



Petition 2014/0081 - Detailed Request

Petition 2014/0081 of Phil McCabe on behalf of Kiwis Against Seabed Mining (the petition) is currently before the Local Government and Environment Committee (the committee) for consideration. The committee has requested further details on the request. The details of what the petition requests are laid out in this document.

KASM (Kiwis Against Seabed Mining) is a grass roots community action group who strongly oppose any non-essential seabed mining. Our objectives are to raise public awareness of seabed mining proposals in New Zealand waters, inform and educate as to the consequences of these proposals and protect and preserve our marine environments for future generations to enjoy. KASM is a non-political, non-profit organisation funded by membership subscriptions and donations. KASM was formed in May 2005.

Original Petition Text

Following is the petition text as signed by 6071 people:

We, the undersigned, request an immediate moratorium on seabed mining in New Zealand's oceans.

We are calling on the Government to call 'Time out!' on Seabed Mining in New Zealand waters, so that we can all understand its environmental, cultural and economic impacts - before it's too late.

Twice now, companies in New Zealand failed to show that seabed mining is safe - and their plans were refused. Seabed mining is an experimental and destructive practice. Not enough is known about the environmental implications of ripping up the seabed. It is imperative that we engage in necessary and thorough research to understand the potential implications of seabed mining before we allow the practice to occur in New Zealand.

Detailed, additional reasoning

Considering the uncertainties in effects of seabed mining and the potential irreversible changes to the publicly held marine area, risks of seabed mining are simply too great. The scientific knowledge is simply not known and new engineering challenges in the face of that uncertainty are too great.

No Decision-Making Committee can properly make decisions in such a situation. The responsibility for attempting to make such decisions should be suspended and Parliament should reconsider the suitability of such activities in our marine environment.

Seabed mining faces two major hurdles: the known damage to the marine environment with long term or irreversible effects and the uncertainty attached to effects. To operate for long periods – current applications are for 35 years - and to remove so much of the seabed is simply an area of exploration which humans do not know enough about and will not for many years. New Zealand must not be the first to undertake such challenges.

This reality has already been exposed twice in marine mining applications that have been turned down in New Zealand as well as globally, because of their unknown risks and known environmental impacts which have been unable to be overcome. Even the claimed economic potential of such endeavors cannot be balanced against the unknown long term economic costs of the environmental damage.

Parliament must be sure that an area that is allowed for consenting is consistent with our approach to management of the marine area on a national level before it can allow applications to continue to be processed.

The request of this petition is based around responsibility and caution.

New Zealand's marine area is the fifth largest in the world. It is about 20 times our land area and covers 1% of planet earth. While we as a nation have been granted rights to benefit economically from this area we have also been entrusted with the responsibility of caring for and maintaining its health. In every way conceivable our ocean is connected to - and an integral part of - the global ocean network.

Given the current state of the world's oceans, where near every measurable indicator shows they are in decline, the notion of introducing a brand new commercial activity that promises further decline is inherently irresponsible.

Seabed mining proposals are progressing faster and further in New Zealand than in any other country, and the New Zealand public is being asked to allow our oceans to be used as testing ground for an industry that is untried and untested on a large scale.

A more advanced and responsible approach would be to allow more time to pass so that further research can be done.

To operate at such depths (from 20 to over 1000m), for consistent periods (of up to 35 years) and to remove so much of the seabed over this period is an activity where the impact simply cannot be known.

The first two seabed mining applications in New Zealand were met with unprecedented opposition from the general public, Iwi, and the fishing industry, and were refused after two legal battles in 2014 and 2015.

- Trans Tasman Resources Ltd was targeting iron ore, and sought to mine 50 million tonnes of seabed sediment per year for 20 years, from a 67sqkm area in the South Taranaki Bight off the coast of Patea/Hawera in a water depth of 20-60 metres.
- Chatham Rock phosphate Ltd sought to mine phosphate nodules off the deep seabed in an area covering around 5000sqkm on the Chatham Rise, east of Canterbury, in a water depth of 400-450m.

The applicant's scientific evidence did not stand up to close scrutiny, they were unable to prove that seabed mining was safe for our marine environment, or that New Zealand would see significant economic gain if their proposals went ahead.

The current government has encouraged the idea of seabed mining and supported the establishment of the industry in New Zealand by promoting the licensing of large areas of seabed and ocean floor, for future exploitation using the Crown Minerals Block Offers marketed to overseas investors, and establishing the EPA (Environmental Protection Authority) in part to administer and apply the law to Seabed Mining applications.

The government and would-be seabed miners underestimated the complexities involved with transferring what has been a solely terrestrial activity into the marine environment. They have also underestimated the depth of feeling New Zealanders hold toward our oceans.

This reality has been exposed in marine mining applications that have been turned down both in New Zealand and globally, because of the lack of knowledge about their unknown risks and known environmental impacts.

The economic potential of such endeavors cannot set aside these realities.

Too many unknowns

Scientifically, we have only scratched the surface when it comes to understanding the complexities of our marine environment – what resident and transient life exists out there, how that life interrelates with each other and how they all fit within their environment – let alone what the effects would be if the untested activity of large-scale mining were introduced. And no one in the world – the whole world – has yet carried out seabed mining at the kind of scale suggested in New Zealand.

The science and the engineering is new, and untested. The industry that is applying for permits doesn't seem to be willing to do the groundwork and fill these knowledge gaps. Should we be the guinea pigs?

