

In the matter of

**Ministry for Primary Industries Discussion
Paper No: 2017/04**

Potential relocation of salmon farms in the Marlborough Sounds – Proposal to amend the Marlborough Sounds Resource Management Plan to enable the relocation of up to six existing salmon farms by regulations made under section 360A of the Resource Management Act 1991

**Further memorandum by
Friends of Nelson Haven and Tasman Bay Inc. and Kenepuru
and Central Sounds Residents Association Inc.**

Dated 5 May 2017

Counsel: JC Ironside
6 Moore Road
Wakefield
Nelson 7095
Phone: (03) 541 9227
Email: julian@jcironside.nz

1. This further memorandum addresses two specific matters arising out of the Advisory Panel's consideration of comments on the proposal through the public hearing process.

(i) Andrew Clark statement

2. Mr Clark is the Chief Financial Officer for NZKS. At Appendix 1 to his statement dated 11 April 2017 (amended 1 May 2017), Mr Clark states as follows:

*It is noted that Bill Kaye-Blake was the 'Economics Expert for King Salmon at the Board of Inquiry in 2012.'*¹ *The reality is that Bill Kaye-Blake was originally contracted by the EPA itself in 2011 prior to the hearing process, to independently review an economics report that NZKS' economics expert Dr Doug Fairgay had prepared. Then in 2012 during the hearing process, my understanding is that the Board of Inquiry, having heard evidence from a number of economists commissioned by both NZKS and opposing submitters, requested a peer review. Bill Kaye-Blake provided that peer review. Although it is recorded as rebuttal evidence with NZKS' legal counsel on the cover, the peer review makes comment regarding 5 economists including those supporting and against the proposal being considered by the EPA Board of Inquiry. In the peer review document these comments can clearly be seen – **in my mind there is no suggestion that Bill Kaye-Blake was NZKS' expert witness.***

3. Attached to this memorandum (**attachment 1**) is an extract from the transcript for day 18 of the NZKS board of inquiry deliberations (20 September 2012). The matter raised by Mr Clark is referred to at pages 2171 – 2172 of the transcript where counsel for NZKS confirms through Mr Kaye-Blake that he was engaged to prepare evidence for NZKS in the middle of 2012, having earlier in the process peer reviewed Dr Fairgay's report on instructions from the EPA.
4. This matter is raised by way of rebuttal to the observation made by Mr Clark (highlighted above) that Mr Kaye-Blake was not an expert witness for NZKS at the board of inquiry hearing. If further

¹ This is understood to be a reference to Attachment A of the letter to the Minister for Primary Industries dated 27 March 2017 from Wendy McGuinness of the McGuinness Institute – written comments no. 0464.

clarification is required, no doubt this can occur at the expert caucusing on 9 May.

(ii) Te Kopi peninsula

5. During the hearing on 19 April 2017, Mr Crosby asked some questions of Mr Chalmers concerning the pine trees on the Te Kopi peninsula adjacent to Blowhole Point. The exchange is at page 145 of the transcript (**attachment 2**). The current owner of the Te Kopi peninsula is Te Karearea Trust, and Mr Mark Pengelly is a trustee. I attach an email from Mr Pengelly dated 4 May 2017 (**attachment 3**) which confirms that a programme of wilding pine removal is occurring on Te Kopi (as part of its ongoing establishment as a wildlife sanctuary) in conjunction with the Marlborough Sounds Restoration Trust and the Department of Conservation. This includes the plantation adjacent to Blowhole Point that Mr Crosby specifically asked about. Mr Pengelly confirms that this plantation is to be the subject of an aerial spray eradication programme later this year.
6. This matter is raised to clarify Te Karearea Trust's plans for removal of the existing pine plantation at Blowhole Point, which was a question directed at Mr Chalmers. Mr Pengelly will be available at the hearing on Monday 8 May, should the Panel wish to clarify any matters arising out of this aspect of the memorandum.

Dated 5 May 2017



JC Ironside
Counsel for Friends of Nelson Haven and Tasman Bay Inc. and
Kenepuru and Central Sounds Residents Association Inc.