i.e the

Trans-Tasman Resources Marine Consent Application Submission Form

lag before the mined area re-establishes itself to its previous natural state.

FINZ is also concerned about the potential for adverse effects on the commercial fishery including:

- changes in the catchability of commercial quota species (and subsequent cost)
- decrease in fish quality
- decline in fish stock biomass due to changes in feed supply or reproductive capacity
- fish stocks shifting temporarily or permanently because of noise, light, sediment pollution
- effect on juveniles of stocks
- length of time fish stocks take to re-colonise the area and
- consequent changes to the TACC in relation to changes in fish biomass.

FINZ is further concerned about the ongoing management and effect on:

- constraints on vessel movements, including the size and location of the varying buffer (exclusion and no go areas)
- the ship to ship transfer for 1,500 tonnes of HFO per month and potential for a spill.

6. What is your position on the marine consent application?*

Please state your position on the Trans-Tasman Resources South Taranaki Bight Offshore Iron Sand Project marine consent application either as a whole, or on any part of it. If you have specific opinions on different aspects of the application then you can detail these in the space provided below.

You may comment on any aspect of the application and there is no restriction on the length of your submission. You can make a general submission and/or respond specifically to any part of the application documentation. The more specific your submission however, the greater the understanding of your views. This will help identify whether meetings and/or mediation are required; how a hearing might be structured; and provide information to inform the final decision. If you are making a detailed submission, it would be helpful if you could state whether or not you disagree with any of the information provided in the application. We have provided boxes for the sections in the document "Supporting Information for Marine Consent Application" compiled by Trans-Tasman Resources (TTR) Limited, dated October 2013.

If you require more space, please attach additional pages as necessary. Please ensure you include your name and 'Trans-Tasman Resources' on each additional document.

Position	Support in full	Support in part	Neutral	Oppose in part	Oppose in full	Range of Views
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Trans-Tasman Resources Marine Consent Application Submission Form

FINZ opposes this application. FINZ is a commercial fishing quota and harvester representative body whose members are directly affected by the proposed mining operation. FINZ interests are more than that of an interested party, we represent members with a real interest.

The TTR assessment fails to adequately identify existing fishing rights and the potential for their proposed mining operation to adversely affect the sustainable economic benefits current being derived from them.

In the view of FINZ additional analysis by TTR and their consultants is required to more conclusively assess the potential for adverse effects arising from the proposed mining activity on local fish stocks, on the surrounding marine environment generally as it relates to commercial fishing and water quality and to ensure that the impact on those vessel movements not related to the mining activity is minor within the exclusion areas, or at the very least mitigated / offset.

Reasons

There is a high probability that the proposed iron sand mining operation will adversely affect existing fishing rights operation of the west coast inshore fishing fleet. Where vessels catch fish and how they transit through the area will more than likely have to change to the detriment of our members.

While the proposed mining activity is not impossible for the fleet to work around, for smaller companies operating in the area (particularly fishers who operate as sole traders) the consequences on their businesses, given that fishing grounds are already constrained by extensive regulation and prohibitions, may well mean they become uneconomic. An off-setting payment or compensation should be mandatory to cover lost fishing opportunity over the 20 year time period for all quota owners and companies actively involved in fishing the area.

The application papers contained insufficient information for FINZ to gauge with confidence what the likely changes to catch-ability (and therefore catch cost) of fish stocks could be. There is very limited information provided on sediment levels, sediment management and current flows.

Section 1: INTRODUCTION I disagree**Please explain why you agree/disagree with the information in this section**

The responsibility to review whether TTR is fit for purpose and has the capital asset base and financial security to run a safe and prudent operation lies with the EPA. The EPA has a fiduciary responsibility on behalf of all those who stand to be adversely affected by the proposed mining operation and the New Zealand public generally to ensure that TTR has the resources, funds and ability to mitigate any unintended or unplanned consequences arising from their mining operation both during and after the activity is completed.

