

12 December 2018

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Level 11.1 Grey Street, PO Box 25920, Wellington 6146
New Zealand

Our ref: F26554
By email

Dear [REDACTED]

Official Information Act request – Niagara

Thank you for your email, dated 16 October 2016, requesting the following:

1. *Could you please send me a copy of the analysis that Maritime NZ was preparing for the Associate Minister of Transport about the Niagara Wreck?*
2. *Please provide all correspondence between Maritime NZ and the office of the Associate Minister of Transport [relating to the Niagara] for the period between June 1, 2016 and October 16, 2016.*

We have considered your request in accordance with the Official Information Act (the Act).

Part 1: Maritime NZ's briefing on the management of the wreck of the Niagara

Please find **enclosed** a copy of Maritime NZ's briefing, titled "*Management of the wreck of the Niagara – report back*", dated 28 September 2016.

The briefing included the following attachments:

1. Maritime NZ briefing, *Management of the wreck of the Niagara*, dated 2 March 2016;
2. Navigatus report, *Consequences of Oil Release from Niagara*, dated 17 August 2016;
3. London Offshore Consulting report, *Niagara Wreck Survey Report*, dated 11 July 2016;
4. Centre for Environment, Fisheries and Aquaculture Science (CEFAS) report, *Management of the wreck of RMS Niagara and the Surrounding Environment*, dated 30 August 2016; and
5. Maritime NZ report, *Management of the wreck of the Niagara: Business Case*, dated 14 September 2016.

Maritime NZ has withheld some information from the briefing and its attachments 1 and 3 listed above. Maritime NZ has also withheld attachments 2, 4 and 5 listed above, in full. Information has been withheld for the following reasons:

- to protect information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest (section 9(2)(ba)(ii) of the Act); and
- to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by officials (section 9(2)(f)(iv) of the Act).

Ministers have instructed officials to prepare further advice regarding the management of the wreck of the *Niagara*. The information covered by your request is directly connected to, and would tend to reveal, the further advice that is yet to be tendered. In the circumstances, Maritime NZ considers that release of the full information covered by your request would be likely to prejudice the ability of Ministers and Cabinet to consider, and decide upon, the further advice that is yet to be tendered.

Maritime NZ has also withheld a small amount of information from the Maritime NZ briefing, under section 9(2)(a) of the Act, to protect the privacy of natural persons.

Maritime NZ considers that the withholding of this information is not outweighed by other considerations which render it desirable, in the public interest, to make the information available (section 9(1) of the Act refers).

Part 2: Correspondence between Maritime NZ and the Associate Minister's Office

Please find **enclosed** the information covered by this part of your request. Some information has been withheld from the enclosed documents for the following reasons:

- to protect the privacy of individuals (section 9(2)(a) of the Act);
- to protect information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest (section 9(2)(ba)(ii) of the Act);
- to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by officials (section 9(2)(f)(iv) of the Act);
- to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or two Ministers of the Crown or employees of an organisation in the course of their duty (section 9(2)(g)(i) of the Act; and
- because some of the information is outside the scope of your request and some of the documents were duplicates of other documents that have been provided to you; and
- one of the documents is not "official information" for the purposes of the Act, section 2(1)(i) of the Act refers.

A number of documents have also been withheld, in full, under sections 9(2)(ba)(ii), 9(2)(f)(iv) and 9(2)(g)(i) of the Act.

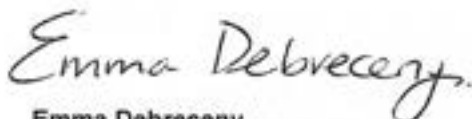
Maritime NZ considers that the withholding of this information is not outweighed by other considerations which render it desirable, in the public interest, to make the information available (section 9(1) of the Act refers).

Maritime NZ is still consulting with an external agency regarding the disclosure of one document covered by part 2 of your request. We will write to you regarding this last document shortly.

If you are dissatisfied with the decision on your request, you can complain to the Ombudsman under section 28(3) of the Official Information Act. The Ombudsman's contact details can be found at: <http://www.ombudsman.parliament.nz/>.

If you have any additional queries regarding the management of the wreck of the *Niagara*, please feel free to telephone Nigel Clifford, Deputy Director, Safety and Response Systems, on (04) 4941208.

Yours sincerely



Emma Debreceeny
Senior Advisor, Ministerial Services

Enc: Part 2 of your request – document schedule
Information covered by parts 1 and 2 of your request

Part 2 of your Request – Document Schedule


#	Date	Description	Decision
1	1/6/2018	Email: DOC Niagara wreck OIA, with four attachments	Partial release, information withheld under sections 9(2)(a) and 9(2)(g)(i) OIA.
2	15/6/2018	Email: FW: Niagara – request for info (media) and OIA material by 2pm Monday 18 June please	Partial release, information withheld under section 9(2)(a) OIA
3	15/6/2018	Email: OIA response John Michael Swannix on the Niagara – Email One	Partial release, information withheld under section 9(2)(a) OIA
4	15/06/2018	Email: OIA response John Michael Swannix on the Niagara – Email Two	Partial release, information withheld under section 9(2)(a) OIA
5	17/06/2018	Email: Niagara – request for info (media) and OIA material by 2pm Monday 18 June please, with attachment	Partial release, information withheld under section 9(2)(a) OIA
6	26/06/2018	Draft letter	Withheld in full – section 9(2)(g)(i) OIA
7	27/6/2018	Email: Niagara briefing	Partial release, information withheld under section 9(2)(a) OIA
8	27/6/2018	Email: Management of the Wreck of the Niagara and attachment	Partial release, information withheld under section 9(2)(a) OIA. Attachment withheld – duplicate document.
9	27/06/2018	Email: Management of the Wreck of the Niagara	Partial release, information withheld under section 9(2)(a) OIA
10	27/06/2018	Email: Management of the Wreck of the Niagara	Partial release, information withheld under sections 9(2)(a) and 9(2)(g)(i) OIA
11	27/06/2018	Email: FW Scan Data from Fuji and attachment	Document and attachments withheld in full – sections 2(1)(i) and 9(2)(a), and duplicates other documents released
12	28/06/2018	Email: RE Scan Data from Fuji	Partial release, information withheld under sections 9(2)(a) and 9(2)(g)(i) OIA. Attachment withheld – duplicate document
13	12/7/2018	Email: Free and Frank in Confidence: Update on Work Underway on the Management of the Wreck of the Niagara	Partial release, information withheld under sections 9(2)(a) and 9(2)(g)(i) of OIA, attachments withheld under sections 9(2)(ba)(ii), 9(2)(f)(iv) and 9(2)(g)(i) OIA.
14	18/7/2018	Email: FW: Further follow up email: Niagara Wreck Oil Spills	Partial release, information withheld under section 9(2)(a) OIA
15	18/7/2018	Email: FW: FW: Niagara Wreck Oil Spills	Partial release, information withheld under section 9(2)(a) OIA

#	Date	Description	Decision
16	17/7/2018	Email: FW: FW: Niagara Wreck Oil Spills	Partial release, information withheld under section 9(2)(a) OIA
17	1/8/2018	Email: FW: Correspondence and possible OIA request from Mike Lee re Niagara	Partial release, information withheld under section 9(2)(a) OIA
18	10/8/2018	Email: FW: Letter from DPM to Hon Shaw – Niagara Wreck	Partial release, information withheld under section 9(2)(a) OIA, some information outside scope of request
19	10/8/2018	Email and attachment	Withheld – section 9(2)(g)(i) and part of email chain is duplicate of another email that has been disclosed
20	18/9/2018	Email: Niagara OIA	Partial release – some information withheld under section 9(2)(a), some information is outside scope of request
21	20/09/2018	Email: No surprises Memorandum, OIA request for information relating to the Niagara, with attachments	Partial release – some information withheld under sections 9(2)(a) and 9(2)(g)(i) OIA
22	21/9/2018	Email: Submission on Report Back on Niagara	Partial release – some information withheld under section 9(2)(a), some information is outside the scope of the request
23	27/9/2018	Email: RE: Submission on Report Back on Niagara	Partial release – some information withheld under section 9(2)(a) OIA, some information is outside the scope of the request
24	28/9/2018	Email: Report Back on Niagara Wreck Management – with supporting documents and Business Case, with attachments	Partial release – some information withheld under section 9(2)(a) OIA. Attachments addressed in part 1 of your request
25	28/9/2018	Email: RE: Report Back on Niagara Wreck Management – with supporting documents and Business Case, with attachments	Partial release – some information withheld under section 9(2)(a) OIA, some information is outside the scope of the request

Management of the wreck of the *Niagara* – report back

Reason for this briefing	Following a report from officials on the management of the wreck of the <i>Niagara</i> , Ministers Genter and Sage requested officials provide further advice on the options contained in that report. This report back details work undertaken since then, provides options and attaches a business case identifying funding requirements if Ministers wish to commission a survey and risk assessment (Option 2)
Action required	Direct officials as to next steps
Deadline	N/A
Reason for deadline	N/A

Contact for telephone discussion (if required)

Name	Position	Telephone	First contact
Maritime New Zealand			
Nigel Clifford	Deputy Director Safety and Response Systems, Maritime New Zealand		✓

ASSOCIATE MINISTER'S COMMENTS

Date:	28 September 2018	Briefing number:	
Attention:	James Shaw	Security level:	

Associate Minister of Transport's office actions

- Noted*
 Seen
 Approved
 Needs change
 Referred to
 Withdrawn
 Not seen by Minister
 Overtaken by events

Background

1. The **RMS Niagara** (a United Kingdom-flagged trans-Pacific passenger steamer) hit a sea mine and sank in the Hauraki Gulf, approximately 40 kilometres to the southeast of Whangarei, in 1940. Over the intervening years, there have been infrequent reports to authorities of oil surfacing in the vicinity, apparently from the wreck (the most recent of these was in 2016). In recent times, various parties have raised the profile of the wreck and concerns that it poses a major environmental risk.
2. It is not possible to quantify how much oil was in the vessel when it sailed (maximum capacity was over 4,000 tonnes), how much was lost when it sank, how much leaked during a salvage operation to recover a cargo of gold bullion or how much has seeped out over the years. Substantial amounts (many tonnes) may well remain within the vessel.
3. What is certain is that over time wrecks such as the **Niagara** deteriorate, corrode and degrade, thereby increasing the likelihood that any oil within them may escape. Globally there is increasing focus in managing the risks of oil spills from historic wrecks. Given the potential risks posed by the **Niagara**, Maritime NZ has reviewed the options regarding management of the wreck.
4. Following a request from Ministers Maritime NZ provided initial advice in March 2018 (Attachment 1) outlining three possible wreck management options:
 - Option 1 – Status Quo. The status quo of monitoring via reports received and maintaining a contingency plan for use in the event of a significant¹ release of oil from the wreck;
 - Option 2 – Survey and Risk Assessment. Undertaking an underwater survey and an independent risk assessment to consider the likelihood and consequences of a release, and (if then considered appropriate);
 - Option 3 - Oil Recovery Operation. An oil recovery operation to remove oil remaining in the wreck.
5. At a meeting in May 2018 Ministers Genter and Sage indicated a preference for Option 2 – Survey and Risk Assessment and requested that officials develop a business case to support a possible Cabinet paper on options for the management of the wreck. The business case should:
 - Provide additional information about the preferred option of Survey and Risk Assessment (Option Two);
 - Outline options and costs for funding the survey and risk assessment, including funding via the Oil Pollution Fund;
 - Investigate the opportunities for reducing the cost of the exercise, [REDACTED]

Sections 9(2)(ba)(ii) and 9(2)(f)(iv) OIA

¹ A "Significant" release in terms of this report back is considered to be one where there is the risk of environmental damage and the need for an oil spill response (as opposed to natural dispersion).

