

**BEFORE THE HEARING COMMISSIONERS  
NAPIER**

**IN THE MATTER**

of the Resource Management Act 1991  
(the Act)

**AND**

**IN THE MATTER**

of applications by Port of Napier Limited  
to undertake wharf expansion,  
associated capital and maintenance  
dredging, disposal of dredged material  
within the coastal marine area, and  
occupation of the coastal marine area  
for existing port activities and the  
proposed new wharf

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**STATEMENT OF EVIDENCE OF RACHEL KATHERINE MCCLELLAN**

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## INTRODUCTION

### QUALIFICATIONS AND EXPERIENCE

1. My name is Rachel Katherine McClellan.
2. I am the principal avifauna ecologist with Wildland Consultants Ltd (Wildlands), based in Wellington. I have worked for Wildlands for nine years. I have undertaken avifauna work across New Zealand, including assessments of effects, survey and monitoring, threatened species monitoring and management, development of ecological significance criteria, and strategic and restoration plan development and implementation. I have worked extensively on wind farm projects, including development of robust bird and bat blade strike monitoring programmes, and have prepared expert evidence for 15 council or Environment Court hearings, including mining applications, proposed coastal subdivisions, aquaculture applications, wind farms, hydropower proposals, and council plan changes.
3. I have the following qualifications and experience:
  - (a) The degrees of Bachelor of Science in Zoology and Botany from Victoria University.
  - (b) A Master of Conservation Science (with Distinction). My Masters thesis was on the breeding biology of the Nationally Vulnerable flesh-footed shearwater (*Puffinus carneipus*) on Karewa Island (Victoria University, 1996).
  - (c) A PhD in Zoology. My PhD thesis investigated the ecology and management of the Nationally Critical black-billed gull (*Larus bulleri*) in Southland (University of Otago, 2009).
4. I have considerable experience in river bird, seabird and shorebird ecology. Examples of projects include: review of the Department of Conservation's Fiordland crested penguin (*Eudyptes pachyrhynchus*) monitoring programme; review of the Yellow-eyed Penguin Trust's work on yellow-eyed penguins (*Megadyptes antipodes*) on Rakiura (Stewart Island); avifauna (including seabird) restoration and management components of the Department of Conservation's Dusky Sound Restoration and Conservation plan, and the Project Janszoon restoration plan for Abel

Tasman National Park; restoration plan for Long Point, Catlins, including reintroduction of seabird species including albatross; assessment of effects of a ski lane on blue penguins (*Eudyptula minor*); analysis of population trends of black-billed gulls in the South Island; aerial surveys of Canterbury rivers for black-billed gulls; provision of expert evidence on the effects of the Rena wreck on seabirds and shorebirds; several Environment Court hearings, and council hearings and other projects related to the potential effects of aquaculture facilities on king shag (*Leucocarbo carunculatus*; Threatened-Nationally Endangered).

5. I have also worked for BirdLife International in Cambridge, United Kingdom, where I researched and wrote the species texts for all New Zealand and Australian birds, and several other island groups, for BirdLife International's 'Threatened Birds of the World', published in 2000. BirdLife International is the official Red Listing Authority for birds for the IUCN Red List.
6. I am a member of the New Zealand Ecological Society and Birds New Zealand.

#### **INVOLVEMENT IN PROJECT**

7. I have been assisting The Port of Napier since early 2017 with the assessment, mitigation and management of effects of the proposed Port expansion on birds. Specifically, the aspects of the proposal that have the potential to affect birds include the deconstruction of the revetment or seawall, ongoing construction works, and the dredging programme and disposal of dredging waste material at sea.
8. In March 2017, I undertook a site visit of the proposed wharf location and surrounds and met with staff from Department of Conservation and Hawkes Bay Regional Council to discuss potential effects on birds from wharf construction.
9. I authored a report on 'Potential effects on birds of a proposed new wharf and dredging project at the Port of Napier', dated June 2017. The report can be found within the Port's application documents at Volume 3, Appendix L.
10. In the report, I recommended a survey of the blue penguin (*Eudyptes minor*) population at the Port of Napier and surrounds. The survey was undertaken on 24 September 2017 by conservation dog specialist Joanna Sim and her dog Rua.

## EXPERT WITNESS CODE OF CONDUCT

11. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## PURPOSE AND SCOPE OF EVIDENCE

12. The purpose of this evidence is to confirm my original assessment regarding the potential effects of wharf construction and the dredging programme on bird populations, and briefly summarise the findings of the blue penguin survey.
13. My evidence will cover the following topics:
  - (a) Effects on northern blue penguins, including the results of the blue penguin survey.
  - (b) Effects on other key species known from the Port (black-billed gull, white-fronted tern, and shag species).
  - (c) Effects on foraging seabird species.
  - (d) Conclusions and recommendations.

## EFFECTS ON NORTHERN BLUE PENGUINS

14. The northern blue penguin subspecies (*Eudyptes minor iredalei*) is classified as At Risk-Declining<sup>1</sup>, primarily due to the effects of introduced predators. The September 2017 survey confirmed the presence of blue penguins at the site. The seabird conservation dog indicated at 29 locations within the affected revetment. An indication shows that a pair of birds or a single bird is likely to be present at each location, though some burrows may have two entrances. The survey

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<sup>1</sup> Robertson H.A., Baird K., Dowding J.E., Elliott G.P., Hitchmough R.A., Miskelly C.M., McArthur N., O'Donnell C.F.J., Sagar P.M., Scofield R.P. and Taylor G.A. 2017: Conservation status of New Zealand birds, 2016. *New Zealand Threat Classification Series* 19. Department of Conservation, Wellington. 23 p.

also detected penguin presence within unaffected revetments at the Port to the north, and along Hardinge Road (41 further indications).

