

Friends of Nelson Haven & Tasman Bay Inc

www.nelsonhaven.org.nz

em@nelsonhaven.org.nz

friendsnelsonhaven@gmail.com

Annual General Meeting will be on Tuesday August 29 2023 at 5:00 pm at 29 Bronte Street, Nelson.

50th Anniversary Celebration will be a joint meeting with Forest and Bird, on Wednesday 8 November, Tahunanui School hall, Muritai St, 7.30pm. Cup of tea available from 7.15pm. The speaker will be Professor Liz Slooten, Otago University, marine ecologist, with considerable knowledge of marine mammals. A reminder email will be sent to members nearer the time giving the talk topic.

Annual Report July 2022 to June 2023

WE ARE FIFTY YEARS OLD!!

Fifty years ago, in 1973, a group of Nelson people gathered to stop Nelson City Council from the further filling in of Nelson Haven/Pararua. Observant bird watchers, fishers and ecologists already recognised the high productivity of the estuary with the beauty equally evident to those with eyes to see. Charles Guard, Nelson's most knowledgeable commercial fisherman, knew that fish used estuaries for feeding, breeding, as hospitals and nurseries and his observations had been featured in the Nelson Evening Mail. A public meeting was organized by a group including Charles Guard and Perrine Moncrieff. The Mail ad for the meeting stated that the Council had "an overriding obligation to the people of Nelson to do nothing for speculative short-term gain which could ruin an irreplaceable natural asset". The School of Music hall was over-filled with 400 attending and some turned away. The planned in-filling was dramatically stopped. Other in-filling continued, such as the huge acreage north of Sewerside (now Boulder Bank) Drive, so today at least one-third of the Haven is now land, basically shifting the Commons to private ownership and non-estuarine uses.

This initial single issue success prompted people along the foreshore of the top of the South to ask for help in their coastal degradation problems, which included tips, outfall pipes, industrial dumping, legal and illegal infilling and foreshore poisoning. So Friends of Nelson Haven were urged to add "& Tasman Bay" to their name. Information of this history, and more, can be accessed in Friends' history which is on line and in a hard copy booklet.

Friends continue efforts to slow the degrading of coastal waters and sea bed, and we note that the idea of restoration has been taken up, in recent years, by volunteer groups along the foreshore often with Councils' support. Recent government research, and Cawthron's eelgrass program show that there is recognition that continued ocean extraction requires some pushback and need for restoration.

If you like what we do, please:

1. Renew your membership;
2. Ask other people to become members (we are asked in court how many members we have so numbers sometimes count);

3. Consider offering to help, or perhaps, joining the committee. We need someone to put us on social media such as Facebook, help with a membership drive, and we need people with knowledge of the Top of the South coastal and marine environment. If you have a particular coastal concern and wish to make a submission with Friends' support, let us know.

A. Research Update

1. King Shag

Over many years, Friends have been submitting against further harmful activities in the coastal marine environment of the Marlborough Sounds. Better outcomes for declining biodiversity are required, including the well-being of the only endemic bird species of the Marlborough Sounds, New Zealand King Shag. This apex predator is an important indicator for the overall health of the Sounds. While protection of most of the breeding sites is guaranteed through reserve status, the feeding habitat of the species has not been managed with the precaution that would be expected from the state of knowledge of the species and its benthic feeding habitat. Such uncertainty has been the reason for Friends to provide further funding for King Shag studies between 2022-2025. Research projects supported by Friends are:

(a) Banding and re-sighting of shag chicks is being carried out at several colonies. This will add to knowledge of juvenile survival and aid in evaluating the health of the colonies. This information is essential to management decisions and is funded jointly by Friends and the Marine Farming Association.

(b) Analysis of the stable isotopes in the feathers can provide further information about the diet of King Shag. This high-level study is in full swing involving a number of scientific institutions.

(c) Stress levels during feather growth are also part of a PhD thesis. Daily growth bars indicate the nutritional condition of the bird. Shorter or inconsistent bars indicate nutritional stress. The bar widths can be used to compare colonies as well as between historic and contemporary feathers.

2. Seagrass

Friends is helping support the study of seagrass (aka eelgrass, *Zostera*) by Cawthron Institute. This amazing plant is the only flowering plant to grow in sheltered clear, coastal waters. (All other marine plants are algae which have no flowers or seeds.) Seagrasses cover less than 0.02% of the earth's sea area and are responsible for 10% of sea carbon sequestering, which is more carbon sequestering than that of all land forestry. A news item (Stuff June 2, 2022) reports that "A seagrass that stretches across more than 180 square kilometres of ocean floor (in Australia) has been identified as the largest living plant (on earth)."