- Consider the costs of alternative options including potential clean-up/response costs and the ecological costs of a significant spill.

Work in support of the Business Case

6. Maritime NZ consulted a number of expert parties in developing the business case. An outline of the work undertaken is provided below. Full reports are attached.

Modelling of the Costs of a spill from the wreck

7. Navigatus Consulting Limited (Navigatus) is a New Zealand based risk consultancy with extensive experience in risk modelling for the movement of oil in the marine environment and modelling of the economic costs of marine oil spills.
8. Navigatus modelled the consequences of an oil release from the *Niagara*. Four release quantities were considered; 20, 100, 500 and 1,600 tonnes. These amounts were chosen to reflect the wide range of uncertainty over what oil may remain in the wreck.
9. Navigatus used drift data supplied by Maritime NZ along with a cost model developed for work previously undertaken for Government on the financial liabilities that could arise from an oil spill.

10.



Technical requirements (vessel and equipment) for a survey

11. London Offshore Consultants Limited (LOC) is an international marine consultancy with extensive experience in salvage matters, including wreck management and survey, with experience of working for Government in New Zealand on the *Rena* response.
12. LOC provided technical details and costings for the vessel and equipment requirements to undertake a wreck integrity survey. The data is based on its experience in both undertaking and over-sighting similar operations and on the latest hire rates from the international market.

13.



14.



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15.



Wreck integrity and environmental survey requirements

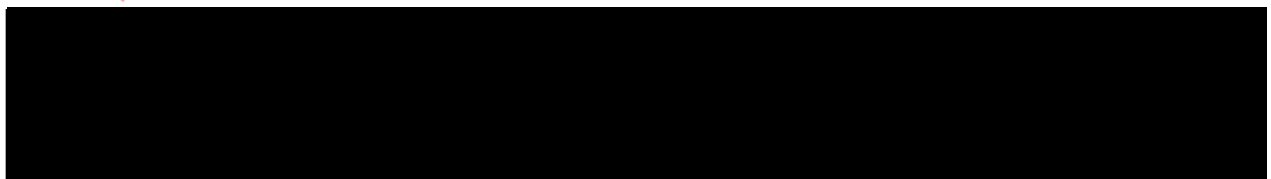
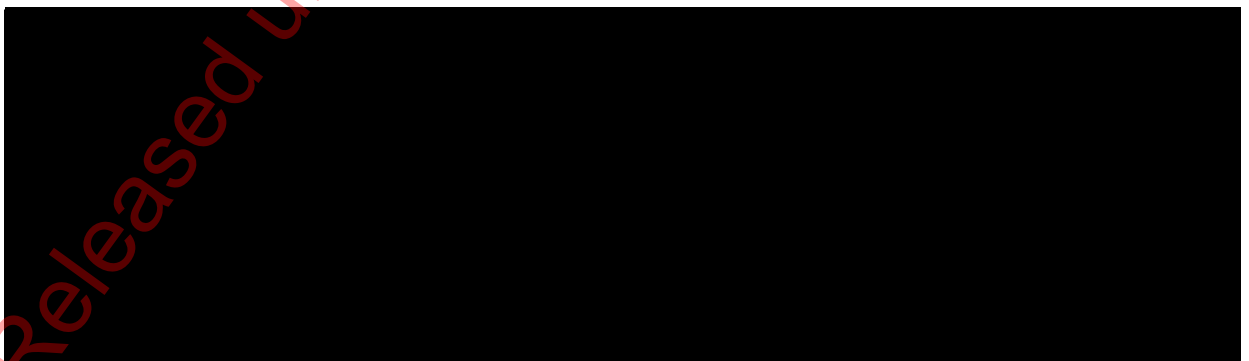
16. The Centre for Environment, Fisheries and Aquaculture Science (Cefas) is a United Kingdom scientific environmental agency with extensive wreck integrity survey and marine environmental survey experience. Cefas work closely with the United Kingdom Ministry of Defence (UK MOD) on a joint risk management programme for some 5,000 wrecks which the UK MOD is responsible for worldwide. Cefas have prepared a technical report (to complement the LOC report) on the wreck integrity survey and environmental survey requirements needed to support a detailed desk-based risk assessment.
17. The requirements detailed in the Cefas report would be used to further scope and define the wreck and environment survey work costed by LOC should the survey option be taken forward.

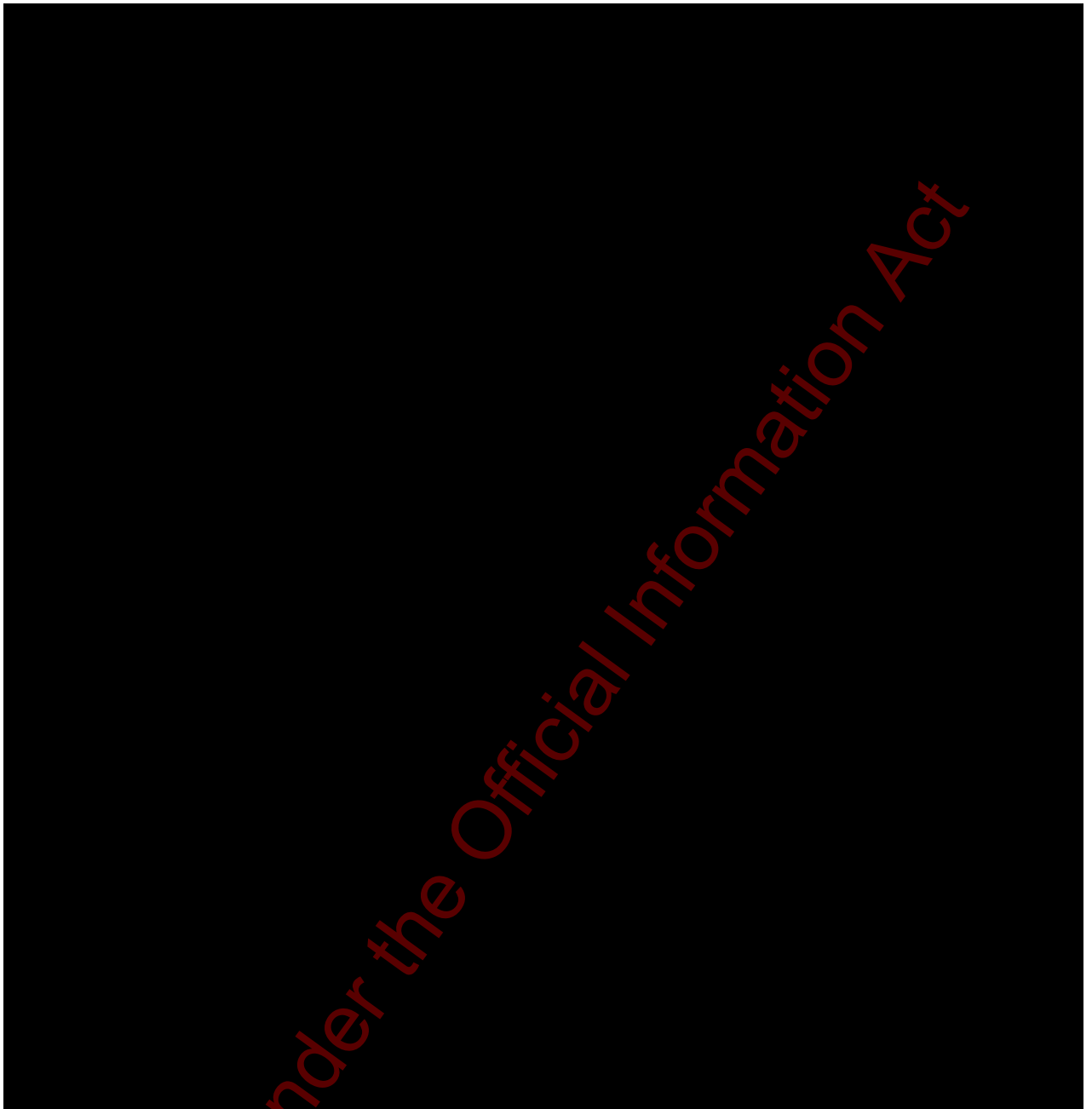


Business Case

18. As directed by Ministers a business case has been developed to consider the three options, undertake detailed analysis, examine funding options and develop recommendations. Maritime NZ was supported in this work by Price Waterhouse Coopers and the business case follows Treasury guidelines and the standard "five case" format. The full business case is at Attachment 5

19.





Released under the Official Information Act



Summary

20. Maritime NZ with support from the Department of Conservation and the Ministry of Transport has completed additional work on options for the management of the wreck of the **Niagara**. This work includes developing detailed requirements for a survey and risk assessment programme covering both technical and environmental matters, and an economic analysis of the direct costs of a significant oil spill from the **Niagara**.



⁵ The Minister of Transport has responsibility for Transport funding matters.