FINZ notes that TTR was established in 2007 for the purpose of exploring west coast iron sand deposits. TTR is a private company with a majority of international shareholders. The largest shareholder, TTR Investments (40.97%) and the second largest shareholder Cook Investments (14.46%) are both based in the Netherlands. Other 'larger' shareholders have their offices located in America and Australia. The largest New Zealand shareholder, Mininvest Securities, has a 4.66% holding. All other New Zealanders/New Zealand companies own less than 0.1% shareholding interests. FINZ does not object to international companies investing in New Zealand but we consider that extra care is required to ensure that our stewardship responsibilities to the environment are understood and shared.

FINZ notes that TTR propose to mine 'Dianne' as stage one. This area has the highest deposits of iron sand and will generate the greatest profit. In our view the first stage of mining should be in the area of lowest environmental risk/consequence, lowest fishing effort and which is least offensive to the iwi of the region whose rohe moana extend around the application. FINZ also considers that the EPA should only approve a staged approach to this application so that through monitoring the actual environmental effects can be determined and from that information the ongoing scale of activity set so that its cumulative effects

Trans-Tasman Resources Marine Consent Application Submission Form

are within acceptable thresholds. This staged approach is normal practice for activities whose scale and intensity have never been demonstrated before and there is high uncertainty between a modelled impact and the real outcomes on the environment.

Section 2: PROJECT DESCRIPTION

 I disagree

Please explain why you agree/disagree with the information in this section

The EIA report contains insufficient description of the proposed mining operation and does not enable FINZ to reach a reasonable conclusion as to whether the development will adversely affect and constrain commercial fishing and therefore the economic wellbeing of our members in the short term (year by year), during the length of the project (20 years cumulatively) and further out (20 plus years).

For example it is unclear where the transfer of iron sand will occur on the mine site, in the general area or in Admiralty Bay (outer Marlborough Sounds, South Island). It is also unclear where the ship-to-ship transfers of HFO will occur and under what conditions. The application signals that transfers of both will occur in wave heights up to 4 metres – in our view this is likely to be at Beaufort scale 7 meaning rough seas and large waves.

The application has been insufficiently described and too many decisions that are of interest to our members have been left outside of the EPA process, for example with Maritime New Zealand. The separate consideration and decision over those factors will have an important effect on the level of operation in difficult conditions and therefore affect the impact of the operation.

Section 3: UNPLANNED EVENTS

 I disagree

Please explain why you agree/disagree with the information in this section

The TTR risk assessment rankings (EIA page 50) uses the following thresholds to rank the severity of an event: catastrophic are costs greater than \$10 million; major are costs less than \$10 million, moderate are costs less than \$500,000; minor are costs less than \$100,000; and slight are costs less than \$10,000).

We consider the TTR risk assessment has been inadequate in calculating the potential lost income on South Taranaki seafood industry quota owners, catchers, producers, marketers, exporters and consumers. We have concerns about the methodology to assess the economic costs and consider the values included significantly undervalue the impact on fishers quota owners and the community.

Section 4: STATUTORY REGIME

 I disagree

Please explain why you agree/disagree with the information in this section

The approach to the assessment of the "nature and effect of other marine management regimes" is not, in FINZ's view, comprehensive. For instance while the assessment of the Marine Mammals Protection Act is assessed in terms of the potential effect of the application on marine mammals, it does not assess the implications of decisions that have been made under that Act on other legal activities. These include the effect of cumulative closures of set netting on the commercial sector, the reduced area in which they can operate, and the potential consequences of further exclusions as a result of this application. The same can be said for similar exclusions that have been made under the Fisheries Act.

Trans-Tasman Resources Marine Consent Application Submission Form

While the application notes, under the Fisheries Act assessment, that there are no taiapure or mataitai this does not mean that iwi and hapu do not wish to establish such areas. Such discretion is yet to be exercised. Under the customary regulations (which are regulations made under fisheries legislation), iwi and hapu can apply to establish such areas. In addition the customary regulations within which mataitai could be established are still to be fully implemented in this area and FINZ is aware that iwi in the region are working together on customary non-commercial management.

