



**Te Ohu Kaimoana submission on
application for resource consent
U190438**

Te Ohu
Kaimoana


20 December 2019

The Marlborough District Council
PO Box 443
Blenheim 7240

Attention: Peter Johnson
Via email: Peter.Johnson@marlborough.govt.nz

CC: The New Zealand King Salmon Co. Limited
Attention: Quentin Davies, Gascoigne Wicks
Via email: qdavies@gwlaw.co.nz

Tēnā koe,

RE: SUBMISSION ON APPLICATION FOR RESOURCE CONSENT – U190438

1. Te Ohu Kai Moana Trustee Limited (**Te Ohu Kaimoana**) hereby submits on an application made by The New Zealand King Salmon Co. Limited (**NZ King Salmon**) to establish and operate new salmon farms within a 1,791-hectare site located between 5 kilometres and 12 kilometres due north of Cape Lambert.

Te Ohu Kaimoana

2. Te Ohu Kaimoana is a representative organisation that was established through the passage of the Maori Fisheries Act 2004. Our role is to protect and enhance Iwi and Māori interests in the marine environment, particularly in relation to customary and commercial fisheries as well as aquaculture.
3. Te Ohu Kaimoana works on behalf of 58 Mandated Iwi Organisations (**MIOs**), who in turn represent all Māori throughout Aotearoa. Some MIOs are also Iwi Aquaculture Organisation (**IAOs**), meaning that they have an interest in the aquaculture settlement framework established through the Maori Commercial Aquaculture Claims Settlement Act 2004. We work on priorities agreed by Iwi to protect and enhance both the Fisheries and Aquaculture Treaty Settlements.
4. Iwi have identified that the potential for open-ocean aquaculture in New Zealand could provide significant environmental, social and economic benefits for Iwi, coastal communities and New Zealanders more generally. We support action that will enable sustainable open ocean aquaculture in Aotearoa.
5. We do not intend our response to conflict with or override any response provided independently by Iwi, through their MIOs and/or Asset Holding Companies.

Position

6. We can confirm:
 - Our submission relates to the whole application;
 - We support the application in part; and
 - We wish to be heard in support of our submission.

7. We generally support the application because we consider it will lead to:
 - **Social and economic benefits:** the application would result in significant employment opportunities across Te Tau Ihu, providing substantial social and economic benefit to the Marlborough and Nelson communities. It would also result in increased exports for New Zealand.
 - **Trialling of open-ocean farming technology:** the application area provides a relatively good location to trial various open-ocean farming technology. While the application area itself is located in the open-ocean, the surrounding geography provides reasonable shelter from large waves. This would enable NZ King Salmon staff to develop expertise in farming with open-ocean technology while working in an environment less challenging than other potential locations.
8. But that support is not unconditional. While iwi support open-ocean aquaculture, this is only on the basis that such development operates safely inside the environmental capacity of the site and its surrounds. Based on the material provided with the application currently, we cannot provide unconditional support for the entire application as notified given a lack of clarity around:
 - **The capacity of the application area:** the maximum capacity of the application area is unclear, and NZ King Salmon is seeking that it can develop its operations up to the maximum capacity of the site. It proposes that the impacts of its operations will be managed by only proceeding through staging of development and review processes. While NZ King Salmon's immediate plans for the application area are to install one farm made up of up to ten 200m circumference circle pens with a stationary feed barge – which would result in approximately 10,000 tonnes of production (requiring 20,000 tonnes of feed) – their application notes staged increases beyond this initial level could reach an aspirational 40,000+ tonne production level (requiring 80,000+ tonnes of feed). Without clarity around the capacity of the site, an adequate assessment of the effects of the proposed development is not possible. Further, without adequate definition of the acceptable standards for key parameters for this site (that can potentially also be used for other open ocean aquaculture sites), it is impossible to confirm that the proposed development can be safely managed within those limits.
 - **The farming standards that will apply at the site to manage environmental effects:** the Best Management Practice Guidelines were developed for inshore sites in the Marlborough Sounds and will not be able to be easily applied over the application area. The application notes that work is currently underway to develop appropriate management guidelines to apply over the application area in relation to Benthic, Water Column, Marine Mammals, Birds, Navigation and Healthy and Safety, Biosecurity, Wild Fish and Structures. While it is commendable that these guidelines are being developed; without details of the management guidelines that will apply to the activity, a genuine assessment of the potential adverse effects of the site is not possible.
9. These factors are critical. If they are not satisfactorily provided through the process, or the conditions in any resource consent are unable to ensure that development cannot result in any diminishment of the life supporting capacity beyond the site or any significant diminishment at the site, Iwi will oppose the granting of a consent.

Aquaculture settlement

10. In addition to ensuring that only sustainable development will occur, Iwi and the Crown have an additional interest in this development.
11. The Maori Commercial Aquaculture Claims Settlement Act 2004 provides a regime whereby the Crown owes settlement obligations to Iwi for all aquaculture development that occurs in New Zealand. This development will result in additional settlement obligations that the Crown must satisfy with Marlborough IAOs. In July 2015, the Crown and Marlborough Iwi entered an agreement that satisfies the Crown's obligations for all aquaculture development in the Marlborough region between 2011 and 2035. Reaching that agreement involved a two-stage assessment that looked first at the level of development likely to occur in the Marlborough region until 2035 including when that would occur, and a calculation of the likely value of that likely development.

12. Development of the kind proposed in NZ King Salmon's application was not considered possible at the time that agreement was reached and was therefore not factored into the settlement. While the agreement between the Crown and Marlborough Iwi provides mechanisms for this type of development to be reconciled against the settlement obligations already provided, doing so requires significant detail about the farm's performance (including capacity, structures and the costs associated with operating in the open-ocean). Without these details, the value of the site is unable to be assessed from a settlement perspective meaning that it could take several years for the obligations generated by this development to be settled.
13. Iwi want to have that information available to them as soon as possible so that they have the option as early as possible to choose whether to also invest any settlement obligations in this or other aquaculture opportunities. While the Marlborough District Council and the applicants do not have any role in the Crown's delivery of its obligations, if Iwi want to explore a similar opportunity in the immediate vicinity, both will have significant roles in ensuring regulatory and biosecurity measures are clearly established and can be met.
14. Iwi will look to work alongside constructively with NZ King Salmon and the Marlborough District Council on consideration of the resource consent application and subsequent monitoring of operations so that they are well-informed on the reality of such ventures.

Contact details

15. Our address for service is:
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16. Please direct any queries about this submission to:
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Ngā manaakitanga,



Dion Tuuta
TE MĀTĀRAE

Te Ohu
Kaimoana

