

Statement of Evidence - Adrian Harvey

Marine Farm Plastic Pollution – Hearing Statement

Marlborough Environment Plan - Variation 1 Policy 13.22.6

Introduction

I am Adrian Harvey, a 5th generation land holder and resident in Clova Bay, Pelorus Sound.

I am a committee member of the Kenepuru Central Sounds Resident Association (KCSRA) and spokesperson for the KCSRA Marine sub-committee on marine farm plastic discharge. I am also a member of the Clova Bay Residents Association Inc (CBRA). Until recently I had not understood the extent and magnitude of the plastic discharge problem, created by aquaculture, in my own backyard.

My attention was drawn to the huge problem by a neighbour, Shelley King, who with her young triplets, was doing beach cleaning at Manaroa, the head of Clova Bay. In April 2020 she set up an Instagram page called *The Frayed Knot Project* to document their findings and to work with Marine Farmers on this problem.

Following publicity of the issue in July 2020 Shelley organised with the Marine Farm Association (MFA) a beach clean-up. I attended along with other locals and several Mussel Harvester Crews. It was here that I saw for myself how significant a problem it was.

It was not just large mussel ropes and buoys on the beach but many frayed knots in differing degrees of degradation, tangled amongst the sand, reeds and in the mud.

Shelley King also set up a formal monitoring program of litter accumulation at the head of Clova Bay with *Sustainable Coastlines*. Using formal protocols locals collect, sort, measure and then record the data on the Sustainable Coastlines Litter Intelligence Website, accessible for all to view.

There have been three audits so far. One in November 2020, the second March 2021 and the third in June 2021. More than three quarters of the litter collected was aquaculture plastic discharge. There was no reduction in this percentage between audits clearly demonstrating that the problem is not historical. Data from this website was presented to the Marlborough District Council Environment Committee under Agenda item 6 on 26 August 2021. However the magnitude of the problem facing Clova Bay appears to have been significantly under-reported.

How does Marine Farm plastic (frayed knots) come to be on the beach?

Beach aquaculture litter consists of mussel buoys, ropes, multiple frayed knots and fibres which float in on the tide from the mussel farm structures.

Mussels are grown on long ropes which are looped up onto the backbone ropes. These heavy mussel laden loop ropes are tied to the backbone ropes with twine. All ropes and twine are made of plastic fibres. Upon harvesting, these ties have to be cut and it is during this process

that the knots end up in the water floating. Marine farmers are aware of this and many are trying to ensure they are collected as they are cut. However, because of the weight and tension on the twine they can be difficult to contain.

I accept that Plastic pollution is a world wide problem with a large amount of plastic in water ways and the marine environment coming from the land. The situation is more than a little different here. Shelley's work and that of the local monitoring team show that up to 80% of plastic in the hot spot of Clova Bay is identified as industrial marine farm discharge.

Clova Bay is not the only hot spot. I went out to look for myself in other areas of the Central Sounds and found marine farm plastics on every beach, wherever driftwood accumulated. Not only does it end up on beaches but can be found entangled in tree branches that hang in the intertidal zone. This is unacceptable. It is 2021 not 1981 after all!

We **attach** photos of a growing rope tied to a backbone rope with petroleum based tie ropes in Appendix 2.

Complaints to the Regulator – MDC Compliance

After discussing this issue with the Residents (KCSRA) marine committee the Association then took the issue up with Marlborough District Council (MDC) Compliance in late 2020. At a meeting with the Compliance Manager on 15 December 2020 we first discussed the issue as per the agenda attached in Appendix 1. We then formally tabled that agenda as a complaint at the end of that meeting.

We **attach** a copy of that complaint as Appendix 1. As can be seen we targeted the disturbing amount of "fine plastic" coming ashore.

The MDC compliance response thus far (and most disappointingly) is two-fold:

1. MDC's belief that most of the discharge is historic. This is seen for some reason as a complicating factor. I am uncertain as to what they mean by this and how they have established this belief and/or why it is a brake on compliance action.
2. Secondly, MDC compliance are of the view that even if it was ongoing (and the evidence shows that it is) they cannot identify which marine farm(s) this type of debris is coming from. This, we are advised by MDC Compliance, creates an insurmountable evidentiary barrier to undertaking compliance action. As an aside I am sure the Panel can now better appreciate why the Associations are so disappointed with the current MDC policy stance to this issue as set out Variation 1. Policy 13.22.6 contains **No** meaningful policy action to stop the problem at source. Just the fig leaf of getting the community to clean up the continuing rain of plastic from this activity.

