

Before the Board of Inquiry

In the Matter of the Resource Management Act 1991

And

In the Matter of an application by Mighty River Power to construct and operate a Wind Farm at Turitea, near Palmerston North

Statement of Agreement Reached in Caucusing by

William Shaw, Paul Blaschke, Isobel Gabites, and John Craig

1. This statement was developed following a caucusing meeting on 12 June 2009 at 1000 – 1545 hours at Otaki. The meeting was attended by William Shaw (WS), John Craig (JC), Astrid van Meeuwen-Dijkgraaf (recorder), Paul Blaschke (PB), Isobel Gabites (IG), and Gillian Rapson (the latter was only in attendance until 1200 hrs and has not participated further in the caucus process).
2. Various ecological matters were discussed.

THE FOLLOWING MATTERS WERE AGREED BY VARIOUS COMBINATIONS OF WS, PB, JC, OR IG

3. There is a need to rapidly provide a vegetated cover for all open sites created during construction, to minimise the risk of erosion and sediment loss. This was agreed by WS, PB, and IG.

4. The use of locally-sourced indigenous species was agreed for hydro-seeding, provided that the species selected are appropriate for the habitats where they are to be used and allow for the future introduction of indigenous broadleaved shrub and tree species. The use of browntop in a hydro-seeding mix was not agreed. WS and PB support the use of browntop in appropriate habitats (to achieve rapid cover) but IG does not, on the basis that it would introduce new exotics into sites that were previously indigenous vegetation.
5. It was agreed (by WS, PB, and IG) that, to achieve successful indigenous revegetation, it will be necessary to control all introduced browsing mammals in the Reserve, including deer.
6. It was agreed (by WS, PB, and IG) that should remaining standing pines be felled, then they should be felled to waste, to minimise disturbance to soils and to provide cover for the future establishment of indigenous species. IG does not agree that pines adjacent to indigenous vegetation should be felled.
7. WS, JC, IG, and PB agree in principle that the proposed EcoPark has the potential to produce considerable ecological benefit. It was agreed that the Wind Farm project represents a potential funding source for the EcoPark, for the life of the consent, although funding levels would apparently be based on royalties for the number of turbines in the Reserve.
8. It was agreed (WS, JC, PB, IG) that the Wind Farm will result in some bird deaths but there was no agreement on whether there would be population level effects. JC and WS consider that there is likely to be the occasional native bird death due to turbine blade strike and that some mitigation of this effect is required.
9. Noting that if the wind farm consent is approved then MRP is obliged to contribute \$30,000 per annum (over and above the annual royalties) to the Eco-Park, it was agreed by WS, JC, PB, and IG that this contribution should be specifically tagged, by way of consent condition, for pest control to protect and enhance avifauna populations within the Reserve.

10. It was agreed (WS, JC, PB, IG) that, if the Wind Farm goes ahead, robust monitoring of avifauna will be required, to international standards, addressing mortality and displacement effects, including monitoring over all four seasons prior to construction. It was acknowledged that MRP, Department of Conservation (DOC), and Massey University are currently discussing avifauna monitoring and that MRP, with the agreement of DOC, may introduce proposed consent conditions as a result of those discussions. PB and IG consider that other parties should be able to provide input on the monitoring requirements, and WS and JC agreed that this was a reasonable suggestion. It was also agreed that the results of avifauna monitoring should be reported in a peer-reviewed scientific journal, with the purpose of disseminating high quality information on post- construction impacts of wind farm operation.
11. WS, PB, and IG agree on the proposed consent condition in relation to a contingency plan for *Powelliphanta* snails (WS evidence paragraph 84 and IG evidence paragraph 129). Consent conditions should provide for snail searches at construction sites prior to any vegetation clearance.
12. WS, PB, and IG agree that a detailed rehabilitation and revegetation plan should be provided as a consent condition. This plan should include, as a minimum requirement: information (results) from previous trials; techniques to be used on a site-by-site basis; the applicability of certain techniques, species mixes and ratios, planting techniques; provisions for monitoring, infill planting, ongoing maintenance, weed control, pest animal control; and criteria for determination of when revegetation has been completed to a satisfactory standard.
13. WS, IG, and PB agreed that any further data on the 2006 direct transfer trial should be summarised for the hearing, and that trials should be followed up with assessments in 2009 and 2010.
14. WS, PB, and IG agreed that any resource consent should have detailed provisions relating to a weed hygiene plan, including

equipment wash-down sites and facilities and the sources and hygiene of quarried material.

