

29 September 2026

Attention: Quentin Davies
Gascoigne Wicks
PO Box 2,
Blenheim, 7240

SLR Project No.: 840.030190.00001

Dear Quentin

RE: Marlborough Aquaculture MMMP - Response to DOC Comments

The Department of Conservation (DOC) was provided with the opportunity to review the draft Marlborough Aquaculture Marine Mammal Management Plan (the MMMP). I understand that DOC provided their comments on the draft plan to the applicants on 23 September 2026, and their feedback was subsequently provided to me for response.

My responses to each of the DOC comments is outlined in the table below.

Section	DoC's review	Comment
Section 2.1	Update the references to "Section 0" relating to the retrieval or disposal of marine mammals undertaken under DOC direction.	Easy fix, the cross-reference function was simply lost during PDF generation.
Section 3.1 (Table 2)	Underwater inspections should be undertaken following significant weather events to confirm that lines remain taut, unless this can be verified from the surface.	A footnote has been added to the relevant text in Table 2 clarifying that damage from significant weather events can be successfully evaluated from the surface, indicators of damage include: 1) floats sitting high in the water which indicate lost crop lines, or 2) floats out of position which indicate a lack of tautness or structural integrity. I also understand that the consent conditions include a requirement that the consent holders keep "all farm structures ... maintained in a manner which ensures that they are restrained, secure and in working order at all times".
	If damage results in loose lines remaining in the water for an extended period and repairs cannot be completed promptly, DOC should be notified so that disentanglement response capability can be placed on standby.	The DOC comment has been added (verbatim) to the bottom of Table 2.
Section 4.1	The current wording of the paragraph " <i>In some circumstances farm staff may be able to safely take</i>	This DOC recommendation has been adopted. The final text in this section now reads "In some circumstances farm staff may be able to safely take action to set an

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	<i>action ...</i> " (page 9) could be interpreted as encouraging unassisted disentanglement attempts. Moving this paragraph to the end of the section would avoid confusion.	animal free; however the Key Safety Messages and relevant Procedure above must be followed".
	Clarify that DOC must be contacted immediately for all large whale and orca entanglements. Include clear contact details for DOC reporting, including the Marine Species Team – marinemammals@doc.govt.nz	Revisions have been made as follows: The subheading 'Procedure to follow for an entangled large whale' in Section 4.1 has been amended to 'Procedure to follow for an entangled large whale <u>and orca</u> ' A placeholder has also been included here for the contact details of the Large Whale Disentanglement Team. The procedure has also been edited as follows: 1. Call the DOC 'Large Whale Disentanglement Team' on (phone number: add) and act as directed. 2. Follow steps 2 – 4 of the procedure for all live marine mammal responses below. Further the word 'other' has been deleted from the 'Procedure to follow for all <u>other</u> live marine mammal responses'.
	Under <i>Procedure to follow for all other live marine mammal responses</i> , I recommend the inclusion of video footage as supporting evidence of an incident, as this may assist DOC in assessing the situation and providing advice, as well as supporting a post-incident MMMP review.	Following further discussion and given the significant health and safety risks that a live incident poses to personnel, it seems prudent that farm staff in the vicinity of an entangled or injured animal should not be distracted by collecting footage on their phones but should be maintaining high levels of situational awareness. For this reason, all mention of the taking of photographs and videos has been removed from this procedure. Further, the collection of video footage contravenes farm operational health and safety protocol.
	DOC considers any whale or orca entanglement, or any entanglement resulting in mortality or serious injury to any species, to be a serious incident. Such incidents should trigger an independent expert review of the MMMP within 30 calendar days; feedback from DOC should be sought as part of an expert review. Non-fatal entanglements involving marine mammal species other than whales or orca	While I agree that any entanglement resulting in mortality or serious injury to any species constitutes a serious incident, I consider that 30 <u>working days</u> is a reasonable compromise between the two scenarios (i.e. the 30 calendar days suggested by DOC and the 2 months originally required by the MMMP). In particular, this is a more realistic expectation in the event that an incident occurs over a holiday period. Section 9.0 of the MMMP has been amended accordingly. I also note that condition 21 will need to be updated to reflect this change. In addition, consultation with DOC is already proposed as part of each MMMP review, and Section 9.0 of the MMMP does not distinguish between fatal and non-fatal entanglements, i.e. all will trigger a review.