Recommendations

25. It is recommended that you:

- a. **Note** the work undertaken to support the development of a business case on options for the management of the wreck of the *Niagara*;



- f. **Forward** a copy of this briefing and attachments to the Minister of Conservation, Hon Eugenie Sage, and the Deputy Prime Minister, Rt Hon Winston Peters.

Keith Manch
Director Maritime New Zealand

Minister's Signature

Associate Minister's Signature

Hon Phil Twyford
Minister of Transport

Hon James Shaw
Associate Minister of Transport

Released under the Official Information Act

Attachments

1. Maritime NZ – Management of the Wreck of the **Niagara** 02 March 2018.
2. Navigatus Report – Consequences of Oil Release from **Niagara** Rev 0 17 August 2018.
3. London Offshore Consulting – **Niagara** Wreck Survey Report 11 July 2018.
4. Centre for Environment, Fisheries and Aquaculture Science – Management of the wreck of **RMS Niagara** and the surrounding environment V1.0 30 August 2018
5. Maritime NZ – Management of the wreck of the **Niagara**: Business Case V.1.0 14 September 2018.

Released under the Official Information Act

Sections 9(2)(ba)(ii) and 9(2)(f)(iv) OIA

AGENDA ITEM NO.	TBD
DATE OF REPORT	2 March 2018
SUBJECT	Management of the Wreck of the Niagara

Purpose

1. To provide an update to the Associate Minister of Transport and the Minister of Conservation on matters related to the management of the wreck of the *Niagara*.

Executive Summary

2. The wreck of the *Niagara* located in the Hauraki Gulf has been the source of a number of minor marine oil spills in the years since it sank. There is public concern over the environmental risk posed by the wreck.
3. Internationally, the management of historical wrecks due to the environmental risks they pose is a significant and growing challenge. Technology permits oil recovery operations to be carried out on wrecks and at depths that were previously not considered feasible although at significant cost and with operational risks.
4. The UK authorities operate a comprehensive wreck management regime that uses desk-top risk assessment, survey and inspection of wrecks and, on rare occasions, oil recovery operations.
5. In the case of the *Niagara* considerations include uncertainty over the amount of oil in the wreck, the environmentally sensitive nature of the area around the wreck, the potential costs of any activity, funding for the activity, cost recovery considerations, third party interests and the operational risks of any intrusive activity.
6. [REDACTED]
7. [REDACTED]
8. Three basic options exist:
 - a) The status quo of monitoring via reports received and maintaining a contingency plan for use in the event of a release;
 - b) Undertaking an underwater survey and an independent risk assessment to consider the likelihood and consequences of a release, and (if then considered appropriate);
 - c) An oil recovery operation to remove oil remaining in the wreck.
9. [REDACTED]
10. [REDACTED]

11.

Background

12. The Royal Mail Ship *Niagara* (*Niagara*) was built in 1913 in Scotland. The vessel was 524 feet long with a gross tonnage of 13,415, a passenger and crew capacity of 904 and a fuel capacity of 4,324 tons. In 1940 the vessel was owned and operated by the Canadian Australasian Line Ltd and was sailing out of the port of Auckland when it hit a sea mine laid by an undetected German auxiliary cruiser.
13. Amongst the cargo was a secret consignment of UK Government owned gold bullion (590 ingots) being taken to the USA as payment for war munitions. The vessel sank rapidly although all crew and passengers were saved. There was a considerable but un-quantified release of oil from the damage caused by the mine. The sinking occurred approximately 20 miles offshore and 7 miles east of the Hen and Chicken Islands and the wreck lies in 120 metres of water. The position is close to the boundary between Northland and Auckland Regions' Coastal Marine Waters. See map at Appendix 1.
14. In 1941 a salvage operation was conducted to recover the gold bullion. Using a viewing/diving chamber, radio, and a grab lowered from the surface the operation blasted a hole in the hull and successfully recovered 555 gold bars. The remaining boxes were inaccessible to the grab. There was a further substantial but un-quantified release of oil as a result of the blasting activity. In 1953 a further 30 gold ingots were recovered, leaving five bars still unrecovered in the wreck as of today.
15. Over the years since the vessel sank a number of minor oil releases have been observed and reported to authorities. In addition there have been a number of underwater surveys by dive enthusiasts and also using Remote Operated Vehicles (ROVs). In 2000 Maritime NZ and the Northland Regional Council conducted a joint assessment of the pollution risk posed by the wreck. In 2008 an oil sample was recovered after another minor release and sent for sampling at a specialist laboratory. The laboratory reported that the oil was "sticky and semi-solid" and was consistent with being a marine fuel oil.
16. The most recent report of an oil leak from the wreck was received by Maritime NZ in February 2016, from Mr Keith Gordon¹, who operates SeaROV Technologies Ltd and who uses ROVs to conduct underwater services including shipwreck search and survey, and salvage and marine insurance investigation. The leak was seen in photographs provided to Maritime NZ from the wreck site showing very small 'wisps' of oil drifting from the wreck

Current Situation

17. In recent months interest has been growing in the condition of the wreck and in the potential risk for damage to the environment from a release of oil. Interested parties have written on more than one occasion to the Minister of Transport, the Minister for the Environment, the Minister of Conservation, the Parliamentary Commissioner for the Environment and the Auckland Council. Media reports have been raising the matter for some time.
18. To date, responses have confirmed that agencies are aware of the matter and noted that Maritime NZ has a lead role in the management of any releases of oil from the wreck. Based on previous work dating back many years it is considered unlikely that all remaining oil would be released at one time and that the more likely scenario is that which we are continuing to see – occasional reports of small amounts of oil apparently coming from the *Niagara* wreck as it slowly degrades. Monitoring these very small releases has shown that the oil naturally disperses and breaks up and

¹ . Mr Gordon is the author also of "Deep Water Gold", originally published in 2005, which is the story of *Niagara* – see <http://www.deepquest.co.nz>.

has not caused any significant environmental impact. In 2016 Maritime NZ prepared a Niagara Contingency Plan to address any oil that emerged from the vessel. That Plan remains in place.

19. Key parties involved in raising the profile of the wreck include the Auckland Conservation Board, Councillor Mike Lee from the Auckland Council, Mr Keith Gordon and Mr Clive Sharp (a salvage expert and owner of the salvage company Subsee Limited). In February 2018 there was an exhibition on the history of the **Niagara** and the threat posed by the wreck at the Mangawhai Artists Gallery including a public meeting.

Wreck Management Practice

20. Internationally there are many thousands of wrecks that pose some degree of risk to the environment. The historical practice was to resolve any hazards to navigation posed by wrecks but not necessarily to deal with any pollution risks. This practice has evolved and changed over time due to the growing awareness of the environmental pollution risks coupled with the availability of technology that did not exist previously to address those pollution risks.
21. If a vessel sinks today then the immediate priority will be the safety of life of those involved but the next priority is the risk to the environment. Complex, and expensive, pollution prevention or mitigation operations are now common when a vessel sinks.
22. However, historical wrecks are posing significant environmental challenges to jurisdictions across the globe; in particular wrecks dating from after approximately 1870 when engine driven (and hence hydro-carbon fuelled) vessels came into widespread use. Jurisdictions are grappling with how to assess the risks from historical wrecks and how to determine what, if any, preventative action could or should be undertaken. Technology will now allow hydro-carbon recovery operations to be undertaken at almost any depth, albeit with the risk of unintended releases and at significant cost.
23. Maritime NZ has been engaged with authorities in the United Kingdom (UK) to understand the current best practice on the management of historical wrecks. The UK Ministry of Defence (MoD) in partnership with the Centre for Environment, Fisheries and Aquaculture Science (Cefas – the UK national operational marine science agency) operate a comprehensive Wreck Management Programme to oversee the more than 5,000 historical wrecks that are the responsibility of the MoD.
24. The UK Programme is based on a three stage approach – stages one and two involve a desk-based environmental risk assessment and a site-based wreck integrity and environmental survey. The desk-based survey uses a formal risk assessment process to consider the likelihood of the release of oil combined with the impacts on the affected environment to produce an overall risk assessment.
25. The site survey using high-resolution multi-beam sonar and ROV or diver sourced imagery supports a detailed analysis of the condition of the wreck. It may be undertaken after the desk-based risk assessment or before; in which case the results inform the risk assessment. Based on the scientific and technical assessment of the results from stages one and two a view can be reached on the overall level of risk (the combination of the likelihood of release given the state of the wreck, and the consequences of an oil release should one occur given the nature of the surrounding environment, the amount of oil etc.). If this overall risk level is judged to be unacceptable then stage three – an oil recovery operation – can be initiated.
26. Maritime NZ is of the view that the UK approach represents best practice for managing the pollution risk from wrecks.

Considerations Specific to the *Niagara*

The oil remaining in the wreck

27. It is impossible to determine at present the volume of oil remaining in the wreck. What is known is that the vessel had a capacity of 4,324 tons contained in eleven designated fuel tanks and three ballast tanks and that there were significant but un-quantified releases of oil at the time of the sinking and during the first salvage operation. In addition the vessel has undoubtedly been leaking oil at low or very low rates in the subsequent years – this also may be a substantial amount in total given the elapsed time.
28. Interested parties have speculated that approximately 1,600 tons remains in the wreck. This figure cannot be confirmed at present. Modern technology (e.g. neutron back-scatter) may allow for a non-intrusive assessment of how much oil remains in the wreck during an underwater survey operation but techniques are complex and expensive and results cannot be guaranteed.
29. Speculation has suggested that a rise in sea temperature in the vicinity of the wreck would allow any oil present to flow more easily and so increase the risk of oil escaping from the vessel. In general, heavy fuel oil (of the type understood to have been on-board the *Niagara*) is a thick, heavy oil. At low temperatures such oils are typically in a semi-solid state – as such it is common for these fuels to be heated to enable easier flowing prior to them being burned in a ship's engines.
30. Maritime NZ sought advice from NIWA as to the possible rise in sea temperature at the wreck site (approximately 120m deep) given the warm weather this summer and higher than usual surface temperatures. The advice indicated that temperature profile over depth in the sea is a complex matter where local conditions – currents, topography etc. can have a significant impact. Nevertheless the deeper the water the more stable the temperature is likely to be. Below 100m variations in surface temperature will have only a limited effect. Maritime NZ considers it most likely that the oil is in a semi-solid or thick liquid form generally and resistant to easy flowing and that surface temperature variation will have little effect on the water temperature at the depth of the wreck.
31. An additional factor to consider is the age of the oil in the wreck. It is now more than 70 years old and will have weathered and aged to some degree depending on how it is contained and how much it is exposed to seawater. As oil ages the more volatile, lighter components degrade quite quickly – giving the hydrocarbon smell typically associated with spilled oil – and the remaining oil 'thickens' and begins to break down. If oil leaks out from containment its behaviour will vary widely depending on its condition in terms of how much it moves within the water column²; it may spread across the sea-floor, be dispersed within the water column, rise to the surface or a combination of all three.
32. In a similar way to having no certainty as to the volume remaining, it is not possible to be certain of the current condition of the fuel oil from the *Niagara* or exactly how it might behave should it be released from the wreck. The most likely scenario is that it will be buoyant to some degree, consist mainly of the heavy components and that its behaviour will vary depending on the extent of any weathering. The extant contingency plan to respond to a release of oil is based on this scenario. As a heavy fuel oil the oil will be challenging to clean up, resistant to dispersant and slow to break down.