As can be appreciated, the implications of this ugly circular argument from MDC to justify no action, was quite frustrating.

Further Complaint to MDC

In order to help MDC address their evidentiary issue a second complaint was lodged by the CBRA - of which I am a member. This was in response to the continual stream of large mussel buoys coming ashore as a result of the Industry's poor management practices.

I **attach** as Appendix 4 the second complaint filed with MDC Compliance in July 2021. There was no response to this complaint and it was followed up again in September 2021 - along with photos of 20 more mussel buoys that had washed up on Manaroa Beach. This complaint has still not been responded to.

As can be seen many marine farmers have adopted the practice of not removing unwanted buoys. Rather they lash them into ugly and highly visible clumps. Not only are these clumps visually intrusive, but they also thrash around scouring each other and sending nano plastic debris into the water. Often the clumps break up and individual buoys float off. Sometimes entire clumps of mussel buoys are found on the beach. Clumping mussel buoys is unconsented and in our view this should be clarified in Variation 1. Most resource consent conditions require that marine farmers mark their buoys as to ownership, sometimes they do but often they are not named.

There is world-wide concern about plastic in the environment and the effect on life and organisms. A 2020 study from Exeter University, UK showed that nano plastics had caused deformity in developing sea urchins. Recent results from research in the Hauraki Gulf have shown nano plastics in flounder and snapper, both in their gut and muscle tissue.

What can the Panel do?

Marine farming will continue to be based on thousands and thousands of kilometres of plastic rope and equipment in our Sounds waterway, unless the MDC, who are at law responsible for compliance, are assisted by the Hearing Panel to:

- 1 to accurately monitor all farms;
- 2 prosecute where necessary; and
- 3 change policy 13.22.6 of Variation 1 to ensure sustainable Marine Farm practices

We submit, the changes require a policy or rule in Variation 1 prohibiting the practice of clumping, effective **immediately**.

In terms of finer plastic rubbish and debris we again repeat the Associations call for Policy 13.22.6 to promote real change and stop this insidious avalanche of industry pollution at source. This requires a rapid shift to non-plastic sustainable alternatives.

We submit that the Policy require any new mussel lines to use non-petroleum based ropes/lashings etc **immediately**.

In terms of existing mussel farms lines etc. we understand the Mussel farm industry and Ministry of Primary Industries (MPI) has been working "hard" on a solution for some time. We **recommend and submit** that a strict time line be set down to encourage such a transition to non-petroleum based lashings/rope. **Say within 5 years.**

In our view this approach better reflects the requirements of the likes of New Zealand Coastal Policy Statement (NZCPS) policy 23 (discharge of contaminants) to say nothing of NZCPS Policy 11 (avoiding adverse impacts on indigenous biological diversity) than the current Policy 13.22.6 which carefully avoids the real issue – the need to stop the issue at source.

Happy to take questions.

Adrian M H Harvey

On behalf of KCSRA and CBRA

15 November 2021

Appendix 1 – Complaint to MDC dated 15 Dec 2020

Appendix 2 – Photos of Current Practice of Petroleum Based Tie Ropes Holding Growing Lines to Backbone Rope

Appendix 3 – Petroleum Based Mussel Farm Tie Ropes Collected under one Sustainable Coastlines Monitoring Survey in 2021

Appendix 4 – CBRA Complaint to MDC dated 28 July 2021 and Follow Up Complaint and Photos 30 September 2021

APPENDIX 1

KCSRA COMPLAINT DECEMBER 2020

Good afternoon Gina

I trust you are coping well with the usual end of year wrap up !

I thought it might be useful to have an agenda or certainly a series of discussion points to structure our initial meeting on this matter .

Discussion Points/Agenda

1. Is MDC aware of the issue and concerns raised within the community and other stake holders over this issue?
2. What does the problem look like? - "In the Beatrix Basin area alone there's around 8,000 KM's of plastic rope in the water, along with 430,000 little bits of plastic tie rope holding things together (and which get cut off when lines are harvested or other work is done) and 100,000 plastic mussel buoys". These links may also be useful
- <https://www.youtube.com/watch?v=5-qAav8fYP4&t=3s> and <https://www.instagram.com/thefrayedknotproject/>.
3. Are these discharges permitted by the terms of existing mussel farm conditions?
4. If not, what is MDC doing or is proposing to do? Eg., Does MDC have a stance on the issue of mussel buoys clumping.

Trust this assists

Talk soon.

