Eastland Port – Twin Berth project.

Introduction

My full name is Gary Neil Bramley. I hold a Bachelor of Science in Zoology (1992), a Master of Science in Ecology (with First Class Honours, 1995), both from Massey University and a PhD in Biology (1999) from the University of Waikato. My MSc thesis was on habitat use by the North Island weka (*Gallirallus australis greyii*). My PhD thesis was on methods to control and eradicate rats (*Rattus* spp.). I have worked as a consulting ecologist since 2000. I am currently a Director and Partner at Ecological Solutions Limited.

I have carried out assessments of effects on terrestrial ecology for a variety of developments and have developed, contributed to, or managed the implementation of mitigation and offset works including riparian and terrestrial restoration projects (ranging in size from a few square metres to 900ha) and pest management projects (ranging in size from a few hectares to more than 19,000ha). Recent relevant projects I have worked on where coastal birds have been a focus include the Picton – Waitohi Ferry Terminal redevelopment project (Marlborough), Ariki Tahi – Sugar Loaf Wharf construction (Coromandel), Mangawhai Central (Northland), Kauri Cliffs beach pavilion (Northland) and marine farm applications in Auckland, and Marlborough. I am a member of the New Zealand Ecological Society, the Ornithological Society of New Zealand and the Environment Institute of Australia and New Zealand. I completed the "Making Good Decisions" programme in 2017 and am a certified resource consent hearings commissioner. I was engaged on behalf of Gisborne District Council to provide a peer review of the ecological report which formed part of the application relating to birds prepared by 4Sight Consulting.

Code of Conduct statement

I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with the Code of Conduct in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence.

Executive Summary

Following my recommendation provided as part of Gisborne District Council's Section 92 (2) response to the application, 4Sight Consulting has prepared a draft Avian Monitoring and Management Plan (AMMP) to address the lack of specific ecological information provided in the original application. This draft AMMP covers both the monitoring and management of kororā and other at risk and threatened birds prior to, during, and after construction. I have reviewed the draft AMMP to determine whether the matters I identified earlier have been addressed.

The draft AMMP uses generally appropriate methods, but in my opinion, the frequency of bird surveys (including dog surveys) is insufficient to inform management (surveys should be conducted monthly to increase the chance of detecting penguins and plan for their management). I am of the opinion that the draft AMMP should provide for having both the project ecologist and the conservation dog on site during rock removal and that a protocol for dealing with any injured birds discovered should be included. I am almost certain that undetected birds will be discovered during construction and consider that a Wildlife Act Authority will be required to deal with those birds. I also consider that the use of PIT tagging or other permanent marking methods, although invasive, would be of significant assistance

in monitoring any birds which need to be relocated since the use of 'twink' or similar is very temporary.

Review process

Eastland Port Ltd has applied to the Gisborne District Council for resource consents for Stage 2 of the Twin Berths Project (TBP). The TBP would enable two ships up to 200m long to berth at the port simultaneously, allowing greater capacity for bulk freight and enabling potential options for container freight in the future.

4Sight Consulting – Part of SLR (4Sight) prepared two ecological reports to support the resource consent application:

- Assessment of Ecological and Water Quality Effects (the Ecology Report); and
- Little Penguin/ Kororā (Eudyptula minor) Assessment of Ecological Effects (the Kororā Report).

I was asked to review the second report relating to kororā on behalf of Gisborne District Council (GDC). I concluded that there were gaps in relation to distribution and abundance of kororā at the site, but that this matter could be addressed via an Avian Management Plan. GDC formally requested such a plan by means of a request for further information in accordance with Section 92(2) of the Resource Management Act (1991) on 17 November 2022.

I recommended a comprehensive Avian Management Plan be drafted including details of pre-construction, during construction and post construction surveys.

4Sight Consulting has drafted an Avian Monitoring and Management Plan (AMMP) to address the ecological information required. The purpose of the draft AMMP with respect to kororā is characterise the use of the Twin Berths Project area by kororā and inform the management protocols and the extent of offset/compensation measures that may be required. A survey of the area in November 2021 using a trained conservation dog resulted in 13 positive dog detections of kororā. One was in the area proposed for deconstruction.

I have reviewed the draft AMMP provided and set out my findings below.

Assessment Findings

The draft AMMP covers the monitoring and management of kororā and other at risk and threatened coastal birds prior to, during, and post construction as recommended in the initial review. The methods proposed and the species targeted are generally appropriate, but there are specific matters which I consider should be included in order to protect kororā from the works.