Environmental Risk

33. The area in the vicinity of the wreck includes the Hauraki Gulf Marine Park, a number of marine reserves and significant coastlines with important ecology. The Hauraki Gulf Marine Spatial Plan (SeaChange) recommends an assessment of the risk posed by the wreck. A large scale release of oil would spread widely in the area and potentially severely impact marine wildlife including important sea bird species. The coastlines likely to be impacted include estuaries, rocky shorelines and islands. It is very challenging to protect these shorelines; the effectiveness of

² From the seabed to the surface.

booms may be very limited in some areas due to wind, tides and the size of the areas. In addition some of the shorelines would be challenging to clear up without causing significant damage in the process.

34. There are potential impacts on benthic assemblages – research indicates that contamination of flocculated marine sediments can transport significant amounts of released oil to the seafloor with significant adverse effects on pelagic organisms and infauna. The extent of the impact of spill from the **Niagara** on benthic and pelagic ecosystems in the Gulf would depend upon local hydrographic conditions, time of the year (influences the amount of suspended particulate material in the water column) and what proportions and components of the oil entered the water column and what stayed on the seafloor
35. Maritime NZ and the Regional Councils have a good understanding of the sensitive areas, sites and species in the area; this is a standard part of developing the general regional oil spill response plans. In addition Maritime NZ has expert advice and support available through its partnerships with Massey University (recognised worldwide for their work around oiled wildlife) and the Department of Conservation (DOC).
36. A formal assessment specifically focused on the potential environmental impacts of any significant oil spill from the wreck forms a key part of the Wreck Management best practice risk assessment. If this is undertaken for the **Niagara** Maritime NZ considers that Cefas would be well placed to undertake the work, supported by New Zealand agencies as appropriate.

Ownership of the Wreck

37. The legal frameworks around the ownership of wrecks are complex; over time international systems have evolved and changed and New Zealand has changed domestic arrangements. Maritime NZ has received a comprehensive legal opinion on this matter due to its importance to the issue of identifying a responsible party or owner who might be held accountable for the costs of any assessment and oil recovery operations.
38. Given the passage of time and the demise of the company that was operating the vessel in 1940 we have concluded that it is almost certain that a private or commercial owner for the wreck itself no longer exists. Maritime NZ is of the view that ownership is most likely to have vested, in effect, in the Crown.

Other Party Interests

39. Maritime NZ has undertaken research in the UK to determine what, if any, interests exist in the wreck. Vessel ownership can be complex due to considerations around the hull and machinery components as well as multiple cargo interests. In the case of the Niagara what has been established is that the UK Treasury retains ownership of (and hence an interest in) the remaining gold bullion. As such they would need to be advised of any intrusive activity in regards to the wreck.
40. The wreck lies in Protected Area 2 as defined under the Submarine Cables and Pipelines Protection Order 2009. This area exists to protect the Southern Cross cable and the Pakam East Cable. The Southern Cross cable network is of major structural significance for New Zealand and Australia. As such any activity in the area of the wreck that poses a potential hazard to the cables needs to be coordinated with relevant commercial and Government parties.
41. There are also multiple other parties with an interest in the wreck and/or in the likelihood and consequences of any potential oil release and so with an interest in any potential risk assessment and subsequent oil recovery operations. Government parties would likely include Environment and Conservation plus others, and regional and local authorities. External parties might include Iwi and the local Conservation Boards and the Hauraki Gulf Forum. To date consultation has only occurred with the Ministry of Transport and the Department of Conservation.

Operational Risks

42. Non-intrusive survey activity poses very little risk of disturbing the wreck. Any intrusive activity that might be recommended as part of the survey would need to be very carefully considered due to the risks of causing a release of oil. Examples might include taking metal samples of plates and panels or attempting to physically investigate the tanks to measure their contents.
43. If the risk assessment led in due course to an oil recovery operation it must be recognised that there is a risk of causing a release of oil while attempting to recover the oil. The vessel is now 105 years old and has been underwater for over 77 years; the metal will be significantly corroded. In such cases experience shows that oil 'migrates' around the vessel if it escapes from the tanks; as such it may be encountered in unexpected places.
44. Should an oil recovery operation result at some time there is a very real risk of an uncontained oil release. Precautionary response measures would need to be mobilised to mitigate this risk.

Operational Support

45.

46.

Options

47. Broadly speaking there are three options:
 - d) Status Quo. Continue monitoring of the situation based on reports received, supported by the contingency plan that is in place;
 - e) Survey and Risk Assessment. Undertake an underwater survey and use the information to conduct a revised risk assessment, and (if then considered appropriate);
 - f) Undertake an Oil Recovery Operation. A decision to do this would follow a survey and risk assessment

48. Status Quo.

49. Survey and Risk Assessment.

50. Oil Recovery Operation.

[Redacted]

[Redacted]

51. [Redacted]

[Redacted]

[Redacted]

[Redacted]

52. [Redacted]

[Redacted]

53. [Redacted]

54. [Redacted]

55. [Redacted]

56. [Redacted]

57. [Redacted]

58. [Redacted]

³ [Redacted]

Released under the Official Information Act

[Redacted]

59. [Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

60. [Redacted]

61. [Redacted]

Recommendations

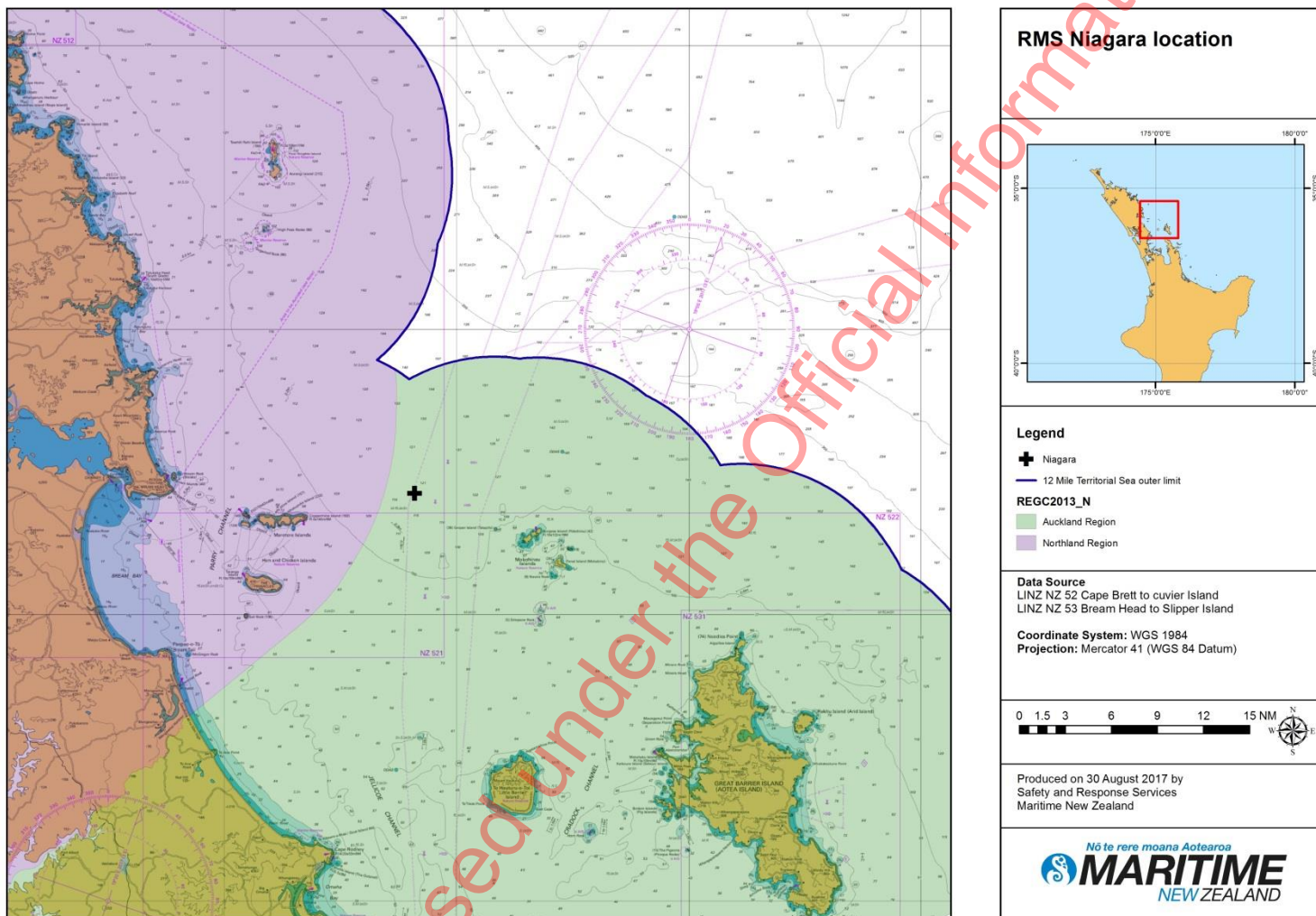
62. It is recommended that you:
- g) **Note** the information provided on the management of the wreck of the *Niagara*
 - h) [Redacted]
 - i) [Redacted]
 - j) [Redacted]
 - k) **Advise** whether you wish to meet with officials for further discussion

N Clifford

Nigel Clifford
General Manager Safety and Response

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Appendix 1: Map showing location of the *Niagara* and relevant boundaries



REPORT

NIAGARA Wreck Survey

Maritime New Zealand



Extracts from this report are enclosed. The remainder of the report is withheld under sections 9(2)(ba)(ii) and 9(2)(f)(iv) of the Official Information Act.