Regards

Andrew Caddie
President KCSRA

APPENDIX 2

**PHOTOS OF MUSSEL FARM GROWING ROPE TIED
TO BACKBONE ROPE**

Tie Rope – Tied to Backbone



Tie Rope - Tied to Growing Rope – Note the Plastic Filamented Nature of the Growing Rope



APPENDIX 3
MARCH 2021 PHOTO OF WASHED UP TIE ROPES
COLLECTED IN ONE SURVEY UNDER
SUSTAINABLE COASTLINES MONITORING
PROGRAMME ON MANAROA BEACH, CLOVA BAY



APPENDIX 4

CLOVA BAY

MUSSEL BUOY CLUMPING COMPLAINTS AND PHOTOS JULY AND SEPTEMBER 2021

Clova Bay Residents Association Inc
Marlborough Sounds
New Zealand
 Clova Bay Road
 RD 2 Picton 7282
 T. (03) 579 8113
 E. trevor@clovabay.net.nz

28 July 2021

Gina Ferguson
 Consents and Compliance
 Marlborough District Council
 Seymour Square
 Blenheim

By email: Gina.Ferguson@marlborough.govt.nz

Dear Gina

Unconsented Storage of Unused Mussel Buoys – Site 8555 Clova Bay

1. *Our Complaint*
 - 1.1 The purpose of this letter is to formally register our objection to what seems to be a growing and, in our view unconsented, practice of storing unused mussel buoys on Site 8555 in Clova Bay¹.
 - 1.2 We request that Marlborough District Council (MDC) direct the consent holder (Sanford Ltd) to remove all clumps of unused mussel buoys from Site 8555 in Clova Bay.
2. *Our Concerns*
 - 2.1 Of particular concern to the local community is both the visual and the plastic pollution that arises from this unconsented practice.

¹ The practice is not restricted to this site. However Site 8555 is a particularly large and problematic site, it is close to and in open view of numerous residences around the head of the Bay, and the practice is being carried on at this Site to a relatively high degree – with currently around **12** large clumps of mussel buoys stored on this site alone.

1 Clova Bay Residents Association Incorporated



	<i>Name</i>	<i>email</i>	<i>Phone</i>	<i>Address</i>
Chairman	Trevor Offen	trevor@clovabay.net.nz	03 579 8113	192 Clova Bay Road RD 2 Picton 7282
Secretary	Marion Day	marionday@xtra.co.nz	03 579 8448	801 Manaroa Road, RD 2 Picton 7282

- 2.2 The effects on visual amenity are significant – rendering the seascape peppered with prominent and amenity degrading black clumps. We attach in Appendix 1 photos of the clumping that is currently occurring at Site 8555.
- 2.3 Plastic pollution is also a significant problem in Clova Bay. Aquaculture is the predominant cause of this, evidenced by extensive records members have kept and which can be provided as required. Appendix 2 contains photos of both individual mussel buoys and mussel buoy clumps that have recently washed up on the southern shoreline of Clova Bay. Over a period of ten days our members photographed 29 mussel buoys washed up on this southern beach – including a single Clump of 12 mussel buoys tied together. Note that this data and photo evidence was collected *before* the recent July storm in Marlborough and is *not* a function of particularly unusual weather events.
- 2.4 We cannot determine the particular marine farms that the mussel buoys came from. We do note that the majority of the washed up mussel buoys are marked SSI – which we understand may indicate they are owned by Sanford Ltd.
- 2.5 The plastic pollution derived from mussel buoy clumping arises both when the buoys rub together in their clumps, and then when the clumps break up or buoys break loose and are washed up on beaches. From there the mussel buoys are broken up into microplastic particles which are ultimately indiscriminately ingested by marine organisms.
- 2.6 We note that mussel buoy clumping is not necessarily a practice undertaken only as a temporary measure. Surplus mussel buoys are often stored on marine farm sites in this manner for months, or even years. The clumping in the attached photos on site 8555 has been going on for months now, if not for more than a year.

3. *Unconsented Activity*

- 3.1 We do not see it as unclear as to whether or not this practice is unconsented. In common with most mussel farm resource consents, the consenting documentation for Site 8555 authorises marine farm ‘structures’ within a defined coastal marine area. In ordinary parlance a ‘structure’ does not include a store of out of service componentry.
- 3.2 There is nothing to suggest that this doesn’t hold for a mussel farm structure. A ‘structure’ authorised for a mussel farm activity is typically illustrated by a structure diagram that accompanies the resource consent documentation. There are no clumps of unused mussel buoys indicated in any consent structure diagram or mentioned in any application or consenting documentation that we can find in relation to activity at Site 8555.
- 3.3 It is thus clear that mussel buoy clumping has *not* been contemplated at this site by the consenting authority. This means that the obviously significant and adverse effects of the mussel buoy clumping that is now occurring at this site have *not* been assessed or taken into account by the consenting authority when granting the resource consents for this site. In this context it follows that there is no basis for departing from the ordinary meaning of ‘structure’

2 ***Clova Bay Residents Association Incorporated***



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so as to add or include stores of unused structure componentry. The only 'structure' that is authorised by the resource consent(s) for this site are those as indicated by the structure diagrams within the application and consent documentation – being an organised and regular array of lines and mussel buoys.

