

To: Ben Dalton,
Mark Wheeler

Cc: Luke Southorn, Dan Lees
Hans Versteegh, Pere Hawes

Friday, 23 September 2016

Concerns of Sounds Advisory Group (SAG) members about the operation of the Marlborough Salmon Working Group (MSWG)

Purpose

1. The purpose of this letter is to raise matters that we believe require urgent consideration to ensure the best possible outcome from the work of the MSWG, according to the aims within the Terms of Reference¹. In particular we wish to ensure that processes used to produce the Preliminary Advice and Final Advice Papers for the Ministers are as robust as possible.

Reasons for our concerns:

2. The reasons for our concerns centre on the deficiencies in the process that we have previously raised but, at this point in time, feel have not yet been adequately addressed in our collective view. These issues are hampering our ability to make meaningful contributions such that we may find it difficult to adequately input into the Preliminary Advice. Our involvement in this process needs to be tenable, and we are concerned that if it continues to proceed in a similar way, it may put us in a position where we may need to aver from the Preliminary Advice and/or reconsider our participation.
3. We have set out the background to our concerns and the current state of play as we see it in the attached appendix. In summary, these are:
 - a. Being swamped by complex technical reports with an inadequate period to consider, question and draw conclusions.
 - b. Analysis of existing farms is not receiving the attention warranted.
 - c. Constraints around the time to engage external independent experts and to allow them to prepare, analyse and provide feedback on contentious technical matters.
 - d. Non-reconciled information (e.g. feed inputs at different sites).
 - e. Lack of time allowed for the lead in to and the planned consultation period.
 - f. Lack of confidence that information and options presented for decision making have been adequately prepared and tested (refer c above also). This carries a high degree of risk that any decisions on the future of salmon farming in the Marlborough Sounds would be based on incomplete or flawed information.

¹ Marlborough Salmon Working Group - Terms of Reference. 18 July 2016

- g. Complexities around the independence of MSWG process being run in parallel to the Marlborough Environment Plan consultation (i.e. Tactical response rather than Strategic Planning).

We seek the following:

4. To move forward we in a manner that would produce the best results we believe that:
 - a. A detailed project plan be developed and agreed to by all MSWG members prior to continued analysis of options. It provides the backbone to the project and the thing by which everything else can be measured against.
 - b. The community input through statutory consultation processes should be clarified as a matter of priority.
 - c. The detailed project plan must allow sufficient time to allow for robust discussion and analysis of Technical Reports and other matters to ensure both the Preliminary and Final Advice papers address (or at least highlight) all relevant matters. That needs to include determining the Scope and Content of both advice papers and authoring/editorial responsibilities.
 - d. The same discussion needs to address whether our information is complete and, if not, identify how the consultation and caucusing processes may fill those gaps.
 - e. Given discussions around the MSWG table it is clear that the consultation period is a critical component in the process. We do not believe that the existing timelines allow sufficient time for preparation and completion of consultation to be effectively carried out.
5. We respectfully ask that these, and other matters raised, be reviewed and the timeframes for the project be extended accordingly.

Conclusion:

6. The SAG members agreed to join the MSWG on the basis of the Letter of Invitation and the subsequently developed Terms of Reference (18th July 2016). In doing so we acknowledged we would contribute in both an objective and conscientious manner.
7. Part of that participation is being forthright and sharing our constructive views around the process by which the work is being undertaken, amongst other things. The process - and timeframe - will determine the quality of the outputs; outputs which will be used to inform very important decisions around the future of salmon farming in the Marlborough Sounds.
8. We believe we are highlighting serious concerns given the scale and importance of project regards the process and timeframe necessary to produce a quality result.
9. We would welcome the opportunity to discuss with lead agencies how best to proceed.