Date: 11 July 2018

Our Ref: 016357/NEH/R01/LOCL.rev1

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RMS NIAGARA Wreck Survey – Maritime New Zealand

1 INTRODUCTION**1.1 Background**

1.1.1 The NIAGARA was a trans-Pacific passenger steamer built in 1913 in Scotland with capacity to carry 667 passengers, 237 crew members and 8,216 tons of cargo. The principal particulars of the vessel are below.

Length	159.3m
Breadth	19.3m
Depth	10.5m
Gross Tonnage	13,415
Maximum Speed	17 knots
Crew	237
Passengers	667
Fuel Storage Capacity	4,324 tons

1.1.2 In June 1940, the NIAGARA struck two contact mines among the 228 laid by the ORION, a German raider disguised as a merchant ship, as it left Auckland on its regular route to Vancouver.¹ It sank at a depth of 120m, 40km Southeast of Whangarei, the northern most city of New Zealand.

1.1.3 It is estimated that from the total of 4,324 tons of fuel oil onboard at the time of sinking, 1,958 tons were lost when the vessel sank. Additional fuel has also since been lost and as such it is assumed that 1,643 tons remains onboard.

1.1.4 Leakage of oil suggests that the steel structure of the ship could be degrading due to corrosion and as such MNZ have an interest to investigate the wreck to determine the threat posed by the remaining oil within the vessel.

¹ SS Niagara (+1940). Available at: <https://www.wrecksite.eu/wreck.aspx?58561>

RMS NIAGARA Wreck Survey – Maritime New Zealand

1.2 Instructions Received

1.2.1 LOC were instructed by Renny Vandervelde of Maritime New Zealand (MNZ) on 20 June 2018 to provide a report outlining the costs required to undertake an underwater survey to determine the aspects listed below.

- The overall condition of the vessel (significant structural components, etc.)
- Condition / integrity of the fuel tanks
- Quantity of fuel in the vessel
- General survey of the ecosystem

1.3 Scope of Report

1.3.1 This report initially outlines the known information regarding the wreck including location, environmental conditions and vessel condition.

Released under the Official Information Act

2 LOCATION OF VESSEL & ENVIRONMENTAL CONDITIONS

2.1 Location

2.1.1 The NIAGARA wreck is located at approximately 35°51'50" S, 174°56'38" E, 40km Southeast of Whangarei. The nearest port is Northport, which is 37km away, as seen in Figure 1. Auckland is 117km to the south of the wreck.

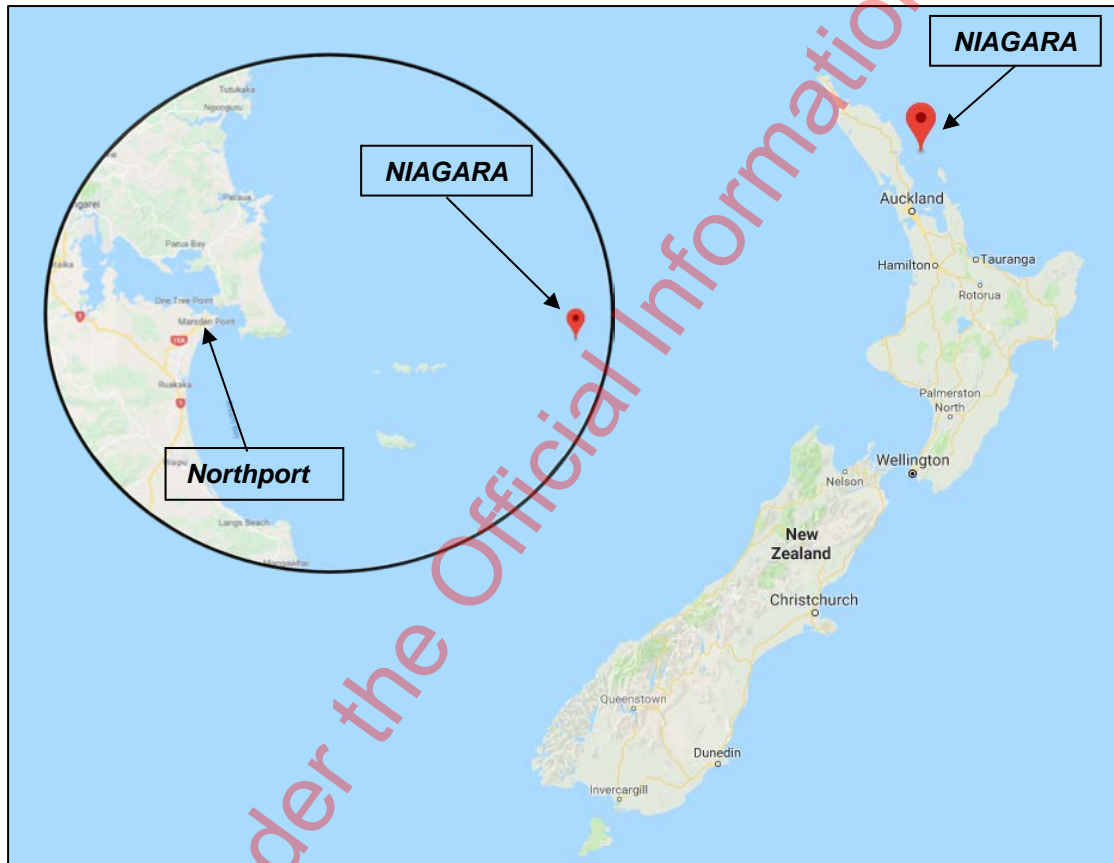


Figure 1: Location of NIAGARA wreck.

2.1.2 The wreck is located approximately 1 nautical mile from subsea cables within a protected area. Approval is required for anchoring in this location and as such this should be considered when selecting vessels and developing the methodology for the survey.

2.1.3 We are advised by MNZ that approval may be granted to anchor within the vicinity of the wreck subject to approval of the mooring arrangement being granted by MNZ.

RMS NIAGARA Wreck Survey – Maritime New Zealand

2.2 Environmental Conditions

2.2.1 Preliminary environmental data has been obtained for the wreck site, illustrated in Figure 2 and

2.2.2 Figure 3 for wind and wave data respectively. More benign weather conditions occur in the spring and summer months between September and February. If possible, it is recommended that any site works are carried out within this period to reduce weather downtime and therefore minimise risk of cost escalation.

2.2.3 A more detailed environmental assessment should be completed once the vessel to be used for the survey and its associated operating limits are known.

	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0-5	0.7184	0.7127	0.7023	0.5911	0.5236	0.4067	0.3716	0.4267	0.4676	0.5369	0.5493	0.6947
5-10	2.2285	2.0061	1.9548	1.9909	1.7058	1.5215	1.4911	1.6488	1.5234	1.6441	1.7505	2.1762
10-15	2.659	2.4442	2.66	2.564	2.3473	2.0974	2.3131	2.2665	2.3064	2.448	2.4699	2.8044
15-20	1.8988	1.7286	2.0242	1.9102	2.1164	2.1202	2.0926	2.1743	2.1297	2.1126	2.1563	1.8227
20-25	0.726	0.6025	0.8154	0.8372	1.2639	1.3333	1.2345	1.2269	1.1927	1.2155	0.9104	0.7337
25-30	0.2186	0.1777	0.2499	0.2594	0.4286	0.5132	0.6462	0.5464	0.4105	0.4248	0.2832	0.1958
30-35	0.0551	0.0561	0.0608	0.0437	0.0827	0.1749	0.2433	0.153	0.1444	0.0827	0.0656	0.0466
35-40	0.0105	0.0038	0.0114	0.0143	0.0133	0.0371	0.0599	0.0342	0.0342	0.0171	0.0181	0.0095
40-45	0.0029	0	0.0038	0	0.0029	0.0057	0.0257	0.0076	0.0019	0.0029	0.0076	0.001
45-50	0	0	0.0019	0	0	0.001	0.0057	0	0	0	0	0
50-55	0	0	0	0	0	0	0.001	0	0	0	0	0
55-60	0	0	0	0	0	0	0	0	0	0	0	0
60-65	0	0	0	0	0	0	0	0	0	0	0	0

Figure 2: Wind speed percentage probability at wreck site².

² Sourced from MetOceanView - <https://app.metoceanview.com/hindcast/sites/hrki/-35.86/174.941>

RMS NIAGARA Wreck Survey – Maritime New Zealand

	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
0-0.5	0.1349	0.1578	0.2461	0.3554	0.6633	0.7679	0.5559	0.6054	0.5132	0.6016	0.3212	0.1853
0.5-1	2.3169	1.7296	2.2057	2.3445	2.3369	2.1335	2.1943	2.3131	2.5678	2.9527	3.0382	2.6657
1-1.5	3.4126	2.9622	2.8358	2.8614	2.545	2.1411	2.2067	2.1629	2.219	2.4452	2.602	3.234
1.5-2	1.5034	1.6868	1.7039	1.378	1.5338	1.4236	1.4255	1.5139	1.4806	1.378	1.3162	1.4331
2-2.5	0.6253	0.6709	0.9038	0.6301	0.707	0.7184	0.8572	0.7774	0.7232	0.593	0.4989	0.5483
2.5-3	0.2357	0.3013	0.3212	0.3317	0.3526	0.4951	0.4951	0.5493	0.3554	0.3326	0.2119	0.2138
3-3.5	0.1768	0.1064	0.1359	0.1692	0.1815	0.2765	0.2918	0.2623	0.1758	0.1178	0.1216	0.114
3.5-4	0.0656	0.0599	0.058	0.076	0.0979	0.1311	0.1853	0.1483	0.0827	0.039	0.057	0.0523
4-4.5	0.0162	0.0342	0.0238	0.0361	0.0295	0.057	0.1093	0.0817	0.0371	0.0095	0.0238	0.0162
4.5-5	0.0152	0.0162	0.0219	0.019	0.0219	0.0342	0.0675	0.0428	0.02	0.0095	0.0038	0.0076
5-5.5	0.0048	0.0067	0.0095	0.0048	0.0095	0.0181	0.0323	0.0152	0.0181	0.0029	0.0048	0.0095
5.5-6	0.0067	0	0.0067	0.0038	0.001	0.0048	0.0304	0.0048	0.0095	0.0029	0.0029	0.0029
6-6.5	0.0038	0	0.0057	0.001	0.0019	0.0038	0.0143	0.0048	0.0067	0	0.0019	0.001
6.5-7	0	0	0.0038	0	0.0019	0.0029	0.0057	0.001	0.0019	0	0.0048	0.001
7-7.5	0	0	0.0029	0	0.001	0.0019	0.0086	0.0019	0	0	0.0019	0
7.5-8	0	0	0	0	0	0	0.0029	0	0	0	0	0
8-8.5	0	0	0	0	0	0.001	0.0019	0	0	0	0	0
8.5-9	0	0	0	0	0	0	0	0	0	0	0	0
9-9.5	0	0	0	0	0	0	0	0	0	0	0	0
9.5-10	0	0	0	0	0	0	0	0	0	0	0	0

Figure 3: Wave height percentage probability at wreck site³.