Section 5: INVESTIGATIONS COMMISSIONED

 I disagree

Please explain why you agree/disagree with the information in this section

FINZ objects to the limited analysis of plume modelling (and the unknown risks attendant in the model) and the potential for adverse effects on commercial fishers including the effect of displacing fish stocks. We note that the independent review of technical reports relating to oceanographic processes and the physical environment highlight areas of uncertainty in relation to sedimentation and the modelling information provided. The review notes that the basis for the particle size distributions used in the sediment transport modelling is a significant uncertainty. The modelling appears to use sediment with a low (<4%) mud content where as some sediment cores show a much higher mud content (10-80%) (see para 9 in the SKM review). The extent of mud layers throughout the area is not adequately assessed. It is not clear what will be the intended operation in areas where significant mud content is included in the excavated material. It is expected that this will depend on the implications for the sediment plume over the full life of the operation and beyond if that material is included. The modelling does not appear to adequately assess that. This highlights the need for more modelling to better assess the proposal, for monitoring of the effects of the operation and the need to establish clear stop/ go thresholds as part of the conditions of consent.

Section 6: DESCRIPTION OF THE PROJECT AREA

 I disagree

Please explain why you agree/disagree with the information in this section

Section 6.17 identifies vessel movements in the area based on an analysis of 12 months of Automatic Identification System (AIS) data. The study concludes that the project area is well separated from commercial fishing grounds. However we are aware that the AIS system does not pick up on small fishing vessels that do not have the relevant recorders. Thus the analysis does not pick up on the full extent of fishing vessel movements in the area.

Section 7: EXISTING INTERESTS CONSULTATION

 I disagree

Please explain why you agree/disagree with the information in this section

We are aware that consultants undertook some discussions with fisheries interests. However this did not include a major quota owner, Sanford, who holds extensive interests around the country including this region.

Trans-Tasman Resources Marine Consent Application Submission Form

Section 8: ECONOMIC BENEFITS

 I disagree

The application has not had sufficient regard to the economic costs of their application on other users of the water space and in particular to the commercial seafood industry.

Section 9: DESCRIPTION OF EFFECTS ON IWI

 I agree

Please explain why you agree/disagree with the information in this section

 I disagree Unsure

Section 10: METHODOLOGY ADOPTED FOR EVALUATION OF EFFECTS

 I disagree

Please explain why you agree/disagree with the information in this section

TRR imply, on page 199 of the EIA report, that they are working with fishing industry operators to monitor fish stock spatial displacement and ways to mitigate this. FINZ or its delegate must be involved in these discussions.

Section 11: EVALUATION OF EFFECTS ON THE PHYSICAL ENVIRONMENT

 I disagree

Please explain why you agree/disagree with the information in this section

As noted above FINZ objects to the limited analysis of plume modelling (and the unknown risks attendant in the model) and the potential for adverse effects on commercial fishers including the effect of displacing fish stocks. We note that the independent review of technical reports relating to oceanographic processes and the physical environment highlight areas of uncertainty in relation to sedimentation and the modelling information provided. The review notes that the basis for the particle size distributions used in the sediment transport modelling is a significant uncertainty. The modelling appears to use sediment with a low (<4%) mud content where as some sediment cores show a much higher mud content (10-80%) (see para 9 in the SKM review). The extent of mud layers throughout the area is not adequately assessed. It is not clear what will be the intended operation in areas where significant mud content is included in the excavated material. It is expected that this will depend on the implications for the sediment plume over the full life of the operation and beyond if that material is included. The modelling does not appear to adequately assess that. This highlights the need for more modelling to better assess the proposal, for monitoring of the effects of the operation and the need to establish clear stop/ go thresholds as part of the conditions of consent. We consider that more modelling should be undertaken by TTR before the application is considered. Subsequent to any resource consent being granted, we consider that information from monitoring should be used to refine the model so that programmed operations can be adjusted to stay within the agreed thresholds.

The applicant has failed to adequately estimate the loss in value of the commercial catch due to the area being unavailable for fishing. FINZ has concerns about the methodology used to estimate that value.

Trans-Tasman Resources Marine Consent Application Submission Form

The applicant has not estimated the potential risk of oil spill and increased sedimentation in Golden Bay and Marlborough Sounds water spaces where transshipments are proposed to occur.