Aotearoa has one species (*Zostera muelleri*) and virtually nothing was known of this plant's lifecycle in NZ. Seagrass meadows are important because they act as nurseries for a wide variety of marine life, protect coasts from erosion, and clean the coastal waters by absorbing polluting nutrients. Most of coastal Nelson bays have greatly reduced seagrass beds, 50% in the case of Nelson Haven, or the beds have completely disappeared, as is the case for Motupipi estuary in Golden Bay. Sediment deposition from accelerated erosion and floods is considered a major cause of the decline.

Charles Guard, here in Nelson, back in 1971 understood how important the seagrass meadows were as nurseries for snapper and other fish. However interest in coastal conservation until now has been left to small volunteer groups, which is why the Cawthron effort is so wonderful. The Cawthron group leader, Dana Clark, has spoken at many venues about the work, including with Alison Ballance for Radio New Zealand, where Friends was mentioned as supporting the research.

Nelson Haven is the main research area, but Waimea Inlet, Delaware Bay and Farewell Spit are now included. The Spit has the largest beds in Aotearoa.

The seagrass' tiny flowers and seeds have been found and collected in the past year and Cawthron have even had one seed germination in the lab. The hope is that the seed collected will help restore some beds smothered by the sediment from recent floods. Transplanting adult plants has not been successful so far.

B. Nelson / Whakatu City Council (NCC) area

1. Nelson Biodiversity Forum meets four times a year. And now includes coastal biodiversity, especially through the Marine sub-group, which meets regularly. Friends sends representatives to these meetings.
2. Plant & Food Research of MPI has plans to feed captive snapper in summer and salmon in winter. Friends were consulted April 2022 by zoom, but has no further information. A major initial concern was that feeding might occur near Nelson's only Marine Reserve, Horoirangi.
3. There is an application by NCC to the Environment Court to be advised if a resource consent is needed to drive and boat launch on the Delaware Bay estuary. Respect for estuarine fragility and productivity does not seem to be of concern to that boating community.
4. Friends was consulted about the Marine Plan for the land owned by the NCC at the Port.
5. Stormwater compliance & monitoring (RM105385). Friends are a party to the consent.

C. Tasman District Council (TDC) area

1. Submissions have been made on the Tasman Environment Plan 2022.
2. Friends has been represented at the Waimea Inlet Forum.
3. Friends are part of a community group doing trapping, planting and weeding.

D. Marlborough District Council (MDC) area

- 1a. Marlborough Environment Plan - Natural Character, Landscape and Biodiversity.
Progress from Friends appeal on Landscape and Natural Character for the proposed Marlborough Environment Plan (pMEP) were very disappointing. Our expert witnesses and legal counsel were not able to clarify many aspects of uncertainty that has bogged planning and landscape matters for a long time.
The last chapter Friends are involved with is Indigenous Biodiversity. We have in progress an appeal

to get more or improved rules about the effect of 'Dredging and Trawling' in, or in the vicinity of, the feeding habitat of King Shag. While studies of King Shag to date have provided incremental gains in the knowledge about the species, Friends are not in full agreement with some of the interpretation of these. Our appeal will not only test the merit of the sustainability of dredging and trawling but will also question the effect of this activity on the feeding habitat of a threatened species (King Shag). Under the Fishing Legislation perceived sustainable activities are different from assessments under the Resource Management Act. Friends is the only party left in this appeal and is fortunate to have a team of experts and legal counsel that are willing to continue with this important topic for better sustainable management of the Marlborough Sounds and maybe beyond. The Environment Court hearing is expected to be later this year.

Another aspect of the Indigenous Biodiversity chapter, criteria for Ecological Significance, has only slowly progressed. The latest National Policy for Indigenous Biodiversity has to some extent provided some clarity to reconcile the topics of disagreement to be reconciled by different parties. Also, the Te Mana o Te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020 has been helpful in synchronizing the terminology of biodiversity.

1b. Proposed Marlborough Environment Plan – Aquaculture

Chapter 1, consisting of Variation 1 on Marine Farming and Variation 1a on Finfish Farming were released later than the rest of the pMEP. Friends were critical of this separate release of one chapter, as it is not in accordance with the principles of integrated management.

The decision was finally released at the end of April 2023. Variation 1 finalised the Aquaculture Management Areas (AMAs) where marine farming is to be permitted. It took into account *ecological effects, natural character, landscape and visual amenity effects, Treaty of Waitangi, public open space, access and amenity values, navigation safety and recreation opportunities, coastal hazard risk and climate change, economic, social and cultural effects*. In general AMAs have been sited at the location of existing marine farms. However certain marine farms have been deemed to be in inappropriate locations according to the criteria and have not been provided with corresponding AMAs. The consents of these will not be renewed when they expire, and it will be required that marine farm structures from these sites be removed.

Friends has not appealed any aspects of the decision, but we are looking at appeals being lodged by other parties and will join proceedings as an s274 party as we see fit.

