

Eastern Bays Shared Path hearing – 16 December 2020

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Hearing presentation

Seagrass ecosystems¹ are among the most effective carbon sinks on the Earth; they bury organic carbon into the seabed at a rate 35 times faster than tropical rainforests, and where rainforests bury carbon for decades, seagrasses are capable of storing carbon for millennia. However, there is concern that if seagrass ecosystems are disturbed they could leak vast amounts of stored carbon back into the atmosphere, thereby shifting them from carbon sinks into carbon sources, as has been shown for high-profile terrestrial carbon sinks such as forests, peatlands and permafrost. Importantly, the latter studies show that the rate of carbon loss is much greater than the rate of accumulation. Forest & Bird's concerns regarding the Eastern Bays Shared Pathway and its impacts on the seagrass meadows are two-fold: firstly, that not enough consideration has been given to the effects management if in fact the seagrass meadows are impacted upon during the course of construction of the pathway or as a result of the beach nourishment, and secondly, the long-term implication of the harbour reclamation on the long-term persistence of the seagrass.

Everyone here is aware of the regional significance of this last stand of seagrass in Wellington Harbour, its status under the proposed Natural Resources Plan and the requirements of Policy 11 of the New Zealand Coastal Policy Statement. We acknowledge the Applicant has made attempts to comply with Policy 11 of the NZCPS and avoid adverse effects of activities on the seagrass, our residual concern however, stems from the proposed mitigation and monitoring of the seagrass beds before and after construction activities. The monitoring is specifically required to confirm that there is no net loss of seagrass extent and cover resulting from any unforeseen physical encroachment of beach nourishment materials into the beds, increased turbidity or altered hydrodynamics. This sounds laudable, but there needs to be explicit direction in the conditions regarding what will happen if any of these unforeseen impacts are to occur as this would be a breach of Policy 11 of the NZCPS. Seagrass beds are not only an important sequesterer of carbon, they are also highly productive ecosystems that play pivotal ecological functions. Seagrass meadows provide abundant food sources to fish and invertebrates as well as habitat as a nursery, refuge and spawning place for fish. The loss of this final remnant in Wellington Harbour could have serious repercussions for recreational fishers, not to mention the fish themselves. Hutt City needs to take some responsibility for its role as Applicant in outlining what it will do if in fact an unforeseen impact occurs. It is very possible that the altered hydrodynamics resulting from this project have the potential to scour out the seagrass beds, thereby releasing untold quantities of carbon into the atmosphere. Will Greater Wellington hold them to account? If so, what will that look like? We need some certainty that the seagrass is going to persist beyond the lifetime of this project and this needs to be written into the consent.

Regarding penguins. The project area has been estimated to contain a significant proportion (12-14%) of the population in the Wellington Harbour. Little penguins are already under pressure from development and use of the Eastern Bays with only 34% of the coastline within the project area accessible to penguins. This will decrease to 22% (a further reduction of 35%) as a result of construction of the Shared Path. In addition to the 19 nests affected by habitat loss as a result of the Shared Path, a further 16 penguin nesting sites have been identified on the seaward side of the

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4633871/>

proposed footprint of the Shared Path. Experience from Napier Port and its recent demolition of a seawall containing penguins demonstrated not only the value of using penguin detector dogs to identify nest sites, but also, at the time of demolition, a detector dog was used every day works were undertaken as this revealed many penguins previously not present, simply roosting or recently ashore to moult. Had that dog not been present every day, it's likely many penguins would not have been discovered and likely would have been inadvertently killed by the heavy machinery. We therefore request the conditions around the construction of the Shared Pathway be tightened to ensure minimal impact occurs. For example, two surveys ahead of time will only identify the penguins present at the time of the survey. Little Penguins are a highly mobile species. Surveys will need to be undertaken every day works are planned in areas where penguins are known to roost or nest. No other detection method is good enough to ensure with certainty that penguins aren't present.

Furthermore, there needs to be a lot more clarity in the consent regarding what will be done with the penguins when they are detected at the time of construction. Again, at Napier Port, nest boxes and habitat creation was undertaken well ahead of seawall demolition, to ensure the penguins had somewhere safe to be removed to. In February, Little Penguins will be moulting and very vulnerable as they will not waterproof. They will need somewhere safe and secure to continue their moult undisturbed. This needs to be outlined clearly in the consent conditions. The protocol listed at EM.5(b) is too vague and leaves too much uncertainty as to how the penguins will be ethically managed. We would also suggest that all penguins relocated from the site be microchipped if not already, to help with monitoring, post-construction. Which brings me to post-construction monitoring. As written, there needs to be more explicit direction in the conditions regarding post-construction monitoring. Reporting back on targets in a yet-to-be-written management plan is simply not good enough. We want to be sure that all penguins affected by this project not only survive but are able to find suitable alternative habitat after the Shared Path has been built.