³Sourced from MetOceanView - <https://app.metoceanview.com/hindcast/sites/hrki/-35.86/174.941>

RMS NIAGARA Wreck Survey – Maritime New Zealand

3 WRECK CONDITION**3.1 Oil Remaining Onboard**

3.1.1 It is estimated that there was a total of 4,324 tons of fuel onboard at the time of sinking and an estimated 1,958 tons were lost during the event since six tanks were destroyed. The remaining tanks with fuel contained within at the time of departure on the voyage are listed below.

Mid Cross (Port)	-	273 tons
Mid Cross (Starboard)*	-	285 tons*
Side Boiler Room (Aft Port)	-	236 tons
Side Boiler Room (Aft Starboard)	-	236 tons
Aft Cross (Port)	-	411 tons
Aft Cross (Starboard)	-	389 tons
Water Ballast 4 & 5	-	536 tons

3.1.2 *It should be noted that the condition of the Mid Cross (Starboard) tank has not been confirmed and it is considered that all oil from this tank could have been lost.

3.1.3 It is also assumed that approximately 400 tons of oil was used in the final voyage from Sydney. Finally, it has been advised that 0.5 tons of oil has been leaking from the vessel per annum for 75 years, resulting in an additional loss of approximately 38 tons. It has been assumed that this is speculative and as such the actual rate of leakage could be notably different.

Intact tanks less Mid Cross (Starboard)	-	2,081 tons
Less oil used in final voyage	-	400 tons
Less 75 years of oil leakage (0.5 tons P.A)	-	38 tons

TOTAL ESTIMATED OIL REMAINING - **1,643 tons**

RMS NIAGARA Wreck Survey – Maritime New Zealand

3.2 Wreck Condition, Orientation & Tank Access

- 3.2.1 The exact orientation of the wreck is not known and as such it is not known whether all tanks containing oil can be accessed by ROV from the outside of the hull structure. If the vessel is laying on its side then any tanks in way of the seabed will be difficult to access to take measurements and potentially remove oil at a later stage.
- 3.2.2 It is also noted that previous salvage operations have been carried out to recover gold bars from within the wreck. Explosives were used during this operation to give access to the hull but it is not known how much damage was caused during this process.
- 3.2.3 From historical dive reports it is also considered likely that the wreck remains covered in numerous fishing nets which could further impede access.
- 3.2.4 The points above need to be investigated further in order to make a thorough assessment of the general condition and integrity of the wreck which would influence any operations carried out.

3.3 Marine Growth

- 3.3.1 Although the wreck has been submerged since 1940, marine growth is not expected to be extensive due to the water depth at which it is laying. Any hull cleaning required to access tanks containing oil is therefore expected to be feasible with commercially available tools that can be fitted to a work class ROV. The extent of marine growth will however need to be investigated at the initial inspections to confirm this.

3.4 Hull Degradation

- 3.4.1 It is anticipated that significant degradation could have occurred to the steel structure of the vessel, which could in part be causing loss of oil from some of the tanks. High corrosion rates occur in higher temperature waters and in the proximity of the sea surface where oxygen concentration is higher. Although the wreck is in relatively deep water, it is still considered likely that notable hull degradation will have occurred due to the time the vessel has been submerged. If it is assumed that corrosion occurs at 0.1mm per annum, it is estimated that steel plating could have reduced in thickness by 8mm.
- 3.4.2 It is recommended that hull thickness gauging is carried out during the survey to verify the residual hull plating thickness, since this information could be required for any future oil removal operations.

Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Friday, 1 June 2018 1:21 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: DOC Niagara wreck OIA
Attachments: RE: Niagara; HPRM: DOC Niagara wreck OIA; HPRM: FW: Draft to Tony Frost - Niagara; HPRM: RE: DOC Niagara wreck OIA

Importance: High

Hi [REDACTED]

Fyi, and as discussed, MNZ received an email from DOC, dated 22 March 2018. DOC requested MNZ to review their draft response to an OIA request from Erica Stanford MP. I have attached emails of our correspondence with DOC along with our feedback to their review. Please note that the review were for the following documents:

- OIA request from MP Erica Stanford
- Draft response from Minister of Conservation
- Draft memo to Minister of Conservation
- Item 1 to be released: 28 Nov 2017 memo from DOC to Minister Sage, plus 2 attachments ((1) letter from Auckland Conservation Board to Minister of Conservation, Minister of Transport & Parliamentary Commissioner for the Environment & (2) letter from Minister of Transport to Auckland Conservation Board)
- Item 2 to be released: 28 Nov 2017 letter from Wille Wright, Northland Conservation Board Chair to Minister Sage
- Item 3 to be released: 12 Dec 2017 letter from Mike Lee, Auckland Councillor to Minister Sage, plus 2 attachments ((1) background information & (2) letter from Mike Lee to Auckland Mayor and response from Auckland Mayor to Mike Lee)
- Item 4 to be released: 14 Feb 2018 letter from Minister Sage to Mike Lee, Auckland Councillor
- Item 5 to be released: 2 Mar 2018 Maritime New Zealand final report on management of Niagara wreck

Kind regards

Section 9(2)(g)(i) OIA

[REDACTED]
 Advisor, Ministerial Services
 Information, Research & Ministerial Servicing
Maritime New Zealand | Wellington
 Nō te rere moana Aotearoa

Web maritimenz.govt.nz

Email [REDACTED]

SeaCert Seafarer Certification

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 14 March 2018 4:07 p.m.
To: Nigel Clifford
Cc: [REDACTED]
Subject: RE: Niagara

Follow Up Flag: Follow up
Flag Status: Completed

Hi Nigel

Sounds good to me. I have copied [REDACTED] from our Auckland office who are leading on this OIA. The scope of the OIA request as we understand it at present is limited to correspondence etc to or from Minister Sage's office, so as far as I am aware that only includes the recent MNZ briefing from your end.

[REDACTED] – when you get a bit further on with compiling the information, can you liaise with MNZ over any material they need to see before it is released?

Cheers

[REDACTED]
Marine Ecosystems Team Manager - *Mātanga Mātai Ahu Moana*
Department of Conservation - *Te Papa Atawhai*

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From: Nigel Clifford [<mailto:Nigel.Clifford@maritimenz.govt.nz>]
Sent: Wednesday, 14 March 2018 3:11 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Niagara

[REDACTED]

- Thanks for the update. Going well here thanks.

- There are now a number of OIAs and Ministerials raising queries on the Niagara matter so I have copied in our OIA team and also [REDACTED] from Minister Genter's Office so that we can remain joined up.

- For MNZ, we would like a copy of the OIA request and also request that your OIA people work with the MNZ team [REDACTED] (e mails above) on the draft response. If the report and any associated MNZ material (e mails etc.) are in scope then we would wish to review them prior to agreeing to any release, as is our normal practice.

- Look forward to hearing from you.

Nigel
Nigel Clifford

General Manager Safety and Response

Maritime New Zealand | Wellington

T + [REDACTED] M + [REDACTED] | W www.maritimenz.govt.nz

Nō te rere moana Aotearoa

From: [REDACTED]

Sent: Wednesday, 14 March 2018 12:36 p.m.

To: Nigel Clifford

Subject: Niagara

Hi Nigel

I trust all is well with you. By way of a heads up, DOC has received an OIA request relating to the HMS Niagara wreck, and the scope of it is such that the recent briefing MNZ provided to Ass Minister of Transport and Minister of Conservation is included. Let me now if you would like more information or have any concerns and I can give you a call.

Cheers

[REDACTED]
Marine Ecosystems Team Manager - Mātanga Mātai Ahu Moana
Department of Conservation - Te Papa Atawhai

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notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Released under the Official Information Act

[REDACTED]

From: [REDACTED]
Sent: Thursday, 22 March 2018 10:49 a.m.
To: [REDACTED]
Subject: HPRM: DOC Niagara wreck OIA
Attachments: 180306 OIA Sage.pdf; SC454E0994318032207460.pdf; SC454E0994318032210580.pdf; SC454E0994318032209560.pdf; SKMBT_C28418031616180.pdf; SC454E0994318032210060.pdf; SC654E0127518021917390.pdf, 20180302 Final Report Management of the Wreck of the Niagara.docx

Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED]

As per the email below, I am providing DOC's draft response to an OIA request from Erica Stanford, MP by you for review prior to us releasing this info.

Please find attached the following:

- OIA request from MP Erica Stanford
- Draft response from Minister of Conservation
- Draft memo to Minister of Conservation
- Item 1 to be released: 28 Nov 2017 memo from DOC to Minister Sage, plus 2 attachments ((1) letter from Auckland Conservation Board to Minister of Conservation, Minister of Transport & Parliamentary Commissioner for the Environment & (2) letter from Minister of Transport to Auckland Conservation Board)
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- Item 4 to be released: 14 Feb 2018 letter from Minister Sage to Mike Lee, Auckland Councillor
- Item 5 to be released: 2 Mar 2018 Maritime New Zealand final report on management of Niagara wreck

I would appreciate it if you could get back to me by the end of the week (**Friday 23 March 2018**) with any comments you may have.

Please feel free to give me a call if you would like to discuss further. Please note I don't work on Fridays.

Kind regards
[REDACTED]

[REDACTED]
Ranger, Community - Kaitiaki, Āo Hāpori
Tāmaki Makaurau/Auckland Office
Department of Conservation - Te Papa Atawhai
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 14 March 2018 4:07 p.m.

