

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of an application for resource consents by **TIGA
MINERALS AND METALS LTD**
AND
IN THE MATTER of a submission by the
COAST ROAD RESILIENCE GROUP INC

Statement of evidence of Dr Susan Waugh
For COAST ROAD RESILIENCE GROUP INC
Comments on Avian Management Plan v5, Gary Bramley's further evidence, Draft Light
Management Plan V2

Dated: 17 March 2024

Coast Road Resilience Group Inc
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INTRODUCTION

1. My full name is Susan Mary Waugh. I work for the international environmental NGO BirdLife International, based in the UK.
2. I am submitting this evidence in my role as expert on seabird biology on behalf of the Coast Road Resilience Group. I previously presented information about my experience to this hearing.
3. I have prepared this evidence in accordance with the Environment Court's Code of Conduct for Expert Witnesses 2023.
4. My evidence from earlier submissions still stands, and I am responding to new information presented to the hearing in the following documents:
 - a. "Draft Avian Management Plan v5"
 - b. "Supplementary Statement - Gary Bramley"
 - c. "Draft Light Management Plan V2"
 - d. "Legal Submissions from Counsel on behalf of the Director-General of Conservation Tumuaki Ahurei Dated: 15th March 2024 Department"

In relation to the Draft Avian Management Plan v5:

5. There have been some improvements, and some of the points I indicated in evidence have been taken into account, specifically:
 - The definition of the plant facility with no windows is an improvement.
 - Minivan staff transport would be better than many individual vehicles.
 - Actions in relation to maintaining the penguin population seem to be improved and conservation actions in relation to maintaining and enhancing their population appear to be appropriate, but I defer to my colleagues from the West Coast Penguin Trust for any specific details.

My further comments on these items are:

6. The windows on the ancillary buildings (toilets, first aid, crib room, mine admin, workshop) appear to have windows, as black-out curtains are discussed. How will the use of these be monitored and will there be measurements of the light levels being emitted from these buildings to ensure that this arrangement maintains a low-lighting scenario. What are the proposed levels of lighting considered sufficient to meet this requirement?

7. Regarding vehicles for staff – it is not clear how use of minivans versus private vehicles will be enforced and monitored and there seem to be conditions that would enable people to use private vehicles in “exceptional circumstances”, so monitoring and reporting on this element is warranted.
8. I still have significant concerns relating to the management of adverse effects on the Westland petrel:
9. The plan still allows for 2 birds per month to enter into interactions. I assume this means they could be grounded, found alive, dead or injured. This is a high level of off-take from the population. The point about whether this level of interaction with the population is sustainable is academic however, as the requirement on the applicant is to AVOID adverse effects and in my opinion interactions with this many birds in a year (potentially up to 24 in a year) would be highly likely to cause significant adverse effects on the population. I note that the level of impacts from the proposed activity is additional to any effects from fishing mortality and existing fallout and would therefore additionally impact the petrel population, and with potentially disproportionately important impact. The New Zealand Coastal Policy Statement (NZCPS) specifically identifies the responsibility to avoid adverse impacts of any activities in the coastal area on threatened or at-risk populations. In my opinion, the proposed level of interaction does not meet that requirement.
10. The applicant assumes that these interactions will be immediately around the building, which may not be the case, and this error of judgement could lead to a considerable level of mortalities if birds are not recovered having been grounded away from the buildings.
11. It would be more reassuring that injured / grounded birds are managed within a time frame of a few hours, as long delays can affect their survivorship. I would further recommend that the applicant fund a bird recovery centre, managed by qualified specialists that is located within 50-100 km of the site to enable appropriate care for any birds that interact with the mine. This would be a positive action that would lead to benefit for the species impacted by the mine and would potentially have community benefits.
12. The action that follows, if the 2-bird limit is triggered, is that the AMP is reviewed (and operation stopped while the plan is reviewed). There appears to be little transparency or independence in how this revised plan is analysed, assessed, accepted. This could be further elaborated, and greater clarity provided about whether subsequent actions would be altered in a way that would reduce the probability of interactions. The point is not to carry out a review of the plan, but to

arrive at a solution that would reduce any interactions to zero, and this objective needs to be described in the plan revisions.

13. In relation to mobile lights, depending on how these were operated, there is potential to create fallout, and this would not be near the buildings, and it does not appear that its impacts are monitored on the Westland petrels or other species. Further guidance or conditions on how mobile lights would be operated are required.
14. In relation to wiring for buildings and overhead wires to avoid strikes by birds, it should be a requirement that all cabling be buried. Westland Petrel strikes on overhead wiring have been a cause of mortality for in the past. I note that overhead wires along parts of the highway have been buried for some years – although further underground lines could be installed. However, the current positioning of underground lines has reduced the bird-strike and associated mortality near to Scotsman’s Creek, and this standard should be observed for new activities in the area used by Westland Petrels in order to avoid adverse effects, as set out in the NZCPS.

In relation to Gary Bramley’s further evidence, there are some errors or misguided interpretations, and for clarity I set these out:

15. The evidence seems to downplay the importance of fallout for Westland Petrels, citing the Waugh and Wilson 2017 analysis. At this time (2017) the number of birds was unknown, however, the information presented in the hearing documents from Department of Conservation shows a far greater importance of fallout, and these figures should be cited. Citing the 2017 analysis suggests cherry-picking of information to suit the applicant’s case.
16. In relation to the effects of fishing mortality, this has been known about and worked on conscientiously by the fishing industry and government officials for many years yet remains stubbornly present. The applicant appears to put a lot of weight on these events, and again it should be noted that fishing mortality is already weakening the Westland Petrel population’s resilience and therefore any additional mortalities from the proposed activity exacerbate the adverse effects of human activities on the petrel population. The effects of bycatch and potential mortality from the mine are additive in terms of negative effects on the Westland Petrel population, and it’s not sufficient to imply that the mine will be “less bad” than the fishing mortality. Also, the mine is required to avoid adverse effects on this species, while the same is not true for the fishing industry, as different legislation applies.
17. In relation to Dr Bramley’s responses to my evidence, he discusses the Wildlife Act in detail, but my evidence discussed the proposal in relation to the legislation and policies in vigour, which includes the Wildlife Act. However, my points were made

mostly in relation to the NZCPS. Note that I stated that the Avian Management Plan objectives and its activities did not reconcile with the requirements of the NZCPS to AVOID adverse effects on threatened and at-risk species. In my opinion the latest version (V5) of the Avian Management Plan still does not avoid adverse effects on Westland Petrels.

18. In relation to new monitoring plans for Westland petrels on colonies, it would be interesting to have further groups involved in additional monitoring. However, in my opinion, this doesn't replace the need for Department of Conservation to continue their detailed work, which requires qualified biologists and biostatisticians to implement the programme and analyse the datasets. It would be more reassuring from my perspective that the applicant fund aspects of the DOC programme so that it can continue and be augmented as required, at the high quality that it has been undertaken for the last years and enable an independent assessment of any adverse impacts of the mine on the petrel population.

Comments in relation to Department of Conservation's further evidence:

19. I support the positions taken by the Department of Conservation.



Dr Susan Waugh

17 March 2024, Cambridge, United Kingdom