Please come back to us if you would like more information. Otherwise we look forward to hearing from you with regard to progress on this matter.

Sincerely
Clova Bay Residents Association Inc



Trevor Offen
Chairman



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APPENDIX 1

Mussel Buoy Clumping – Site 8555 Clova Bay

Photo 1 –Some of the Clumping of Unused Mussel Buoys Within Site 8555



Photo 2 - Comparative Photo of a Mussel Farm Without Clumping of Unused Mussel Buoys



4

Clova Bay Residents Association Incorporated



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Photo 3 – Wide Shot Showing at least 12 Clumps of Unused Mussel Buoys on Site 8555, Clova Bay



5

Clova Bay Residents Association Incorporated



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APPENDIX 2

Various Photos of Mussel Buoys Recently Washed up on Manaroa Beach



6 ***Clova Bay Residents Association Incorporated***



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Mussel Buoy Abrasions



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trevor@clovabay.net.nz

From: trevor@clovabay.net.nz
Sent: Thursday, 30 September 2021 2:00 pm
To: 'Gina Ferguson-7541'
Cc: 'Jamie Clark-8941'
Subject: Unauthorised Mussel Buoy Clumping - Site 8555 Clova Bay
Attachments: Beached Mussel Buoys Manaroa 26 09 2021.pdf

Dear Gina

We note that the unauthorised clumping of mussel buoys on Site 8555 continues, as does the accumulation of washed up mussel buoys on the Manaroa Beach. Another 20+ mussel buoys have accumulated on this beach as at Saturday 26th September – some of which are shown in the attached photo collage.

Can you please advise what progress has been made with our complaint on this matter ?

Sincerely

Trevor Offen

Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

Chairman:
Trevor Offen
192 Clova Bay Road
RD 2 Picton 7282
022 677 4921 (voice only)
trevor@clovabay.net.nz

Secretary:
Marion Day
Hopai Road
RD 2 Picton 7282
03 579 8448
marionday@xtra.co.nz



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From: Gina Ferguson-7541 <Gina.Ferguson@marlborough.govt.nz>
Sent: Thursday, 9 September 2021 9:58 am
To: 'trevor@clovabay.net.nz' <trevor@clovabay.net.nz>
Cc: Jamie Clark-8941 <James.Clark@marlborough.govt.nz>
Subject: RE: Unauthorised Mussel Buoy Clumping

Hi Trevor,

I confirm receipt of your email, which was forwarded to Compliance to investigate they will be in contact in due course.

Regards,

Gina

From: trevor@clovabay.net.nz [<mailto:trevor@clovabay.net.nz>]
Sent: Thursday, 9 September 2021 9:41 a.m.
To: Gina Ferguson-7541
Subject: FW: Unauthorised Mussel Buoy Clumping

Dear Gina

We have not heard anything with regard to the attached complaint and note that all of the offending clumps of mussel buoys remain at the site. Can you please confirm receipt of our complaint and advise where things are at with this matter.

Sincerely

Trevor Offen
Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

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From: trevor@clovabay.net.nz <trevor@clovabay.net.nz>
Sent: Wednesday, 28 July 2021 12:48 pm
To: 'gina.ferguson@marlborough.govt.nz' <gina.ferguson@marlborough.govt.nz>
Subject: Unauthorised Mussel Buoy Clumping

Dear Gina

Please find attached a complaint regarding significant unauthorised mussel buoy clumping as is occurring at mussel farm Site 8555 in Clova Bay, Pelorus Sound.

We look forward to you assisting us with this.