Section 12: EVALUATION OF MARINE ECOLOGICAL EFFECTS

I disagree

Please explain why you agree/disagree with the information in this section

While TRR acknowledge that there will be direct fish mortality as a result of the high velocity intake (EIA page 270) no effort has been made to quantify how many fish and what species are potentially at risk. No offer of compensation has been made to quota owners, nor has there been an offer to purchase Annual Catch Entitlements to cover this mortality. This omission is inappropriate and needs to be rectified.

Section 13: EVALUATION OF EFFECTS ON THE SOCIAL ENVIRONMENT

I disagree

Please explain why you agree/disagree with the information in this section

The Social Impact Assessment (SIA) Report identifies who the people are who use the territorial sea in or near the vicinity of the proposed mining site and what their needs and uses of the resources are. Corydon Consultants, who prepared the SIA, identified and then interviewed "key stakeholders" (January 2013) before constructing a community profile of the potentially affected community.

Some significant FMA 8 inshore stock quota-owners and FINZ members were omitted from invitations to meet with Croydon. Noting that NIWA (August 2013b) estimated that the most significant changes in water quality would occur 8 -10 nautical miles from shore and inside the commercial fishing grounds, this oversight is a significant error that has flowed through to other sections of the report.

Without doubt the proposed mining activity will displace existing commercial fishing activity and while the exclusion zones will vary, "no go" areas will most certainly affect our ability to fish and for vessels to transit. In our view the proposed mining operation is also highly likely to adversely impact on fish stock biomass, disperse fish stock, cause fishing related mortality - all of which are likely to negatively affect the economics of FINZ members

The SIA assessment did not adequately consider the likely effects on commercial finfish stocks and the off-shore reef systems despite the environmental assessment concluding that 'there is a potential of a moderate adverse effects offshore, particularly at distances greater than 8km where sediment levels and deposition are predicted to increase' (page 44).

The SIA proposes a series of mitigation measures, none of which sufficiently address our concerns i.e. there is a proposal to create a recreational fishing and dive management and monitoring plan that will show how to minimise the effect of the plume and monitor this, including the locations for monitoring and how this will be reported back to recreational fishers and divers. It is also proposed to set up an advisory group of representatives for recreational fishing to provide input into mitigation measures. No similar offer has been proposed for commercial fishing but must be.

FINZ considers the applicant has failed to adequately estimate the loss in value of the commercial catch due to the disruption to fishing. FINZ has concerns about the valuation methodology used to estimate that loss. We have work underway on this and will provide further comment at or before the hearing.

While we can see that considerable effort has been put into modelling the activities and conclusions then drawn on the level of effects resulting, we are very mindful from our experience in fisheries that models are just that. They are "a map, not the territory". The ongoing operation under any consent granted should only be permitted if the operations' effects are in line with the model (or less) and suitable

Trans-Tasman Resources Marine Consent Application Submission Form

mitigation is in place. Such monitoring must set standards by way of thresholds that cannot be exceeded, with a requirement that the extent and rate of activities are reviewed if and when the thresholds are breached. This is of course fundamental any consent. FINZ wish to be involved in the development of a suitable monitoring programme that measures the effects of any proposal and participate an agreement with the applicants and the EPA on any changed operation to ensure that any effects are managed within suitable thresholds; or industry, the EPA and the applicants agree on other suitable arrangements that offset or mitigate impacts on the seafood sector or the operation ceases. In FINZ's view such an approach is more in line with the options available to the EPA to allow a staged process and implement an adaptive management regime in a marine environment (s 63 of the Act).

Taking the lead from this suggestion, FINZ seeks as a condition of consent:

1. In partnership with FINZ and those significant commercial fishing interests working in the area (such as Sanford and Egmont Seafoods) prepare a commercial fishing monitoring plan that shows how:
 - the plume will be monitored and reported including how changes in catch effort will be recorded, analysed and reported (including timeframes),
 - effects on fish stocks assessed,
 - bycatch (of fish) are documented, reported and covered by annual catch entitlements (ACE), and
 - unanticipated effects will be managed.
2. The cost of this work and the subsequent monitoring and analysis should be met by the TTR. Should plumes measured exceed model predictions by greater than 20%, activity should halt until the situation is reviewed and the problem rectified and agreement reached or the activity consented under this proposal ceases.
3. A requirement to pay a bond as a means to insure commercial fishers and quota-owners against damage to their rights.