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	should trigger an internal MMMP review.	
	Note that if there is intent for personnel to handle marine mammals directly, a Marine Mammal Permit may be required.	Marine farmers are engaged in fishing and the fishing exceptions in s16 and s26(4) of the Marine Mammal Protection Act 1978 (MMPA) apply. However, in terms of clarifying MMPA reporting requirements, the following text has been added to Section 2.1 of the MMMP: <i>'Section 16(1)(b) of the Marine Mammals Protection Act 1978 requires that any person who accidentally or incidentally kills or injures a marine mammal whilst engaged in fishing activities (including marine farming) must report the event in writing to a DOC warranted marine mammal officer or a fisheries officer as soon as practicable. The report must include the following details of the incident: location, species, description of conditions and circumstances of the event. These reporting requirements are fundamental to this MMMP and have been incorporated into Section 4.0 and Appendix D (the Marine Mammal Reporting Form) of this MMMP.'</i> Note that a placeholder has also been included in Section 4.0 of the MMMP to capture the relevant contact details of the local Fisheries Officer.
Section 5	Include reference to maintaining slow vessel speeds under <i>Protocols to Minimise Underwater Noise</i> .	While speed limits would reduce noise, I don't think such limits are strictly necessary or that the risk warrants such measures. The setting of speed limits would also seem unfair to farm vessels, given other vessels in the sounds have no such limits imposed. Further, the noise from farm vessels confers no greater risk to marine mammals relative to other users. No changes made.
Section 6	Recording all marine mammal interactions with farm infrastructure should be a mandatory requirement and reflected in the consent conditions, as this provides another data source for assessing risk and improving practices.	Section 6.0 already required whale and dolphin interactions to be recorded, and Appendix D goes on to prompt for details of any interactions. However, Section 6.0 has been updated to capture site-based differences as follows: <i>'The following marine mammal monitoring will be undertaken:</i> <u><i>For all sites:</i></u> <i>• Sightings of large whales and orca (both on-farm and during transit) shall be recorded when possible or practical subject to Health and Safety requirements and company policies.</i> <u><i>For all sites except Queen Charlotte Sound:</i></u> <i>• Sightings of dolphins (on-farm) shall also be recorded when possible or practical subject to Health and Safety requirements and company policies.'</i> Noting that the requirement for dolphin sightings in Queen Charlotte Sound has been removed as recording of these sightings are not considered to be necessary given their well-documented residence here.



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	Marine mammal observations recorded at farm sites, during vessel transits, and in surrounding areas should be provided to DOC annually.	Section 8.0 of the MMMP has been updated such that MDC and DOC must be provided with monitoring data within 15 working days of an information request. The MMMP has also been updated to define 'working days'.
	I note that commencing monitoring only after construction has begun will not provide a true baseline, as displacement effects may already have occurred. Initiating monitoring a year prior to construction commencement (using a combination of acoustic and visual methods) would provide a more robust baseline of marine mammal occurrence and habitat use in the area.	In terms of monitoring for marine mammals, the only site that I recommend additional pre-construction (baseline) monitoring for is the Hapuku Rock site (refer SLR, 2025) where Admiralty Bay is recognised as an important seasonal foraging site for dusky dolphins and common dolphins. The available information suggests there are no known marine mammal sensitivities at the other proposed sites.
Section 8	Include a requirement for incident data collected under this section to be provided to DOC.	For clarification, an edit has been made to Section 8.0 stating that incidents must be reported to DOC as soon as practicable.
Section 9	Following a serious incident, the MMMP review by a SQEP should be completed within 30 calendar days.	See discussion relating to Section 4.1 earlier in this table where a compromise has been proposed, noting that this may result in changes to draft condition 21.
Appendix A	When describing the likelihood of marine mammal occurrence, note that available sighting data are based on limited and largely opportunistic observations. Actual marine mammal presence may be higher than currently documented.	The following note has been added to Appendix A above the species descriptions: <i>'The sub-headings below briefly describe the distribution of key marine mammal species as it relates to their potential presence in and around marine farms in the Marlborough Sounds. In many instances the likelihood of occurrence descriptions provided below rely largely on opportunistic observations which could potentially under-represent marine mammal presence; however, where systematically collected survey data is available (for some species in some locations) this data has been used to inform the predictions on species occurrence.'</i>
Appendix B	In the first consent condition (top line of table), include wording requiring lines to be "under tension, or secured when not in use" to minimise entanglement risk.	This seems reasonable but is essentially a conditional matter. The first row of the Appendix B table has been amended as follows: <i>'All farm structures and all parts thereof must be designed, constructed, installed and maintained in a manner which ensures that they are restrained, secure and in working order at all times. Lines must be</i>



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		<i>maintained under tension or secured when not in use to minimise entanglement risk.</i> Any edits to conditions will need to be incorporated into Appendix B and vice versa.
Appendix C	The title "DOC rules" isn't entirely accurate and should be replaced with either "Rules" or a title that references the Marine Mammal Protection Regulations (1992).	Appendix C title has been amended to ' <i>Rules for vessel use around marine mammals</i> '.
	Include a note stating that all Marine Mammal Protection Regulations (MMPR) apply. This appendix is intended as an infographic summary only and does not replace the full regulatory requirements.	Section 2.2 of the MMMP states that compliance with the Marine Mammal Protection regulations will occur. However, regulation 3(2) has been brought to my attention. This regulation states that: 'Nothing in these regulations applies in respect of any fishing vessel while the vessel is engaged in commercial fishing (as defined in section 2(1) of the Fisheries Act 1983)'. I consider this to be a legal issue. No changes have been made to the MMMP in this regard.

In conclusion, the DOC feedback was gratefully received and has led to several revisions and improvements to the MMMP.

Regards,

SLR Consulting New Zealand



Helen McConnell, MSc, BSc
Principal Consultant – Marine Ecology
Email: [REDACTED]