In terms of the mitigation proposed to compensate for the habitat loss along the pathway, it is Forest & Bird's view that this doesn't go far enough to address the long-term impact of the Shared Pathway. We have a number of issues with the mitigation, as proposed. Firstly, the sites for mitigation aren't nearly big enough, the area at Bishop's Park needs to extend all the way to the wharf as there are penguins nesting or using the habitat all through the dunes there. The site at Bishop's Park is also full of skinks. The local E-Rat community trapping group runs tracking tunnels through the area which reveal it to be full of skinks. However, because the mitigation is being left up to a Habitat Enhancement Plan which external parties such as ourselves won't be party to, then how are we to have confidence that details like this won't be missed? We would like to see special mention of lizards in the conditions to ensure the habitat management is conducted in a way that is suitable for all the species using the dunes at Bishop Park, not just penguins. We completely support the provision of 100 nesting opportunities to compensate for the loss of breeding areas as a result of the Shared Pathway. Further to my comments about the Habitat Enhancement Plan, penguins are very particular about their choice of nesting site. Recent research conducted at Taiaroa Head² found they preferentially chose nest boxes that were shaded and free of vegetation at ground level. These trends were supported by comparisons of proportions of boxes used for breeding and moulting that indicated shaded boxes surrounded by bare ground were preferred to unshaded boxes surrounded by introduced grasses. To optimise nest box use by little penguins and encourage recruitment, nest boxes ideally should be placed under bushes or artificial structures on open ground up to 90 m from the landing. Again, it is detail like this that we would hope would be picked up in the Habitat

² <https://notornis.osnz.org.nz/node/4455>

Enhancement Plan but we have no certainty that it will. It's one thing to provide 100 nest boxes, it's quite another to ensure the boxes will actually be used. We would like to see greater certainty in the conditions regarding nest box placement to increase the likelihood of their being used. At Napier Port to date, none of the penguins whose homes were destroyed as a result of the works, have returned. We would hate to see the same mistake repeated here. It is essential that habitat enhanced for penguins is effective to ensure they aren't completely displaced by Shared Path. One further point about the mitigation is the absence of conditions regarding the requirement to ensure survival of the plantings to be established as part of the mitigation. It's one thing to plant species out into a harsh coastal environment, it's quite another to have them still alive one, two or even three years later. Conditions normally require details of enrichment and replacement planting, including timeframes to ensure a plant success rate of at least 80% canopy cover is achieved within 5 years, this is wholly absent from the conditions as proposed. We would like to see conditions around planting success included in the consent provisions.

Regarding pest control, we acknowledge Hutt City has increased its funding of pest control from \$4,000 per annum to \$6,000, however the duration of only ten years is entirely inadequate given that the consent is for 35. It is also completely insufficient to focus this funding on the three habitat mitigation sites at Whiorau, Bishop's Park and HW Shortt. The little penguins and shoreline foragers will use the whole coastline for foraging, roosting and territorial activities and will benefit from pest-control along the entire length of the Shared Pathway. E-Rat has traps along the coast at roughly 50m intervals as well as traps in all the areas proposed for habitat mitigation. They report constant invasion from Seaview and the marina. Pest incursions aren't going to stop after ten years of pest control in very localised areas. At a minimum, Hutt City needs to have discussions with the local trapping groups about funding pest control for 35 years and we would like to see this as a condition of consent also. Ten years is completely insufficient given the permanent impacts this Shared Pathway is going to have on the Harbour and the biodiversity that use it.

Finally, not enough consideration of effects has been given to the Shared Path as a whole. There is going to be a lot more foot traffic, dog walkers, cyclists using it once it's operational. Disturbance is a huge factor in nesting success and the general display of natural behaviour of territorial birds such as oystercatchers. The increase in human presence will also inevitably lead to an increase in dog fouling and litter. There is no evidence that Hutt City is taking this ongoing impact seriously enough. Their current poor management of the dogs at Whiorau Reserve is testament to that. Hutt City has proposed signage to encourage dogs on leads and is proposing to investigate increased dog control measures. However, this is outside of the RMA process and their implementation cannot be guaranteed. As far as we can tell, Hutt City has also failed to identify the key risk areas where birds are likely to be displaced by the ongoing use of the shared path. Neither has it evaluated the potential to manage these effects in those areas. We have little confidence that the mitigation areas will be enforced to keep dogs out or keep them on leads along the Shared Path more generally. We would like to see Hutt City determine how it's going to manage these effects and also we'd like the consenting authority to include a comprehensive suite of conditions requiring enforcement of the proposal for dogs on leads, otherwise this mitigation is meaningless.