
From: COOTE, Michael
Sent: Thursday, 23 June 2011 1:32 p.m.
To: Kim Morgan
Cc: Waterview
Subject: Re: Waterview Connection Proposal - Draft Decision

Attention: Kim Morgan, Project Leader, Nationally Significant Proposals, Environmental Protection Authority

Hello Kim,

Further to my email to you, I wanted to point out some corrections I think desirable in the Draft Decision.

- 1) Dr Mark Bellingham (on behalf of the Royal Forest and Bird Protection Society of New Zealand) and myself (Michael Coote on behalf of the Forest and Bird Motu Manawa Restoration Group) both gave evidence in person at the Board of Inquiry hearings, but our names appear to be missed off the list of witnesses at pp. 349-50 of the Draft. I respectfully request that our names are listed as appropriate.
- 2) The correct full legal name for the marine reserve in question at the Inquiry is the Motu Manawa (Pollen Island) Marine Reserve. Somehow in the draft this has been abbreviated to Motu Manawa Marine Reserve and given the acronym MMMR. I respectfully request that the correct full legal name should be used throughout, and if shortened to an acronym, that the most appropriate used should be MMPIMR.
Reference: <http://www.doc.govt.nz/conservation/marine-and-coastal/marine-protected-areas/marine-reserves-a-z/motu-manawa-pollen-island/>
- 3) I believe that I am unfairly treated as the witness referred to in the sentence that states, "Ironically, and despite the evidence led, the principal representative for the Restoration Group did not seek specific relief in respect of the culvert(s)" (p. 121). By way of background, I was advised in advance by the Forest and Bird advocate, Mr Bill McNatty, that NZTA's lawyers had called me to testify simply in order to reconfirm for the record that I was a non-expert witness. Mr McNatty also advised that he would not be relying on me to testify because I was a non-expert, but that he would be making a verbal submission of his own to the Board and would rely also on the expert testimony of Dr Bellingham. Thus I arrived at the Inquiry not expecting to provide much by way of testimony. I was surprised to be asked a question by a Board member, but thought I gave a creditable enough answer to the unexpected question posed, and moreover placed my reliance on the written evidence that Dr Bellingham and I had provided in the caucusing with NZTA's representatives regarding the relief we had proposed therein for decommissioning the Rosebank culvert(s), as well as on Mr McNatty's verbal submission and Dr Bellingham's verbal evidence that followed my own at the Inquiry. Accordingly I do not think it appropriate for the Board's Decision to pass a subjective judgement ("Ironically, and despite the evidence led...") on the small and circumscribed amount of testimony I was called upon to provide on the day, taking into account the true circumstances thereof, and respectfully request that the sentence concerned be recast or deleted to remove that subjective judgement.
- 4) The sentence, "Some pressure arose to allow public access to the marine reserve on Traherne Island, but we were satisfied by the inputs of parties advocating conservation interests that that would be counter-productive to the quite important ecological qualities and issues" (p. 337) suffers from a key logical flaw or at least a grammatical ambiguity. Traherne Island is not part of the Motu Manawa (Pollen Island) Marine Reserve (ie., part of the conservation estate managed by DoC) as it is held under the Public Works Act and managed by NZTA, and nor could the island in any event be part of the marine reserve because it is land above the mean springs high tide mark. A marine reserve lies below the mean springs high tide mark, and thus, for example, Pollen Island as land is a scientific reserve but not part of the marine reserve, even though like Traherne Island it is surrounded by the marine reserve. Therefore there could be no public access in any event to "the marine reserve on Traherne Island" if it is meant by that phrase that Traherne Island is, or could be, part of a marine reserve. I am not sure what the sentence is intended to convey, unless to mean something like "the marine reserve via Traherne Island" or "the marine reserve through or across Traherne Island", but whatever the true meaning, I respectfully suggest that the sentence needs to be amended to convey it.

I trust my comments are of assistance to the Board of Inquiry in finalising its Draft Decision text.

Many thanks.

Kind regards,

Michael Coote
Forest and Bird Motu Manawa Restoration Group