Section 14: OTHER EFFECTS

- I agree
 I disagree
 Unsure

Please explain why you agree/disagree with the information in this section

Section 15: MEASURES TO AVOID, REMEDY, OR MITIGATE ADVERSE EFFECTS IDENTIFIED

- I disagree

Please explain why you agree/disagree with the information in this section

Insufficient attention has been directed towards the potential effects on the commercial fishery.

FINZ proposes that a suitable monitoring regime be developed with clear thresholds set. This should be agreed prior to the granting of the consent and the seafood sector must be involved in its development. TTR should then undertake that monitoring and the requirements should also ensure that the seafood sector receives copies of the regular reports and is party to discussions on the results of monitoring.

Trans-Tasman Resources Marine Consent Application Submission Form

Section 16: CONSENT CONDITIONS FRAMEWORK

 I disagree

Please explain why you agree/disagree with the information in this section

We agree with the general approach that means conditions should include performance criteria and that monitoring and review will be necessary to ensure that conditions remain relevant to effects once operations commence.

We note that there is an acknowledgement that final criteria and standards are not yet able to be established, and that conditions should set out a number of matters including the environmental objectives to be achieved for each topic around which there is presently uncertainty. Given the modelling and assessments that have been made, this area is going to be critical. If the effects turn out to be greater than predicted, then there needs to be a "stop/go" mechanism which provides that the relevant activity cease until further work is done to identify how to adequately manage the situation. In our view, this is the nature of the risk facing a new type of commercial enterprise –which is largely untested.

We note the company proposes to obtain public liability insurance, which we support. However we also consider that the company should also as a condition of any consent also be required to post a bond to cover any unintended (as opposed to accidental as may be covered by liability insurance) effects on the commercial sector. It will be important to ensure that the basis for valuing the level of such effects is robust (refer our earlier comments about effects of the proposal on commercial fishing).

We support the development of processes for commercial fishing sector monitoring and the technical peer review group and wish to nominate a seafood industry expert on this group.

Section 17: ENVIRONMENTAL MONITORING AND MANAGEMENT PLAN INITIATIVES

 I disagree

Please explain why you agree/disagree with the information in this section

As noted above, we support the concept of an environmental monitoring and management plan, based on clear performance measures and a "stop/go" provision should the effects of the activity be found to exceed expected levels.

Section 18: OVERALL EVALUATION

 I disagree

Please explain why you agree/disagree with the information in this section

Trans-Tasman Resources Marine Consent Application Submission Form

APPENDICES

- I agree
 I disagree
 Unsure

Please explain why you agree/disagree with the information in any of the appendices, please identify which appendix and provide a reason

SUPPORTING TECHNICAL REPORTS

- I disagree

Please explain why you agree/disagree with the information in any of the technical reports, please identify which report and provide a reason

Marine Traffic Study Report 12 months of marine traffic movements have been extracted and analysed using Automatic Identification System (AIS) data.

This method of analysis is unlikely to be accurate for the New Zealand inshore fishing sector operating in the area concerned. The AIS data will not have included most fishing vessels movements here.

International law makes it mandatory for ships greater than 300 tonnes to carry AIS when coming in from the high seas; and all SOLAS vessels over 500 tonnes both international and domestic have a mandatory AIS requirement as per IMO regulations.

Most fishing vessels working in the south Taranaki Bight are less than 500 tonnes and so will not carry AIS or ALC (Automatic Location Control). By law inshore fishing vessels are not required by law to carry any location devices. While the vessels of a major company fishing in the area do have ALC installed, these are not SOLAS. Despite most fishing vessels being excluded from the data (due to the issues raised above), fishing vessels still accounted for 14% of the vessels operating within 5 nm of radius of the proposed mining site and 45% of the known vessel movements within 20 nm of the site were fishing vessels.