Respectfully,

Rob Schuckard, Judy Hellstrom, Eric Jorgensen

SAG members to the MSWG

APPENDIX

Background:

The three Sounds Advisory Group (SAG) were invited to participate in the MSWG. The stated aim of the working group was “to bring together community and interest groups, iwi, industry as well as central and local government to consider options for existing salmon farms in the Marlborough Sounds² to implement the Best Management Practice Guidelines for Salmon Farming in the Marlborough Sounds (the guidelines).

The working group will provide recommendations to Marlborough District Council, Government and community on implementing the guidelines. The recommendations will not be binding, but will be of importance to informing community during further consultation and future planning work for both the Marlborough District Council and central government. The working group will not replace any statutory consultation processes required under the Resource Management Act 1991.

After the first two meetings of the group, on September 8th 2016 the SAG members requested some time to discuss perceived concerns about process which, ultimately, raise concerns around any outcomes from the process. The concerns at that time were as expressed above.

SAG members explained that at the next meeting of the full SAG on the 12th September they were obliged to provide feedback on the process and would like these matters resolved such that they could report that they were confident that the process could be clearly described and that the process would produce the best and most robust outcomes as per aims of the MSWG.

While discussions at the MSWG meeting on the 8th alleviated immediate concerns with regards to the use of the technical reports and there was an improved understanding of the process concerns remained around the realities of timeframes, confidentiality (no input from external expertise) and, therefore, the robustness and usefulness of analysis to be undertaken.

With regards to producing a detailed process, Eric Jorgensen worked with Dan Lees to develop greater planning detail for each stage, so that the “roadmap” could become more of a project management plan acknowledging process, activities, outputs, interdependencies and resources.

Assessment of the Current State of Play:

The Economic Analysis of existing and potential farm sites was only received at late at the 20th September, a number of finalised reports were received 15th & 16th September with an updated benthic report of the 19th. We have received four peer reports. These total some 1400 plus pages. At the next meeting (September 22nd) the working group discussed some process matters then continued with the development of SWOT analysis of potential farm sites. A process that relies heavily, at this stage, on the technical reports. This analysis would be refined over the following three to four weeks with, it is our understanding, the Preliminary Advice is due to be submitted to Cabinet on 7th November 2016. From there Cabinet will decide on what basis to proceed.

There has been significant slippage in the delivery of the technical reports (up to 20+ days) and this has hindered the ability to provide meaningful discussion of said reports and input to

² Best Management Practice Guidelines for Salmon Farming in the Marlborough Sounds

the process. At the same time, it appears the original timeframes for subsequent tasks have remained static; *i.e.* not reflected the late arrival of those reports. The timelines to achieve tasks are continually being compressed.

As our understanding improves of the detailed process (and inputs and outputs from each step) we have concerns about the ability to produce robust Preliminary Advice, principally driven by these time constraints but also factoring into that the matter that many contentious matters in the technical reports have not been sufficiently explored. This Preliminary Advice is critical as it will inform Cabinet of the options and also will be the key catalyst for engaging and providing guidance to the broader community through statutory consultation in terms of informing the consultation document.

That consultation process needs to be meaningful to support and prompt the broader community through consultation. It is unclear how the consultation is to occur over the six-week period and it is unclear whether this consultation is related to the statutory process under RMA or something else.

We also question whether this consultation can be seen as meaningful; there will be a proliferation of information for interested parties to assimilate (in excess of 1 400 pages) and respond to (Technical Reports and Preliminary Advice paper) in that six-week period. Also, it must be presumed that many groups will seek to engage experts in different fields and will have very limited time to engage, issues instructions and for those instructions to be carried out.

This is an important process. We want to get it right; both the process and, particularly, the outcomes. The last time a plan change was considered to allow for Salmon Farming in the Marlborough Sounds it was deemed to be a matter of National Importance. The EPA received 1,272 submissions on the proposal. The *hearing alone* by the board of inquiry took place over 37 days. The board received over 10,400 pages of evidence. The transcript of the hearing occupies 4174 pages, with 84 exhibits. And, there was significant input by expert witnesses on a wide-ranging number of contested topics. The ability for this process to effectively achieve the same in an extremely condensed timeframe is questionable.