The decision for Variation 1A was influenced by the previous proposal by the Minister of Primary Industries to amend the provisions of the Marlborough Sounds Resource Management Plan to relocate salmon farms in the Marlborough Sounds. For this, the Marlborough Sounds Salmon Farm Relocation Advisory Panel heard submissions, then recommended that the existing salmon farms at Waihinau, Otanerau and Ruakaka be relocated to Tio Point, Horseshoe Bay and Richmond Bay. Because of this, the Chapter 1 decision recommended that Council formally withdraw Variation 1A, and instead establish a working group consisting of Marlborough's Tangata Whenua Iwi and other key stakeholders to develop finfish farming provisions.

2. Salmon Farming Cape Lambert

NZ King Salmon (NZKS) applied (U190438) for a resource consent to establish a new salmon farm within a 1,000 hectare site located 5 km due north of Cape Lambert in Cook Strait. The application was not appraised by a Board of Inquiry but instead a hearing with three commissioners was held at Council level. It has been a long and drawn out process, the original application being received in 2019. Friends worked on this as part of a coalition of groups, Kenepuru Central Sounds Residents Assn, Guardians of the Sounds and the Marlborough Environment Centre. The coalition presented expert evidence on effects on the benthic environment, and on possible effects of this application on seabirds.

The MDC panel released its decision in Nov 2022 granting the consent with conditions. The decision was appealed by Department of Conservation (ENV 2022 CHC 067) and by McGuinness Institute (ENV 2022 CHC 068), and Friends joined as a s274 party to both appeals. After extensive mediation some of the conditions were modified as a result of the appellants' input. We were disappointed that the requirement for baseline studies of seabirds and marine mammals were not included, nor was proper consideration that the structure could act as a catching device for seabirds - combination of nets and 230kW of lighting during fledging of seabirds from nearby colonies. After drawing up of a post-mediation consent memorandum the appeals were withdrawn.

3. Mussel Farming Pig Bay, Port Gore.

Pig Bay Partnership applied (U180586) for a permit to continue using a 6 ha mussel farm in an area where marine farming is prohibited (Coastal Marine Zone 1). This was later changed to a short-term 2-year consent application to continue to farm at the existing site while they sought an alternative site for relocation. Friends provided evidence relating to King Shag foraging habitat. In light of the history of Port Gore, we were surprised and disappointed when the MDC commissioner granted the consent for two years in December 2022.

4. Mussel Farming Tawhitinui Bay.

Kuku Holding Ltd applied (U200493) to expand a 6.75 ha mussel farm by 6.11 hectares near a King Shag colony. Friends participated in the MDC hearing and we were pleased that the application was refused in September 2021. The applicant appealed to the Environment Court (ENV-2021-CHC-104). We joined as a party in the case, but have since had to withdraw through lack of manpower. Fortunately both MDC and DOC are strong in their opposition to the application.

5. Salmon Farming Waitata Reach and Ngamahau Bay.

NZ King Salmon (NZKS) applied (U140294 & 296) to expand their Waitata farm and also for a change of consent conditions for both farms to mitigate non-compliance. NZKS issued a Declaration to the Environment Court (ENV-2021-CHC-74) over the consent conditions. And when MDC declined the whole application and they appealed to the Environment Court (ENV-2021-CHC-105). We joined both the proceedings.

The Court decision on the Declaration in September 2022 granted the changes to consent conditions sought, but specified that there had to be an ongoing monitoring plan prepared by an independent person and is subject to peer review. NZKS then withdrew the appeal in December 2022.

E. General Marine Matters

1. Tasman Bay/ Te Tai-o-Aorere Marine Matters is an excellent online publication which started in August 2021 and is now in its 14th edition. It can be accessed at [Tasman Bay Marine Matters](#). The newsletter summarises and gives connections to NCC, TDC, MDC, MPI, Cawthron, NIWA, port, fisheries, tangata whenua, conservation and tourism news as these relate to local marine and coastal matters.

2. A Friends' representative attended a consultation meeting on "Draft Fisheries Industry Transformation Plan". One hopeful fact is that on the summary sheet was the word "restoration". This is perhaps the first time that word has been associated with this mainly extractive industry.

F. Acknowledgements

1. The voluntary work of committee members is essential and makes the above possible. Friends exists due to the dedication of these people - as is true of many volunteer groups.
2. Member support is also essential and very much appreciated. Since the Court sometimes asks us for our membership numbers, your continued support adds to our mana and believability, so many thanks to all of you who read this. We also very much appreciate your donations.
3. The pro-bono and reduced fee work by various experts and legal counsel is essential and is very much appreciated.
4. We work collaboratively with many groups and individuals and this is essential and very much appreciated. These include Guardians of the Sounds, Kenepuru & Central Sounds Residents Association and Marlborough Environment Centre.
5. Much appreciated financial help from the New Zealand T-Gear Charitable Trust.
6. Thanks to the Ministry for the Environment Legal Assistance Fund.

Respectfully submitted,



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