The applicant proposes to use standard marine watch-keeping systems to interface with other vessels and recommends that all vessels operating within the precautionary area are required to be fitted with AIS transponders. This would be a significant financial impost on fishermen. The applicants are proposing that to mitigate against effects from its activities or that could impinge on the wider environment, existing lawful activities should bear the cost to install equipment not needed for their own operation should the applicant be granted consent. This is the opposite to the standard regime that applies whereby existing uses can continue their lawful operation and any additional mitigation costs are borne by the new proposal. FINZ considers that if the EPA decides that AIS transponders will be required, a system whereby fishers can apply for these to be installed and maintained at the cost of TTR should be part of the conditions of consent.

The **South Taranaki Bight Factual Baseline Report** states that trevally occur infrequently in the area, (page 124, and table 7.1). FINZ has been advised that the proposed mining site and buffer area have however long been important catching areas for trevally. We understand that the major industry participant involved in this fishery was not one of those consulted. We recommend that as part of the mitigation measures, TTR should:

- develop a contact list of companies and vessels that work in the area; and
- develop a communication systems to alert vessels of mining activities.

7. Factors the EPA must take into account

When considering the proposed Trans-Tasman Resources South Taranaki Bight Offshore Iron Sand Project marine consent application, the EPA must, among other matters, take into account factors listed in section 59(2) of the EEZ Act. You may comment on any of these factors in the box below. If you require more space, please attach additional pages as necessary. Please ensure you include your name and 'Trans-Tasman Resources application' on each additional document.

8. What decision would you like the EPA to make?*

Please identify the decision you would like the EPA to make about the proposed Trans-Tasman Resources South Taranaki Bight Offshore Iron Sand Project marine consent application, and provide reasons.

If you require more space, please attach additional pages as necessary. Please ensure you include your name and 'Trans-Tasman Resources application' on each additional document.

Y Decline on basis of current proposal and mitigation

Y If grant then only with conditions as included below (please describe the conditions you would like below)

Trans-Tasman Resources Marine Consent Application Submission Form

Provide reasons including any suggested conditions

FINZ requests the following conditions be imposed on the consent:

- The commercial fishing industry is invited by TTR to nominate a science representative to join the Technical Working Group, which meets six monthly. The cost of this person's participation to be met by TTR.
- Additional plume modelling be undertaken to better estimate the effect on commercial fisheries, including fish stock specific analysis;
- TTR be required to develop and agree with FINZ and those significant commercial fishing interests working in the area (such as Sanford and Egmont Seafoods) a commercial fishing monitoring plan as set out in Section 13 above and subsequently undertake monitoring in accordance with that plan along with its analysis and provide regular reporting on this to the Authority as well as FINZ and significant fishing interests
- An avoidance, remedy and mitigation plan be prepared and agreed with the affected commercial fishers and quota owners that addresses compensation over the life of the mining operation and any subsequent flow-on effects to commercial fishers and quota-owners against damage to their property rights and businesses interests including:
 - Purchase of Annual Catching Entitlements in all fish stocks likely to be directly killed by the operation
 - Payment of a bond to be used to remedy and mitigate adverse effects arising from increased sedimentation, adverse effects on catching rights and in the event of an oil spill.
 - If the EPA requires that all vessels must carry AIS transponders, a system whereby fishers can apply for these to be installed and maintained at the cost of TTR;
- TTR should:
 - develop a contact list of companies and vessels that work in the area;
 - develop a communication systems to alert vessels of mining activities

Part C This part provides the EPA with information to assist with administration of the hearing. **Sections with an asterisk are mandatory.**

9. How would you like to receive correspondence*?

Formal service of documents will be by way of the EPA website at www.epa.govt.nz.

For efficiency, as well as environmental and cost reasons, the EPA sends EPA correspondence via email. We usually provide links to documents on our website rather than emailing documents. This saves people the trouble of downloading large files that they may not want. We will send all information and correspondence including copies of the final reports to the email address provided in Part A of the Submission Form, unless you state an alternative preference below.