15. WS, PB, and IG agree that there would be merit in more frequent and intensive weed monitoring in the early stages of the project (e.g. every three months) during the first three years, from the start of construction. After that, annual monitoring may be adequate but it will be necessary to assess whether it is of sufficient frequency and to increase the frequency of inspections if required. It was also agreed that it is likely that a revegetation plan will require monthly monitoring, including inspections for weeds, during the early stages of all planting.
16. It was agreed by WS, IG, and PB, that the entire area of bare soil surface needs to be rehabilitated promptly except for roads and working areas required to be kept open on an ongoing basis. Revegetation should be undertaken to the base of the turbines, where possible. It was also agreed that if the pine forest (125 ha) in the Reserve and some scattered pines at Browns Flat were to be felled, then those areas should all be returned to native vegetation.

THE FOLLOWING MATTERS WERE COMMENTED ON OR DISCUSSED BUT WERE NOT AGREED

17. IG considers that bird monitoring undertaken to date has been inadequate to assess populations of, and risks to, individual species. IG expected more monitoring of keystone and threatened species such as falcon due to the presence of a small population of falcon, and it was suggested by IG and PB that even the loss of one bird can have significant impact on a population in some circumstances. WS and JC disagreed and consider that there is a very low risk of increased falcon mortality and this is offset by improved control of mammalian pests that are a threat to falcon.
18. The parties (WS, PB, IG) have somewhat different views on the ecological significance of the vegetation to be affected (e.g. whether some of the indigenous vegetation is more

significant than other parts, whether the entire Reserve is significant, the relative significance of the Reserve as a result of the current pest control programme and how significant it will become over time due to that pest control), the appropriateness of the proposed development, or whether adverse effects can be mitigated.

19. PB and IG consider that the turbine sites on the western ridge (Game Ridge) are sites that result in unacceptable impacts and that the effects cannot be mitigated (IG has the same view of turbines 38 – 43). PB is concerned about potential effects on both terrestrial and aquatic ecology. WS agrees that the effects in this area are greater than other parts of the Reserve but considers that the effects can be mitigated.
20. There was considerable discussion and clarification (by WS) of the areas of vegetation to be affected, including an upper limit of a 25 ha footprint of native vegetation clearance (including road batters, sediment traps), potential rehabilitation of up to 8 ha along tracks, road margins, and construction platforms. IG and PB raised some remaining issues about the total area to be cleared, and there was no agreement over the extent of clearance proposed. As it is a key issue that requires further clarification, WS is to undertake further GIS-based analysis prior to the hearing.
21. There was considerable discussion but little agreement on which areas of proposed revegetation qualified as mitigation for the effects of the wind farm. WS considered that the 75ha of indigenous revegetation proposed (three times the 25 ha cleared area) is adequate mitigation for the clearance of indigenous vegetation proposed, but this was not accepted by IG and PB. IG considered that indigenous revegetation of pine plantation should not be deemed mitigation for wind farm effects, as it is her interpretation that the Water Catchment Management Plan requires cutover pine to be returned to native vegetation, with weed control, if not replanted in pines. WS considers that the mitigation proposed by Mighty River Power

provides certainty that indigenous revegetation will occur, and provides a funding mechanism to achieve implementation.



William Shaw

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John Craig

Paul Blaschke



Isobel Gabites



Dated 19 June 2009

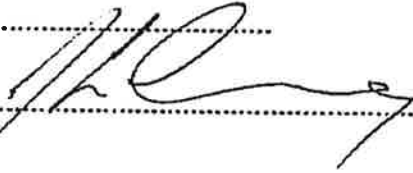
Note: If John Craig's signature is not provided above it is because he is travelling overseas . However, JC agreed with an earlier version of above in relation to avifauna, and no material changes have been made to those statements (WS 19-6-09).

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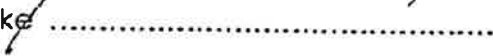
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