

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a Board of Inquiry appointed under section 149J to consider the New Zealand King Salmon Co Limited's private plan change requests to the Marlborough Sounds Resource Management Plan and resource consent applications for marine farming at nine sites located in the Marlborough Sounds

**COMMENTS OF MCGUINNESS INSTITUTE ON MINOR OR TECHNICAL
ASPECTS OF THE DRAFT REPORT
8 FEBRUARY 2013**

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MAY IT PLEASE THE BOARD:

1. These comments on minor or technical aspects of the Board's draft report are for the McGuiness Institute, pursuant to section 149Q of the Resource Management Act 1991.

Accurate record of present salmon farming tonnage

2. Paragraph [3] of the draft report states that in regard to production New Zealand King Salmon 'currently has six farms in the Marlborough Sounds, producing approximately 8,900 tonnes of King salmon (also known as Chinook) per annum, at Ruakaka Bay, Forsyth Bay, Waihinau, Otanerau, Te Paugu and Clay Point.'
3. As far as the Institute has been able to ascertain, this is the only mention of NZKS' current production tonnage anywhere in the draft report. Given this is the only apparent mention of current production tonnage, and given the lack of references to the basis for the statement, the draft report has omitted to account for the evidence that 8,900 tonnes is not the correct figure, namely:

- a. Dawson (e), being Clark's actual figures, clearly states that sales in tonnes were 7660 and 7032 for the June 2011 and June 2012 years respectively.
- b. New Zealand King Salmon report [13 August 2011], shows a similar number of tonnes to Dawson (e), see Figure 12, on page 33
<http://www.epa.govt.nz/Publications/Appendix%20%20NZ%20King%20Salmon%20Report.pdf>.

- c. Clark [June 2012], Para 29 states:

Evidence of the limits on production capacity can be seen in NZ King Salmon's production volume, which:

(a) was 7,539mt in 2009/10 financial year;

(b) was 7,546mt in 2010/11 financial year;

(c) is projected to be approximately 7,800mt in 2011/12 financial year; and

(d) is projected to be approximately 7,200mt in 2012/13 financial year

4. Ensuring this figure is correct is important because the success of this project will be judged on the extent that demand has been met (or not met) in the future. As the decision is considered to be of national significance, it must by its very nature demand high levels of transparency so that the public interest in this proposal can be measured and monitored over time. Hence any benchmark figure relied upon in the decision must be correct.

Typographical Error

5. Paragraph 165 of the draft should be corrected to refer to Mr Gillard (not Mrs Gillard).

Feed / Fish tonnage relationship

6. The draft report omits to account for the potential for the relationship between feed pellets and salmon tonnes to change significantly over time, which is of particular importance given the 35-year life of the consents. If a new (lighter) feed is produced, or a genetically modified salmon is created that requires less feed, then controlling the size of the operation by reference to feed discharged to the farms will not result in controls on the actual salmon tonnage. Para 94 does not seem to deal with this eventuality.

Dolphins

7. While the draft report addresses the risks of displacement of dolphins, or entanglement of dolphins, it omits to address the risks to dolphins from sharks, which will arise from dolphins being the most likely marine mammals (alongside seals) to interact with the farms (as recorded a paragraph [504]) and the potential for aggregation of sharks in the vicinity of the farms (as discussed at paragraphs [499]-[500]).
8. It appears dolphins may have been accidentally omitted from the discussions and decision in relation to controls for wildlife protection; and the Institute proposes that two conditions should be added:
 - (i) (New) Para 90 (c) A **Wildlife Protection Plan** to minimise the risk to dolphins, in particular the Hector Dolphin so that they are able to roam free through marine waters.
 - (ii) (New) Para 94 should include: [For Ngamahau] Prior to the establishment of the farm, the consent holder shall undertake a **Baseline Assessment of Numbers of Dolphins**, in particular Hector Dolphins using the coastal marine area with 2km of the farm.

9. The draft report records that all economic impact modelling has been based on all nine farms being approved, which allegedly justifies the inclusion of the significant economic benefits of a processing plant. The draft report omits to address how the conclusions reached on economic benefit are altered by the decreased likelihood of the processing plant that stems from the Board's decision to grant consent for only 4 of the 9 farm sites.

Conditions

10. Condition 40 –the words 'associated' and 'fixtures' should be added, to read "The consent holder shall remove all associated structures and fixtures...". This aligns with the term "associated structures" under paragraph (a), on page 3 of the proposed conditions of consent.
11. Condition 33 – the words "and fixtures" should be added after "structures", for consistency.
12. Condition 41 – 'extruded pellets or similar' should be enlarged to specify what the pellets are made from; such as "extruded pellets or similar made from fishmeal, vegetable proteins, binding agents such as wheat and water shall be fed at the farm." The Institute understands chicken may have also been mentioned at the Hearing, in which case chicken meal should also be added so that there is clarity over what might be contained in the feed. For example, an equivalent BSE scare or a Foot & Mouth scare could be easily tracked.

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on behalf of the McGuinness Institute
8 February 2013