To: Nigel Clifford
Cc: [REDACTED]
Subject: RE: Niagara

Hi Nigel

Sounds good to me. I have copied [REDACTED] from our Auckland office who are leading on this OIA. The scope of the OIA request as we understand it at present is limited to correspondence etc to or from Minister Sage's office, so as far as I am aware that only includes the recent MNZ briefing from your end.

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Cheers

[REDACTED]
Marine Ecosystems Team Manager - *Mātanga Mātai Ahu Moana*
Department of Conservation - *Te Papa Atawhai*

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From: Nigel Clifford [mailto:Nigel.Clifford@maritimenz.govt.nz]
Sent: Wednesday, 14 March 2018 3:11 p.m.
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Niagara

[REDACTED]
- Thanks for the update. Going well here thanks.

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- For MNZ, we would like a copy of the OIA request and also request that your OIA people work with the MNZ team [REDACTED] (e mails above) on the draft response. If the report and any associated MNZ material (e mails etc.) are in scope then we would wish to review them prior to agreeing to any release, as is our normal practice.

- Look forward to hearing from you.

Nigel

Nigel Clifford
General Manager Safety and Response
Maritime New Zealand | Wellington
T [REDACTED] M + [REDACTED] W www.maritimenz.govt.nz
Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Wednesday, 14 March 2018 12:36 p.m.
To: Nigel Clifford
Subject: Niagara

Hi Nigel

I trust all is well with you. By way of a heads up, DOC has received an OIA request relating to the HMS Niagara wreck, and the scope of it is such that the recent briefing MNZ provided to Ass Minister of Transport and Minister of Conservation is included. Let me know if you would like more information or have any concerns and I can give you a call.

Cheers

[REDACTED]
Marine Ecosystems Team Manager - *Mātanga Mātai Ahu Moana*
Department of Conservation - *Te Papa Atawhai*

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ERICA STANFORD

MEMBER OF PARLIAMENT FOR EAST COAST BAYS

6 March 2018

Hon Eugenie Sage
Minister of Conservation
Minister for Land Information
Associate Minister for the Environment

By e-mail: e.sage@ministers.govt.nz

Dear Minister

Under section 12 of the Official Information Act 1982, I request:

1. Copies of any correspondence – including but not limited to emails, letters, memos or faxes – to or from the Minister or any of the Minister’s staff, in relation to the *RMS Niagara*.
2. Advice – including but not limited to aides-memoire, briefings or reports – regarding the *RMS Niagara* from any ministries, departments or local authorities.
3. Notes from any meetings regarding the *RMS Niagara*.

Where information is withheld, I request you provide the title and date of the communication/document withheld; the reason for refusal; and the grounds in support of that reason, as required by section 19(a)(i) and (ii) of the Official Information Act.

I ask that you acknowledge receipt of this request, and I request that your acknowledgement and final response (with any attachments) be provided as soft (electronic) copy, e-mailed to erica.stanford@parliament.govt.nz.

Yours sincerely,

Erica Stanford
Member of Parliament for East Coast Bays



Northland Conservation Board
Te Runanga Papa Atawhai O Te Taitokerau

PO Box 842 Whangarei Phone 09 470 3300

28 November 2017

Hon Eugenie Sage, Minister of Conservation
Hon Phil Twyford, Minister of Transport
Simon Upton, Parliamentary Commissioner for the Environment

Eugenie.sage@parliament.nz
Phil.twyford@parliament.nz
pce@pce.parliament.nz

Dear Minister Sage, Minister Twyford and Mr Upton

RE: Environmental Risk from Niagara Shipwreck.

The Northland Conservation Board/Te Runanga Papa Atawhai O Te Taitokerau ("the Board") serves a conservation advisory role, along with offering community perspective to DOC on conservation management issues for the Northland region. It oversees implementation of the [Northland Conservation Management Strategy \(CMS\)](#). The CMS implements general policies and establishes objectives for the integrated management of natural and historic resources, including any species managed by DOC, and for recreation, tourism and other conservation purposes.

At its August 2017 meeting the Board received a presentation from Councillor Mike Lee; Keith Gordon who has authored a book about the Niagara; and Clive Sharp, salvage expert.

The Niagara was sunk by a German laid mine in 1940 and lies in 120 meters of water just off the Mokohinau Islands and may contain as much as 1600 tonnes of fuel. The wreck of the Niagara technically lies just outside the Board's area of interest but within the Auckland Conservation Board's ("ACB") area of interest. This geographic technicality does not diminish the deep concern the Board has regarding the potential environmental risks should the fuel escape.



Northland Conservation Board
Te Runanga Papa Atawhai O Te Taitokerau

PO Box 842 Whangarei Phone 09 470 3300

For this reason, the Board strongly supports the Auckland Conservation Boards letter to the then Minister of Conservation dated 16 June 2017.

A handwritten signature in black ink, appearing to read 'Willie Wright'.

Willie Wright

Chair, Northland Conservation Board

Cc:

Members, Northland Conservation Board
Chair, Auckland Conservation Board
Chair, New Zealand Conservation Authority
Lou Sanson, Director-General, Department of Conservation
Sue Reed-Thomas, Operations Director, Northern North Island
Councillor, Mike Lee, Auckland Council
Blair O'Keefe, Chair Maritime New Zealand

Released under the Official Information Act

Departmental Memo



Department of
Conservation
Te Papa Atawhai

GS ref: 17-B-0884

DOCCM: doc-3231477

In Confidence

Date: 28 November 2017
To: Minister of Conservation
From: Ian Angus, Director Aquatic Unit
Subject: Memo – Response – RMS Niagara wreckage

Purpose

1. In response to your request on 28 November 2017, this memo provides you with information on the management of oil leaking from the ship wreck RMS *Niagara*.

Background and context

Niagara Wreck

2. RMS *Niagara*, a passenger ship built in 1913, was sunk in June 1940 by a German mine, north-west of the Mokohinau Islands. The wreck is in 120 metres of water inside the Auckland Council boundary and close to the Northland Regional Council boundary.
3. Seventy-seven years later, fuel oil continues to leak from the wreck. There is a visible oil slick on the surface and a noticeable diesel-like smell. It is estimated that 1600 tonnes of fuel remains in tanks in the rear of the wreck.

Who owns the Niagara wreck?

4. The wreck belongs to the Crown. Maritime New Zealand is the Crown agency responsible for managing the wreck. DOC has liaised with Maritime New Zealand to collate some of the information contained in this memo.

Campaign to extract fuel oil from Niagara wreck

5. A number of people have campaigned around the issue of oil leakage from the *Niagara*. This includes Auckland Council member Mike Lee, author Keith Gordon, salvage expert Clive Sharp and Forest & Bird seabird advocate Karen Baird. All have spoken about the wreck posing a major environmental risk for the Hauraki Gulf.
6. This group have stated the wreck is a 'ticking time bomb' because after 77 years in the sea it will inevitably collapse spilling hundreds of tonnes of fuel oil into the ocean. The group also states the spill would be larger than the oil spill from the *Rena* that hit Astrolabe Reef at the entrance to Tauranga Harbour in October 2011. The *Rena* spilt 350 tonnes of oil.
7. These campaigners estimate it will cost between 5 - 10 million dollars to extract the fuel oil from the *Niagara* wreck.
8. These campaigners have given presentations to both the Auckland and Northland Conservation Boards on the issue.
9. The campaigners are lobbying Auckland Council and Northland Regional Council for support for the extraction of the oil.

10. The Hauraki Gulf Marine Spatial Plan has policies and actions that relate to the *Niagara*, including an "assessment of the risk to seabird and shorebird populations posed by the wreck of the *Niagara* by 2020", and to "Determine the volume of oil on the *Niagara* wreck and remove it if required."

Auckland & Northland Conservation Boards support the campaign

11. Both boards have publicly announced their support for the campaign to have fuel oil extracted from the wreck. Both boards agreed to be proactive in their support for the campaign.
12. Auckland Conservation Board chair Lyn Mayes wrote to the former Ministers of Conservation and Transport, and the then Parliamentary Commissioner for the Environment, in June this year.
13. The letter says: "Our Board is concerned that there is a "ticking time bomb" in our region and with the potential to impact the Waitemata Harbour."
14. The letter called on the previous government to provide Maritime New Zealand with funding needed to extract the fuel oil from the wreck.
15. "This is a preventable environmental disaster. It is better to act now to minimise the effects than to let the wreck totally fail in the next decade or so and have a catastrophic effect.
16. "The Board strongly recommends that funding is allocated to remove the oil from the *Niagara* now rather than waiting until the wreck erodes further and fuel is spilled into the Gulf creating an ecological disaster. Oil slicks up to 15 kilometres long have already been seen from the wreck and a major spill would affect many of the 27 species of sea birds that live in the Hauraki Gulf, including Cook's petrel, storm petrel, black petrel, Pycroft's petrel and fairy tern. Ecologists have expressed their concern about the risk to breeding colonies and habitat."

DOC's involvement to date, and deferral to Maritime NZ

17. To date, DOC has had limited involvement in the management of the *Niagara* wreck, and has declined to comment in the media on the basis that the government agency responsible for the *Niagara* is Maritime NZ. The *Niagara* wreck's oil spill risk was the subject of radio and print media reports in August 2017. This week (28 November), DOC is providing reports under the OIA to NZ Herald Investigative Reporter David Fisher. Mr Fisher is likely to be critical of the lack of action by the Crown to address the risks posed by a fuel spill from the wreck.
18. The former Conservation Minister's office advised the Auckland Conservation Board that the matter was within the portfolio responsibilities of Hon. Simon Bridges (formerly Minister of Transport) and transferred the correspondence to him for a response. In brief, he responded to the Board in July 2017 that Maritime NZ advice was that a major leak is unlikely (due to water depth, oil type, oil state and wreck fuel compartments), and that he was satisfied with Maritime NZ's existing contingency plans in place.
19. No funding bid or cost estimates have been prepared by DOC or Maritime NZ for the removal or management of oil in the *Niagara* wreck.
20. The assessment of environmental risk appears to vary between MNZ and the campaigners. Maritime NZ's assessment is that the risk of oil spillage is low.
21. The Department is also unaware of any thorough assessment of the *Niagara*'s risk to biodiversity and conservation values other than statements made by the campaigners, and Maritime NZ's regional and national assessments for oil spill planning. However, the waters, islands and coasts of Hauraki Gulf and Northland are known to contain significant values that could potentially be affected by oils spills at the location of the *Niagara*.