Internationally, other jurisdictions have recognised the uncertainty and lack of scientific understanding of this proposed industry: moratoria have been put in place by two governmental bodies:

Northern Territory of Australia [imposed a moratorium in March 2012](#),¹ and extended it in early 2015² for another three years. The moratorium is to allow the Australian EPA to conduct a review of actual and potential risks and impacts of exploration or mining activities associated with seabed mining.

Namibia Moratorium on Seabed mining On September, 2013, the Namibian Government imposed an 18-month moratorium on marine phosphate mining off the Namibian coast.³ In announcing the decision, the Minister of Fisheries and Marine Resources, the Hon. Bernhard Esau, stressed that seabed mining could happen if there is not solid proof that it will not have negative impacts on the environment.

In March 2015 the Namibian Government extended the timeframe of the moratorium indefinitely.⁴ The Namibian EPA has conducted a scientific scoping assessment, which is now in the hands of Ministers,⁵ but concerns remain about the environmental effects, especially on fisheries.

Irreversible and long term impacts to the marine environment.

The evidence that has been produced through the EPA hearings have demonstrated that such mining proposals would cause irreversible harm to the marine environment that cannot be avoided or mitigated. This would have untold, long term social, economic and environmental

¹ <http://www.deepseaminingoutofourdepth.org/wp-content/uploads/Vatskalis.0603.seabed-1.pdf>

² http://www.nt.gov.au/d/Minerals_Energy/Content/File/Forms_Guidelines/Seabed_Mining_Policy.pdf

³ <https://ramumine.wordpress.com/2013/09/19/namibia-imposes-moratorium-on-marine-phosphate-mining/>

⁴ http://www.namibian.com.na/index.php?archive_id=134920&page_type=archive_story_detail&page=1

⁵ <http://www.economist.com.na/headlines/8062-call-for-inter-ministerial-phosphate-committee>

consequences. Amongst many other factors, the South Taranaki Bight forms the southern tip of the Maui dolphin habitat, it's a potentially significant foraging ground of blue whales, and is a significant habitat and feeding ground for little blue penguins.

Potential damage to New Zealand's image.

Our country likes to be seen as clean and green - an idyllic and paradisaical tourist destination. Being the first country to allow this experimental practice to proceed would have severe impacts on our reputation.

New Zealand needs time and information

We New Zealanders need to be asked for our consent to these proposals. Public consultation has been scant since New Zealand waters were opened up to mining in 2005 with the implementation of the controversial Foreshore and Seabed Act and the subsequent implementation of the new EEZ Act and changes to the Crown Minerals Act.

The Crown has an explicit duty as accorded in Te Tiriti o Waitangi to actively protect Hapu and Maori interests in their lands, coasts and Te Tai-o-Rehua (Tasman sea) to the fullest extent and non notified consents fail to satisfy that requirement. The Crown has an obligation as a Treaty partner to recognise and uphold Maori customs and practices and to act reasonably and with utmost good faith.

We need to understand, more fully, the life that exists in our waters before we wreak havoc in and around their habitats. We need to know what stands to be lost before it is put at risk.

Questionable economic impacts

The economics are highly questionable, as was noted by the EPA in both decisions. Current proposals deliver very little benefit to New Zealanders and the New Zealand economy, relative to potential private shareholder benefit.

The EPA decision for the Chatham Rise application stated clearly that the economic benefit to New Zealand would be "modest at best"⁶

Further, there has never been an 'environmental economics' study to determine the 'natural capital' value of the marine areas to determine, among other things, ecosystem services delivered by a healthy ocean; therefore, only economic gain is used as justification for exploitation.

In the case of ironsands, the companies putting forward seabed mining proposals have predominant foreign corporate ownership and propose no added value to raw resources onshore. This model limits the contribution of seabed mining to local and national economies in

⁶ Duncan E.J. Currie LL.B. (Hons.) LL.M. *Summary of the New Zealand Environmental Protection Authority (EPA's) Decision on the Chatham Rock Phosphate Deep Sea Mining Application.*

terms of jobs and economic activity. Hence, for economic viability, exporting raw unprocessed iron ore demands higher volumes, creating greater ecological destruction.

What economic impacts might result on other existing industries such as fishing, tourism and exports? NZ's international trade relies heavily on our clean green image. Tarnish that image and we weaken NZ's point of difference in the international markets. New Zealand must take a step back, attain a fuller understanding of the environmental implications of seabed mining and realistically assess the economic model being proposed.

Wasted taxpayers' money.

While we acknowledge that most of the costs incurred at the EPA's end are covered by the applicant, there is work leading up to the application that isn't covered. The EPA is a tax-funded government agency doing unnecessary work for applications that will be rejected at the end. Part of the bill is footed by the public which didn't want these applications to even be considered in the first place.

Financial burden to the public.

Kiwis Against Seabed Mining entirely relies on donations from the general public to pay its lawyers and scientific experts, to print promotional material and raise public awareness. This means that the public is paying money to keep those in check that were put in place to represent the interests of the public, paid by the public since they are a tax-funded agency. It seems unfair to put the financial burden of that process onto the public not only once, but twice.

Time burden to the public.

Volunteers are investing countless hours to keep organisations like Kiwis Against Seabed Mining running and to raise both funds and public awareness. In addition to this, all submitters who indicate to speak at the hearing will be required to travel to the hearing location and set aside time (up to a day) for the actual hearing. Most people will need to take a day off work.

The common denominator of all these points is that it is not OK to waste resources (both time and money) on a practice, namely seabed mining, that isn't ready for consideration yet. This isn't a claim pulled out of thin air, but proven by the current track record of failed applications, both in New Zealand and overseas.

For all these reasons we request that the House consider an immediate moratorium on seabed mining in New Zealand waters.