The draft AMMP proposes undertaking monitoring for kororā during the day. It is acknowledged that the seawall will likely have more kororā present after dusk when foraging birds return for the evening. I consider that both diurnal and dusk surveys would assist in characterising kororā habitat use at the site, but I acknowledge that there are health and safety and other reasons for not undertaking evening surveys. Diurnal surveys are likely to underestimate kororā presence, even when interpreted very conservatively.

According to the draft AMMP, the frequency of monitoring will depend on the season and monitoring would be conducted with a higher frequency during the breeding and moulting period. I note that the frequency of monitoring outside those seasons is not specified. I consider that monthly survey throughout the year would be appropriate, with as many surveys as possible undertaken prior to works commencing so that a good understanding of

the use of the site by kororā is obtained and works, and bird management if required, can be planned accordingly.

It is proposed in the AMMP that at least one breeding and moulting season is captured by the pre-construction monitoring; however, it is recommended that more seasons are captured if time allows. This is supported.

I note that the page numbers in the AMMP are incorrect. The AMMP (page 2, which should be Page 11) defines as a minimum, one round of pre-construction monitoring must occur in the season prior to the construction works. A season is three months long, one round of monitoring in the three months prior to construction will not be sufficient to detect all the kororā which might be affected (i.e., those with active burrows within the TBP Construction Area). It may be that this is an error, because in the "General Kororā Monitoring" section of Table 4 (page 3, should be page 12), it specifies monthly surveys for kororā and recommends one conservation dog survey during the breeding and moulting season prior to construction and recommends longer monitoring if possible. This is supported. It does not specify the amount of time or the exact method to be used for kororā surveys. On that basis it is hard to quantify the amount of survey effort that will inform the management and therefore how reliable the surveys will be.

Active burrow management protocols rely on controls on rock removal, noise mitigation measures and/or a 20 m setback for construction activities from any active burrow, including those found incidentally. The handling or translocation of kororā from active burrows is to be avoided to the extent possible. Similar controls are proposed for coastal birds detected breeding and this is appropriate for them, but not for kororā for reasons I set out below.

The draft AMMP states in Section 4.3 (page 16, should be page 25) "Despite the management protocols to restrict access to the active construction area, it is still possible that non-moulting or non-breeding kororā could be found to be resting within a crevice during the rock removal and/or within the active construction area".

Given what could be a relatively low survey effort, undertaken at times less than ideal for detecting birds, I consider it very likely that undetected kororā will be present within the construction area and will need to be managed and this could include breeding individuals. I consider that it would be a sensible precaution to:

i) Undertake as many preconstruction surveys as possible over as long a time period as possible, to inform likely penguin locations and therefore inform construction and bird management in advance. Monthly surveys for at least one year would be appropriate.

ii) Apply in advance for a Wildlife Act Authority to allow these birds to be moved if required. In the event that birds need to be moved, a more permanent method of identification (such as PIT tags) would be necessary.

iii) Set out in the AMMP a protocol for moving birds, eggs and chicks (in whatever permutation they occur) in the event that it is required.

iv) Require that the conservation dog for kororā be on hand during rock removal to locate birds in advance of works.

v) Set out in the AMMP a protocol for dealing with any birds which are discovered injured so that it can be implemented immediately if that situation arises.

I acknowledge that PIT tagging can be invasive, and I would not recommend tagging every individual, but where birds are discovered during works and need to be moved, longer term identification than marking with twink would be required. Local mana whenua are likely to have a view as to which method is appropriate in their rohe, but either PIT tags or bands could be used.

Conclusions

In summary, the draft AMMP proposes generally appropriate survey methods and management controls for coastal birds and kororā using the site. Nonetheless, I am of the opinion that the draft AMMP requires amendment to fully protect kororā from the proposed works. In particular the frequency of bird surveys (both coastal birds and kororā monitoring) should be monthly throughout the year, a trained dog survey for kororā should be required in the breeding and moulting season preceding works and regularly (at least annually) throughout the works, the conservation dog should be used during all rock removal to detect birds in advance of accidental discovery, and finally a Wildlife Act Authority should be obtained in advance of works commencing that anticipates the need to handle, move and mark birds. I would also recommend permanent marking of any birds which have to be relocated to assist in following their fate to inform the offsetting required.

Dr Gary Bramley
20 September 2023