

# Marine Mammal Sanctuary and Kaikōura Whale Sanctuary Proposals

## Climate Justice Taranaki Submission to the Minister of Conservation and Department of Conservation, 21 July 2020

### Sanctuary Extensions

- Climate Justice Taranaki (CJT) fully supports the proposals to extend the West Coast North Island Marine Mammal Sanctuary and the Banks Peninsular Marine Mammal Sanctuary, as defined in the New Zealand Gazette ‘Notice of Intention to Redefine and Vary Marine Mammal Sanctuaries to Protect Hector’s and Maui Dolphins’, 23 June 2020.

### Seismic surveying

- CJT fully supports the prohibition on seismic surveying in all marine mammal and whale sanctuaries, and their extensions.
- CJT is gravely concerned about the various exemptions on seismic survey prohibition, except for an urgent hazard assessment (as defined in the Gazette).
- Aotearoa New Zealand has the international obligation to protect and foster the recovery of threatened species, and te Tiriti o Waitangi obligation to respect the interests of Māori in respect to taonga species and the cultural and spiritual elements of kaitiakitanga<sup>1,2</sup>. The dire status of the Maui Dolphin calls for the strongest protection measures.
- The impacts of seismic surveying<sup>3</sup> on marine mammals cannot be ignored, especially in the context of cumulative effects on the critically endangered Maui Dolphin.
- Critically, a culmination of human impacts from fishing<sup>4</sup>, diseases<sup>5</sup>, maritime traffic, noise, degradation of the coastal ecosystems and changes in ocean chemistry that disrupt food webs, is pushing the Maui Dolphin to the verge of extinction. Any added impacts such as from seismic surveying could see its demise.
- We are concerned that the 2013 Code of Conduct for Minimising Acoustic Disturbance has not been demonstrated to be effective in protecting marine mammals. For a critically endangered small dolphin unique to Aotearoa, the precautionary approach must be taken to avoid potentially adding any stress to its wellbeing.
- Seismic surveys for petroleum and mineral prospecting, exploration and mining drives climate change and the associated adverse impacts on the environment and people. Seismic surveys in association with decommissioning should be avoided wherever possible.
- Exemptions from the seismic survey ban “*pursuant to an approval by the Minister of Conservation and Minister for Energy and Resources for an activity that is nationally significant...*” undermine the level of species protection and public participation.

- CJT is especially concerned about offshore wind farms being considered a nationally significant activity and the associated seismic surveys be exempted from the ban. Offshore wind farms are extremely expensive, resource intensive and have environmental impacts that require careful assessment<sup>6, 7, 8</sup>. In Taranaki, proposed offshore wind farms<sup>9</sup> are potentially linked to hydrogen production and the use of existing offshore petroleum infrastructures which local iwi want properly decommissioned and removed. Such schemes are reminiscent of the disastrous Think Big projects, the negative impacts of which still linger.
- Rather than offshore wind farms, there are numerous alternative solutions to reduce our greenhouse gas emissions, notably energy conservation, drawdown and demand prioritisation, followed by public and small-scaled community-owned renewable energy production and distribution. Such systems offer affordable energy and foster community resilience. The impending closure of the Tiwai Point Aluminium Smelter next year will substantially reduce the pressure on electricity demand while allowing more opportunities for small-scaled renewable energy systems<sup>10</sup>.

## Seabed mining

- CJT fully supports the proposal to ban seabed mining outright within the Te Rohe o Te Whānau Puha/Kaikōura Whale Sanctuary, as per the New Zealand Gazette ‘Notice of Proposal to Prohibit Seabed Mining in Te Rohe o Te Whānau Puha Whale Sanctuary’, 23 June 2020.
- CJT requests the same outright ban on seabed mining within the Marine Mammal Sanctuaries of Clifford and Cloudy Bay, Banks Peninsula and its proposed extension, Catlins Coast and Te Waewae Bay. According to NZ Petroleum and Minerals (NZPAM)<sup>11</sup>, there are no mineral licenses in these areas. Such a ban would protect these sanctuaries without any legal or financial implications associated with license holders.
- CJT requests the Minister of Conservation to work with the Minister of Energy and Resources, to engender government buy-back of the existing mineral licenses within (fully or in part) the West Coast North Island Marine Mammal Sanctuary and to issue a nationwide ban on seabed mining. The saga of the Trans-Tasman Resources’ application to conduct seabed mining just outside the Taranaki territorial waters clearly demonstrated the widespread oppositions from local iwi, community and environmental groups<sup>12, 13</sup>.

<sup>1</sup> <https://www.courtsofnz.govt.nz/assets/cases/Media-release-Trans-Tasman-Resources-v-Taranaki-Whanganui-Conservation-Board.pdf>

<sup>2</sup> <https://www.rnz.co.nz/news/business/414883/seabed-mining-bid-goes-to-supreme-court>

<sup>3</sup> <https://climatejusticetaranaki.files.wordpress.com/2018/03/asa-decision-on-cjt-complaint-17438-27feb2018.pdf>

<sup>4</sup> <https://www.fisheries.govt.nz/dmsdocument/40883-mpi-dolphin-tmp-factsheet-north-island-june-2020>

<sup>5</sup> <https://niwa.co.nz/news/scientists-reach-new-understanding-of-main-threats-to- Hector-and-maui-dolphins>

<sup>6</sup> <https://guidetoanoffshorewindfarm.com/lifecycle#0/installation>

<sup>7</sup> <https://www.dw.com/en/how-do-offshore-wind-farms-affect-ocean-ecosystems/a-40969339>

<sup>8</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0960148116301197#!>

<sup>9</sup> <http://venture.taranaki.info/System/ISSUU-Embed.aspx?cid=19146623/77007441>

<sup>10</sup> <https://www.newsroom.co.nz/economic-recovery/oram-now-we-can-see-our-future>

<sup>11</sup> <http://data.nzpam.govt.nz/permitwebmaps/?commodity=minerals> (accessed on 17 July 2020)

<sup>12</sup> <https://www.rnz.co.nz/news/national/365127/high-court-overturms-south-taranaki-seabed-mining-application>

<sup>13</sup> <https://www.rnz.co.nz/news/national/421487/south-taranaki-seabed-mining-appeal-heads-to-supreme-court>