15. The removal of revetment blocks for storage will destroy all nests present. Injury or mortality of adults, juveniles, and chicks may occur, as well as loss of eggs during the breeding season. These effects are unavoidable for several reasons (discussed in detail in my report):
  - (a) Research shows blue penguins translocated away from sites can quickly return.
  - (b) In any case, capturing birds within the revetment will be difficult as burrows may be too long.
  - (c) Blue penguins are highly tolerant of activity and noise and are unlikely to leave of their own accord.
  - (d) Blocking burrow entrances will be difficult and potentially cause further problems by trapping and entangling penguins.
16. A further potential effect is the reduction in breeding habitat as the new revetment will be lower than the existing revetment. This may be a more than minor effect.
17. The disturbance of blue penguins adjacent to the affected site, including breeding pairs, is considered to be minor due to the species' tolerance of disturbance.
18. In order to minimise, mitigate, and if required, offset effects on blue penguins, I recommended a set of management actions in my report. These were:
  - (a) A blue penguin response plan to minimise the loss of eggs, chicks and adults due to deconstruction of the revetment.
  - (b) Increased pest control at the Port.
  - (c) Management of the Hardinge Road blue penguin population (for example, pest control, provision of nest boxes, signage).
  - (d) If required, management of a further blue penguin population within the wider Napier area (for example, pest control, provision of nest boxes).
  - (e) Public education and blue penguin advocacy.

19. These recommendations were accepted by The Port of Napier (Table 13-1). Condition 10 (Application 1 – Wharf and Associated Activities) requires the preparation of a Blue Penguin Management Plan which will address the above management actions and ensure that there is no net loss of blue penguins in the Port area over a 10-year period following commencement of construction.

#### **EFFECTS ON OTHER BIRD SPECIES FROM PORT PROPOSALS**

20. Black-billed gull (*Larus bulleri*) is listed as Threatened-Nationally Critical, due to extreme, rapid declines observed throughout the South Island from a complex suite of threats. Locations of breeding colonies generally change from year to year. The North Island population comprises less than 5% of the national population.
21. In 2015, a black-billed gull colony established at the end of Geddis Wharf (No. 3) on top of the wharf. Once breeding was complete, the colony disbanded, and the colony site was altered to discourage birds from re-establishing in following years as birds had become very aggressive towards staff. Black-billed gulls are unlikely to re-establish a colony at the Port, and therefore construction will have no effect. Furthermore, the location of the 2015 breeding colony will not be directly affected by wharf construction.
22. White-fronted tern (*Sterna striata striata*) is classified as At Risk-Declining, primarily due to the effects of introduced predators. Like black-billed gulls, white-fronted terns often change breeding locations between years.
23. In 2015, a white-fronted tern colony established on the eastern side of the triangular wharf on the revetment. The presence of the colony indicates the species can tolerate the high levels of inevitable disturbance from wharf activities. The species may establish in future years on the triangular wharf (where the only suitable habitat within the Port is present); any colony will likely benefit from Port pest control activities. The 2015 colony site will be unaffected by construction of the new wharf. Construction will have no effect if birds are absent, and a minor effect if a colony re-establishes.
24. Black shag (*Phalacrocorax carbo novaehollandiae*; At Risk-Naturally Uncommon) roost on the main breakwater; other shag species may also be present at times. Roosting shags will be accustomed to vessel movements and other wharf

activities but may be disturbed by pile-driving. However, this effect is temporary, and birds will roost in other locations such as Ahuriri Estuary.

### **EFFECTS ON FORAGING BIRDS**

25. Many seabird species forage in inshore and offshore waters around Napier and have the potential to be affected by increased vessel movements, pile driving, and turbidity from dredging activities and waste material deposition. These include blue penguin, gulls, terns, shags, and gannets, and offshore, the albatrosses, petrels and shearwaters. All the seabird species likely to be present have extensive foraging areas and are capable of swimming or flying tens or hundreds of kilometres or more to feed. As such, the affected areas will comprise a small part of any one species' foraging range. I consider that the effect on pelagic seabird species (those that spend the majority of their life in the open ocean) will be less than minor, and minor for other seabird species.

### **RESPONSE TO MATTERS RAISED IN SECTION 42A REPORT**

26. The S42A report has not raised any issues regarding my report. The S42A report has suggested some additions to Condition 10 (Condition 21 of Draft Conditions of Consent; CL 180008C, in Appendix 1 of the S42A report). The purpose of these additions is to ensure that the Management Plan required as part of Condition 10 also addresses other important avian species that might potentially be affected by wharf construction at the Port. I am happy with the modified condition.

### **RESPONSE TO MATTERS RAISED IN SUBMISSIONS**

27. Submitters have not raised any matters relevant to the effects of the wharf construction or dredging programme on bird populations.

### **CONCLUSIONS AND RECOMENDATIONS**

28. Deconstruction of the affected revetment will have unavoidable effects on the blue penguin population that nests within the revetment. Effects may include the loss of eggs, chicks, juveniles and adults. The reconstructed revetment may provide less breeding habitat than the existing revetment. All other potential effects on seabird

species from wharf construction and the dredging programme are considered to be minor or less than minor.

29. The Port of Napier proposes to achieve no net loss of the blue penguin population within the vicinity of the Port within a 10-year period following commencement of construction. Conditions require the development and implementation of a Little Blue Penguin Management Plan to meet this goal. This will include actions such as development of a Response Plan for construction works, increased pest control at the Port, management of surrounding penguin populations (at the Port and along Hardinge Road), possible management of another blue penguin population, and public education and blue penguin advocacy.

**Rachel Katherine McClellan**

31 July 2018