If you choose to receive paper copies and wish to speak at the hearing, we will need to provide you with a lot of information such as evidence, hearing schedules, board directions and reports. It may not always be feasible for paper copies to be posted to you in a timely manner (for example, the hearing schedule may change daily during the hearing).

In some instances, such as when there is a large volume of information, we may refer you to a location where this documentation is publicly available for inspection, such as a library.

-
- I / we wish to receive **paper** copies of only the final decision (all other documents will be electronically provided)

10. Do you wish to speak to your submission*?

A hearing for the application may be held by the TTR decision-making committee.

As a submitter you may speak about your submission (and any evidence you may provide) at that hearing. To assist us with planning, please advise us below if you intend to speak at that hearing.

*If you **do** wish to speak at the hearing, we will contact you prior to the hearing to confirm whether you still wish to speak, and if so, how long you will need for your presentation to the EPA. Many submitters speak on similar topics and issues. If this applies to one or more of your topics of interest then you may consider presenting a joint case at the hearing. If you would consider doing this, please indicate this by ticking the box.*

If you do not wish to speak at the hearing, the next information you will receive from the EPA will be the final decision. All submissions will be considered by the EPA, regardless of whether you speak at a hearing.

If you do not select an option, we will assume you wish to speak about your submission.

I / We **wish to speak** about our submission

If others make a similar submission, I / we will consider presenting a joint case with them at the hearing.

11. Meetings and/or mediation to resolve matters before decision

The EPA may request that the applicant meets, or enters mediation, with submitters to discuss matters in dispute in relation to the application. In order to assist with scheduling, please confirm your expected availability to participate in meetings or mediation. Timing for meetings mediation will be determined by the EPA TTR decision-making committee and that direction will be conveyed to the applicant and submitters at that time.

I / We **expect to be available** to participate in meetings or mediation (if requested); OR

If you expect that you won't be available, please provide a brief reason why

12. Do you intend to provide expert witnesses?

This section only relates to people who want to speak at the hearing.

*An expert witness is a person who, through training or experience, is a skilled practitioner in a particular subject and is able to give professional **independent** evidence on that particular subject.*

If you consider yourself to be an expert, or you intend to provide evidence from expert witnesses, please tick the box below.

Yes, I / we **do have** expert witnesses (please fill out the table below).

Trans-Tasman Resources Marine Consent Application Submission Form

If you know the areas of expertise of your expert witnesses and/or their names then please provide these. This information is for provisional planning purposes only. Final confirmation of expert witnesses will not occur until the evidence of the submitters is lodged with the EPA.

Name of expert witness	Area(s) of expertise	Phone number	Email address
Dr David Middleton	Fisheries science	04 3854005	david.middleton@seafood.co.nz

Where to send your submission

Your submission must be received by the EPA no later than **5.00pm on Thursday 19 December 2013**. You also need to send a copy of your submission to the applicant (Bell Gully Limited will receive all submissions on behalf of Trans-Tasman Resources Limited). A copy of your submission will automatically be sent to the applicant when using the online form tool.

You can send your submission to the EPA either by:

- **Using the online form** available at: http://www.epa.govt.nz/EEZ/trans_tasman
- **Email** TTRapplication@epa.govt.nz (if smaller than 10MB). *Please mark in the subject line: 'Submission: (Your name), TTR Marine Consent Application'*
- **Post to** Trans-Tasman Resources application, Environmental Protection Authority, Private Bag 63002, Waterloo Quay, Wellington, 6140.
- **Deliver in person to** Environmental Protection Authority, Level 10, 215 Lambton Quay, Wellington
- **Fax** (04) 914 0433 *Please mark in the subject line: '[Your name], Trans-Tasman Resources Submission'*

You must also send a copy to Trans-Tasman Resources Limited. You can send this by:

- **Using the online form** you can select to automatically send the applicant a copy of your submission from the online submission form.
- **Email** TTRsubmissions@bellgully.com
- **Post to** Trans-Tasman Resources Ltd, C/- Bell Gully, PO Box 1291, Wellington 6140, Attention: Andrew Beatson
- **Deliver in person to** Bell Gully, Level 21, 171 Featherston Street, Wellington