Sincerely

Trevor Offen
Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

Chairman:

Trevor Offen
192 Clova Bay Road
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Clova Bay Residents Association Inc
Marlborough Sounds
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 Clova Bay Road
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 T. (03) 579 8113
 E. trevor@clovabay.net.nz

28 July 2021

Gina Ferguson
 Consents and Compliance
 Marlborough District Council
 Seymour Square
 Blenheim

By email: Gina.Ferguson@marlborough.govt.nz

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2 **Clova Bay Residents Association Incorporated**



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Sincerely
Clova Bay Residents Association Inc



Trevor Offen
Chairman



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APPENDIX 1

Mussel Buoy Clumping – Site 8555 Clova Bay

Photo 1 –Some of the Clumping of Unused Mussel Buoys Within Site 8555



Photo 2 - Comparative Photo of a Mussel Farm Without Clumping of Unused Mussel Buoys



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Photo 3 – Wide Shot Showing at least 12 Clumps of Unused Mussel Buoys on Site 8555, Clova Bay



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APPENDIX 2

Various Photos of Mussel Buoys Recently Washed up on Manaroa Beach



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Secretary	Marion Day	marionday@xtra.co.nz	03 579 8448	801 Manaroa Road, RD 2 Picton 7282



	<i>Name</i>	<i>email</i>	<i>Phone</i>	<i>Address</i>
Chairman	Trevor Offen	trevor@clovabay.net.nz	03 579 8113	192 Clova Bay Road RD 2 Picton 7282
Secretary	Marion Day	marionday@xtra.co.nz	03 579 8448	801 Manaroa Road, RD 2 Picton 7282



Mussel Buoy Abrasions



	<i>Name</i>	<i>email</i>	<i>Phone</i>	<i>Address</i>
Chairman	Trevor Offen	trevor@clovabay.net.nz	03 579 8113	192 Clova Bay Road RD 2 Picton 7282
Secretary	Marion Day	marionday@xtra.co.nz	03 579 8448	801 Manaroa Road, RD 2 Picton 7282

trevor@clovabay.net.nz

From: trevor@clovabay.net.nz
Sent: Thursday, 30 September 2021 2:00 pm
To: 'Gina Ferguson-7541'
Cc: 'Jamie Clark-8941'
Subject: Unauthorised Mussel Buoy Clumping - Site 8555 Clova Bay
Attachments: Beached Mussel Buoys Manaroa 26 09 2021.pdf

Dear Gina

We note that the unauthorised clumping of mussel buoys on Site 8555 continues, as does the accumulation of washed up mussel buoys on the Manaroa Beach. Another 20+ mussel buoys have accumulated on this beach as at Saturday 26th September – some of which are shown in the attached photo collage.

Can you please advise what progress has been made with our complaint on this matter ?

Sincerely

Trevor Offen

Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

Chairman:
Trevor Offen
192 Clova Bay Road
RD 2 Picton 7282
022 677 4921 (voice only)
trevor@clovabay.net.nz

Secretary:
Marion Day
Hopai Road
RD 2 Picton 7282
03 579 8448
marionday@xtra.co.nz



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From: Gina Ferguson-7541 <Gina.Ferguson@marlborough.govt.nz>
Sent: Thursday, 9 September 2021 9:58 am
To: 'trevor@clovabay.net.nz' <trevor@clovabay.net.nz>
Cc: Jamie Clark-8941 <James.Clark@marlborough.govt.nz>
Subject: RE: Unauthorised Mussel Buoy Clumping

Hi Trevor,

I confirm receipt of your email, which was forwarded to Compliance to investigate they will be in contact in due course.

Regards,

Gina

From: trevor@clovabay.net.nz [<mailto:trevor@clovabay.net.nz>]
Sent: Thursday, 9 September 2021 9:41 a.m.
To: Gina Ferguson-7541
Subject: FW: Unauthorised Mussel Buoy Clumping

Dear Gina

We have not heard anything with regard to the attached complaint and note that all of the offending clumps of mussel buoys remain at the site. Can you please confirm receipt of our complaint and advise where things are at with this matter.

Sincerely

Trevor Offen
Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

Chairman:
Trevor Offen
192 Clova Bay Road
RD 2 Picton 7282
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From: trevor@clovabay.net.nz <trevor@clovabay.net.nz>
Sent: Wednesday, 28 July 2021 12:48 pm
To: 'gina.ferguson@marlborough.govt.nz' <gina.ferguson@marlborough.govt.nz>
Subject: Unauthorised Mussel Buoy Clumping

Dear Gina

Please find attached a complaint regarding significant unauthorised mussel buoy clumping as is occurring at mussel farm Site 8555 in Clova Bay, Pelorus Sound.

We look forward to you assisting us with this.

Sincerely

Trevor Offen
Chairman

Clova Bay Residents Association Incorporated
Marlborough Sounds
New Zealand

Chairman:

Trevor Offen
192 Clova Bay Road
RD 2 Picton 7282
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BEACHED MUSSEL BUOYS

MANAROA 21 SEPTEMBER 2021

