



Hon. Dr Nick Smith
Minister - Environment
House of Representatives
Parliament Buildings
Molesworth Street
Wellington

15 June 2011

Dear Dr Smith,

Environmental effects in the EEZ legislation

I am writing to you on behalf of the New Zealand Marine Sciences Society¹, a professional society of New Zealand's marine scientists, affiliated to the Royal Society of New Zealand, to first congratulate you for your recent announcement to introduce a bill to parliament before the general election later this year, to manage the environmental effects of offshore oil drilling and mining in the EEZ.

The Society whole heartedly endorses this decision and welcomes the opportunity to make submissions during the select committee stages over the coming months. However, there are several aspects of your announcement about which we wish to make comment now, rather during the select committee stage.

1. **Extension of RMA:** We endorse the suggestion that the fledgling Environmental Protection Agency (EPA) should be the institution responsible for management of the EEZ and the environmental effects legislation. However, we urge that you give serious consideration to extending the provisions of the Resource Management Act to the EEZ rather than developing new rules for the EEZ alone.

The provisions of the RMA have been well tested in the territorial seas and seem very adequate for the job of managing the exploitation of resources in the EEZ. Having separate and different acts for the territorial seas and the EEZ adds unnecessarily to the already confused mix of legislation which applies to different aspects of New Zealand's seas and oceans.

2. **Information gaps about the EEZ:** We note that the proposed legislation for the EEZ will require strong evidence on which to base decisions when the effects of permitted activities are more than minor. Decision making is therefore dependent on reliable information about seabed habitats and communities. As you know,

¹ Letter approved for release by the NZ Marine Sciences Society Council, 15 June 2011

mapping our marine estate lags far behind that of New Zealand's terrestrial environment. Oceans Survey 2020 (OS2020) has been a whole-of-government response to meeting this need but has struggled for funding in recent years.

In an earlier response to our Society's queries about the future of OS2020 (letter dated 21 April 2009), Dr Richard Worth, Minister of Land information, indicated that funding for this programme is allocated on a year by year basis and is dependent on the Government's financial priorities and decisions. We suggest that in light of your recent announcement of effects based legislation that the Government's priority for the OS2020 programme be increased.

3. **A win-win for NZ and industry:** We recommend that companies interested in exploiting New Zealand's marine resources be required to undertake seabed mapping of the licence areas they are granted to a standard set by government, and make these data publically available. OS2020 could fill in the gaps. This arrangement would help to demonstrate to New Zealanders that utilisation and conservation of natural capital are an economic part of doing business by industry and government.
4. **EPA Capability:** We are concerned that among the membership of the recently announced EPA Board there does not appear to any expertise in marine matters. We see this as a significant gap because members of the board will make decisions based in part upon specialist technical information pertaining to the marine environment. We note that there may be some possibility of appointing boards of inquiry to assist the EPA in these decision making processes and we strongly urge the EPA establish formal expert peer-review processes and make good use of secondments from other departments, CRIs and universities, as well as overseas specialists to ensure the required expertise is available.
5. **EPA capacity and funding:** We are also concerned that the EPA may be under-resourced to carry out its expanded responsibilities for the EEZ. New Zealand has a large EEZ by world standards and there are an increasing number of permits for prospecting and exploration for oil and minerals. Thus, we urge you to ensure that the budget for the EPA operations properly reflects its scope and responsibilities.
6. **Ocean governance:** Lastly, we support the Environmental Defence Society recommendation for a Royal Commission on Ocean Governance. Amongst the science community there is a general sense that New Zealand is lagging behind in both integrative policy and evidenced-based oceans management. We agree that a comprehensive review of the current complex and fragmented legislative and institutional framework applying to the territorial sea, EEZ and extensions is sorely needed. More so than terrestrial environments, marine environments are highly interlinked and New Zealand needs to ensure it has a governance system that reflects that high degree of connection.

While having a Royal Commission on Ocean Governance will explore the best options for the future, we urge you to take immediate action to extend the RMA to

the EEZ without delay in order to address any problems that may result from decisions that have already been made to permit resource investigations.

Once again we commend your efforts to bring about legislative change for the better protection and management of the environment we are passionate about, but we see the measures taken as being a first step with important follow-up required for the changes to be effective. We look forward to reading your response to the matters that we have raised.

Yours sincerely,

A handwritten signature in blue ink that reads "Colin McLay". The signature is fluid and cursive, with a large loop at the end of the last name.

Prof. Colin McLay,
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