

Submission

To the Department of Conservation

Marine Mammal Sanctuary Proposals to Protect Hector's and Māui Dolphins

July 2020

Introduction

1. Straterra is the industry association representing the New Zealand minerals and mining sector. Our membership is comprised of mining companies, explorers, researchers, service providers and support companies.
2. We welcome the opportunity to make this submission on the [Marine Mammal Sanctuary Proposals to protect Hector's and Maui Dolphins](#).
3. It is proposed that marine mammal protection areas across the West Coast of the North Island and around the Banks Peninsula be doubled and that seismic surveying and seabed mining in these areas be prohibited to protect the dolphins from the impacts of these activities.
4. This submission concentrates on the seismic surveying and seabed mining aspects of the package of proposals. It argues that opportunities for investment activities in New Zealand (existing and new) would be unnecessarily curtailed under the proposed restrictions without having any benefits for the Hector's and Maui dolphins.

Submission

5. We agree it is important that marine mammals within New Zealand's marine jurisdiction are protected.
6. We note there is no scientific evidence that seismic surveying and seabed mining have a detrimental impact on marine mammals.
7. It seems that restrictions to both seismic surveying and seabed mining are being proposed as a precautionary approach - just in case they have a detrimental impact. But using this logic, all manner of things could potentially be banned on the grounds that dolphins **might** be harmed.
8. We are pleased that the existing exploration and mining permits will be exempt from the ban including subsequent permits granted in relation to these.

Economic Opportunities

9. There is significant economic potential for a variety of high-tech mineral deposits to be found in the coastal and marine areas of New Zealand. The seabed of the western seaboard of the North

Island, for example, contains a major vanadium-rich ironsand resource. Iron is a vital component of steel. Most Vanadium is also used for steel. Vanadium battery technology is developing rapidly and demand is predicted to increase markedly.

10. Minerals have a vital role to play in the transition to a low carbon economy and it does no favours to neither the dolphins nor the New Zealand economy – to close off options to recover these seabed minerals in the absence of sound, evidence-based analysis.

Case-by-case is best

11. Rather than an outright ban, seabed mining and seismic surveying applications should be assessed on a case-by-case basis where an objective assessment of the merits of proposals are made. A case by case approach is able to address the social, environmental and economic impacts of seabed proposals as part of the approval process. This approach makes much more sense than a blanket ban which would rule out all proposals irrespective of risks and benefits. The EEZ Act and the RMA provide such a regime.
12. As it stands, these proposed restrictions will simply sterilise these valuable mineral resources.

Small Footprint

13. Currently there are a small number of Crown minerals permits in place within New Zealand's marine jurisdiction.
14. Because of the realities of commercial mining and the fact that any resource would be limited in terms of quantity and location, the area of seabed likely to ever be mined is very small. If seabed mining were to occur, the mining footprint is likely to be infinitesimal compared with the area being protected.

Lack of good scientific evidence

15. Straterra submits that measures for managing the threats to the Hector's and Maui dolphin must be based on science and evidence.
16. No evidence has been given to show that seismic surveying and seabed mining have a detrimental impact on marine mammals and likewise, neither is there any evidence that extending the protected area will have a positive impact on the dolphins. There have only been 26 sightings of Hector's and Māui dolphins since 1922 south of New Plymouth.
17. No deaths or strandings of marine mammals have been directly linked to seismic surveying and the Government's own findings acknowledges there is no evidence of harm to dolphins from seismic surveys or seabed mining.
18. The public consultation on the Hector's and Maui Dolphin Threat Management Plan last year confirmed this. For example, on page 87 of the [Supporting Information and Rationale](#) document of the updated Threat Management Plan, it states that "apart from theoretical or modelled assessments, no studies have been undertaken to assess the effects of seismic surveying on Hector's or Māui dolphins directly". On page 91, with regard to seabed mining, "apart from theoretical or modelled assessments for individual consent applications (for example, noise

production and attenuation), no studies have been undertaken to assess the effects of seabed mining on Hector's or Māui dolphins".

19. Other than anecdotal evidence or desktop models, much of the in-the-field scientific studies have been of other marine mammals in other parts of the world. Even here though, there is little evidence that it has a detrimental impact on those mammals. Not only are the effects of mineral activity temporary but marine mammals have sufficient range and ability to avoid any disturbance or effect of mining.
20. The Environmental Protection Authority decision on Trans-Tasman Resources' 2016 application found that seabed mining activities can be carried out in ways that are compatible with measures to manage threats to the Hector's and Māui dolphins.

The Precautionary Principle

21. It seems that restrictions to both seismic surveying and seabed mining are being proposed as a precautionary approach - just in case they have a detrimental impact.
22. We consider that this is a misinterpretation of the Precautionary Principle. The [Precautionary Principle](#) is usually intended as a framework for action in the face of scientific uncertainty applied to a proposal which has been carefully considered. In this instance it is being used to justify not doing something on the grounds that harm may be done where no scientific evidence exists to support that decision. Using this logic, all manner of things could be banned on the grounds that dolphins might be harmed.