

# Submission

To the

Department of Conservation

On

“Code of Conduct for Minimising Disturbances to Marine Mammals from Seismic Survey Operations” (submissions close on 9 September 2011)

## Introduction

1. Straterra Inc was formed in 2008 to be a collective voice for the New Zealand resource sector. Its membership represents 84% by value of New Zealand minerals production (excluding oil & gas, and geothermal), as well as exploration, research, service and support. Straterra works closely with the petroleum sector and has links to the geothermal sector.
2. Straterra welcomes the opportunity to provide feedback on a draft Code of Conduct for Minimising Disturbances to Marine Mammals from Seismic Survey Operations. We do so from the perspective that businesses operating in New Zealand’s marine jurisdiction, or considering investment in this region, may legitimately expect to be treated fairly, find clarity in legislation and regulations, and to find certainty of process and in the rules to be followed.
3. Properly encouraged and managed, the resource sector’s contribution to the New Zealand economy could grow significantly. As a resource-rich country, and with new technologies and changing demands, New Zealand’s mineral and energy resources will afford economic opportunities for many decades to come. This is certainly the case for New Zealand’s marine jurisdiction, with untapped resource potential in ironsands, rock phosphate, and seabed massive sulphide (SMS) deposits of precious and base metals.
4. In making this submission, Straterra has restricted itself to the high-level issues. We are not in a position to delve into the technical detail, and acknowledge the work of a group of scientific, technical and industry experts in developing the draft Code of Conduct. We have taken the opportunity to discuss the draft Code of Conduct with PEPANZ, the Department of Conservation, and a number of potentially affected firms.

## **Executive summary**

5. In administering the Marine Mammals Protection Act 1978 (MMPA), the Department of Conservation has responsibility for engaging with businesses and entities whose activities pose a potential or actual threat to whales, dolphins, seals and sealions within New Zealand's marine jurisdiction. Seismic surveys are the object of present interest.
6. Low-intensity seismic surveys may be carried out by firms prospecting or exploring for seabed mineral resources such as ironsands, rock phosphate and SMS. The level of intensity is typically one or more orders of magnitude less than that of seismic surveys for oil and gas, principally because these mineral resources are located on or close to the seabed, requiring less transmitted energy to reveal their presence.
7. Seismic surveys for seabed minerals would fall within the Code of Conduct's treatment of scientific research, which may be done either for the public good or on contract for minerals prospecting or exploration. As such, these would be either level 2 or 3 surveys, and not level 1 surveys.
8. It is relevant to make a distinction between levels of activity in the Code of Conduct because of the evidence now available that the level of disturbance arising from seismic surveys traverses a broad spectrum, from non-existent or negligible, to potentially significant.
9. It is reasonable to encourage mineral prospecting and exploration firms to take specified actions to minimise their effects on any marine mammals in the area of operation. That is entirely within the spirit and intent of the MMPA. Observance of a Code of Conduct would also provide evidence of good environmental practice by firms. That is important for reputational reasons, and as part of the industry's "social licence to operate".
10. That said, it would be unreasonable to expect these firms to do more than is necessary in the circumstances, or to overstate the effects of their activities on marine mammals. This draft Code of Conduct, which supersedes the broad-brush guidelines of 2006, avoids such outcomes or perceptions.
11. On the basis of the foregoing, Straterra supports the draft code of Conduct as written, and has no modifications to propose.