Risk assessment

22. There is a risk of adverse public response to any decision on this matter. There is some level of public interest in the *Niagara* wreck, including recent media reports and OIA requests. Reporter David Fisher is likely to ask us what we are doing to mitigate the risks posed to the native wildlife in the area.

Next steps

23. The Department will engage with Maritime NZ further on this issue.

Attachments

- Auckland Conservation Board letter to former Ministers of Conservation and Transport and Dr Jan Wright, 16 June 2017
- Former Minister of Transport's response to Auckland Conservation Board, 17 July 2017

Section 9(2)(a) OIA

Contact for queries: [REDACTED] Manager (Marine Ecosystems), m. [REDACTED]

ENDS

Released under the Official Information Act

Te Runanga Papa Atawhai O Tāmaki Makaurau
Auckland Conservation Board

Board File Ref: ABC-1949

16 June 2017

Hon Maggie Barry, Minister of Conservation
Hon Simon Bridges, Minister of Transport
Dr Jan Wright, Parliamentary Commissioner for the Environment

Email: maggie.barry@parliament.govt.nz
simon.bridges@parliament.govt.nz
jan.wright@pce.parliament.nz

Dear Minister Barry, Minister Bridges and Dr Wright

RE: Environmental Risk from Niagara Shipwreck

I am writing to draw your attention to the potential significant environmental hazard posed by the Niagara ship wreck to the Hauraki Gulf Islands.

The Niagara was sunk in 120 metres of water by a German mine in June 1940 north-west of the Mokohinau Islands and fuel oil continues to leak from the wreck. The Board has heard from Councilor Mike Lee; Keith Gordon who has authored a book about the Niagara; and Clive Sharp, salvage expert, that the wreck after 76 years is in a deteriorated condition and will collapse in time, posing a major environmental risk for the Gulf.

An estimated 1600 tonnes of fuel is believed likely to remain in tanks in the rear of the wreck and with the wreck continuing to deteriorate, there is a need to extract the oil to prevent a major catastrophe such as the Rena spill here in the Gulf. We understand there is more oil on this vessel than the Rena so the impacts could be even greater.

Our Board is concerned that there is a "ticking time bomb" in our region and with the potential to impact the Waitemata Harbour. The Sea Change marine spatial plan has recommended that the oil be removed from the wreck.

It is our understanding that the wreck comes under the jurisdiction of the New Zealand Government as a wartime wreck. Maritime NZ would be the lead agency responsible for coordinating the clean-up but we are told that it is without a budget to conduct the work. We ask the Government to make this a priority.

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DEPARTMENT OF CONSERVATION
TĀMAKI MAKĀURAU AUCKLAND
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Telephone (09) 307 9279, Fax (09) 377 2919

DOC-3074541

Te Runanga Papa Atawhai O Tāmaki Makaurau
Auckland Conservation Board

The Board strongly recommends that funding is allocated to remove the oil from the Niagara now rather than waiting until the wreck erodes further and fuel is spilled into the Gulf creating an ecological disaster. Oil slicks up to 15 kilometres long have already been seen from the wreck and a major spill would affect many of the 27 species of sea birds that live in the Hauraki Gulf, including Cook's petrel, storm petrel, black petrel, Pycroft's petrel and fairy tern. Ecologists have expressed their concern about the risk to breeding colonies and habitat.

We applaud the Government's commitment to be Predator Free by 2050 and that this is necessary to deliver the "Battle for our Birds". If the Niagara releases its remaining fuel, the birds on our offshore islands will be under immediate threat and the investment by the Department in protecting our birds would be undermined. Accordingly, we ask that urgent attention is given to making the wreck safe and removing the fuel oil from the Niagara.

This is a preventable environmental disaster. It is better to act now to minimise the effects than to let the wreck totally fail in the next decade or so and have a catastrophic effect.

Yours faithfully



Eyn Mayes

Chair – Auckland Conservation Board

Cc:

Members, Auckland Conservation Board
Members, Northland Conservation Board
Members, New Zealand Conservation Authority
Lou Sanson, Director-General, Department of Conservation
Blair O'Keefe, Chair Maritime New Zealand
Councillor Mike Lee, Auckland Council

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Office of Hon Simon Bridges

MP for Tauranga

Minister for Economic Development

Minister of Transport

Minister for Communications

Leader of the House

Associate Minister of Finance

17 JUL 2017

Lyn Mayes
Chair – Auckland Conservation Board
Private Bag 68908
Newton
Auckland 1145

Dear Lyn

Thank you for your letter of 16 June 2017 regarding the Auckland Conservation Board's concern of a potential large oil leak from the wreck of the *Niagara* located off the coast of Northland in the Hauraki Gulf. The risk of an oil spill is an issue the Government takes very seriously, particularly in areas where there is high marine biodiversity.

I am advised that both regional councils concerned and the responsible central government agencies, including Maritime NZ, are aware of the *Niagara* wreck and its potential risks.

Maritime NZ and the Northern Regional Council have undertaken assessments of the risks posed by the wreck and observed that, when small leaks have occurred, the oil has naturally dispersed or broken up with no observed environmental impact. Maritime NZ advises that, due to the depth of the wreck and the type of oil on board (a heavy marine fuel type with a high pour point), it is likely the oil is in a near solid form for much of the time and, as the oil is likely distributed over a number of spaces and compartments of the wreck, a major leak is unlikely.

Regardless, contingency plans have been developed that collectively cover the risks and response plans for an oil spill from any source in the Hauraki Gulf, including the *Niagara* wreck.

My officials have spoken with Maritime NZ and I am satisfied with the contingency plans in place. I have asked Maritime NZ to keep me informed if the situation changes.

Yours sincerely

Hon Simon Bridges
Minister of Transport

Councillors' Office

12 December 2017.

Hon Eugenie Sage
Minister of Conservation,
Parliament Buildings,
Wellington.



Dear Minister,

Please accept my warm congratulations on your appointment as Minister of Conservation. I think it timely to bring to your attention a potentially serious threat to one of our most precious maritime ecosystems. I refer to the hazard of an estimated 1500 tonnes of oil believed to be trapped within the wreck of the ship *Niagara* in the northern Hauraki Gulf. The risk of this large amount of oil suddenly escaping, increases by the year as the 77-year-old wreck begins to collapse on itself and tank bulkheads rupture. The consequences of such an event could mean serious environmental impacts on neighbouring marine reserves, seabirds (some endangered), economically important fisheries and northern beaches.

This is a matter of serious concern to the Auckland Conservation Board and the Northland Conservation Board and is identified in the State of the Hauraki Gulf Environment Report, the latest 3-yearly statutory accounting to you from the Hauraki Gulf Forum. I enclose some background information and correspondence.

The good news is that there are technical solutions which could address this problem and I therefore seek an appointment sometime in the New Year with Clive Sharp of Subsee Limited, Underwater Intervention and Salvage Expert, and Keith Gordon of SeaROV Technologies Ltd., to brief you in detail on the *Niagara* situation and on a proposal to remove the oil from the wreck and to transport it to nearby Marsden Point. The briefing ideally will include the results of an underwater survey of the wreck with which Keith will be involved in early in the New Year.

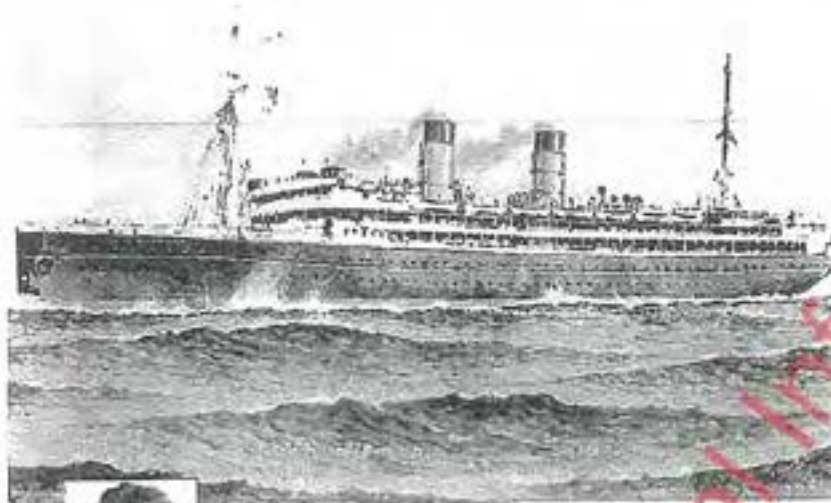
Moving forward operationally it would be Clive and Keith's intention to carry out an initial non-intrusive but comprehensive video, mapping and ultrasonic sounding survey of the wreck to establish an accurate assessment of the ship's current physical status and the potential quantities of fuel oil still remaining in the wreck. Once complete and assessed, based on those results we will then move to the second stage of planning to remove any remaining oil. However prior to moving to this second stage the support of the government and its agencies, principally Maritime NZ and ideally the two regional Auckland and Northland councils, would be essential.

We would be very grateful for your support, but prior to that we will need to brief you and therefore seek the assistance of you and your office to arrange a briefing time convenient for you. Please note I am writing a similar letter to the Minister of Transport, Hon Phil Twyford, the Minister in charge of Maritime NZ.

Yours sincerely,

Michael Lee
Auckland Councillor
Waitematā & Gulf.

Cc Hon Phil Twyford, Minister of Transport.



Painting: RMS Niagara 1917, Australia National Maritime Museum Collection. © Peter Turner Technologies



MIKE LEE

Apart from working to get the Council to deal with the ongoing pollution of the Waitemata (including Hobson Bay and Judges Bay) from sewage contaminated stormwater, over the last year I have been involved in raising awareness of another threat to our marine environment, this time in the outer Hauraki Gulf. While this threat is still only a potential one, it could be catastrophic in its consequences. The problem is oil trapped in the wreck of the Niagara.

RMS Niagara was a NZ trans-Pacific liner sunk early in WWII in a mine ambush laid by a German navy raider. Niagara was built in 1913 for the Canadian-Australasian service. Such was its size and opulence she was known as "the Queen of the Pacific".

On 20 June, 1940 (only two weeks after the Dunkirk evacuation), a few hours after sailing from Queens Wharf bound for Suva, Niagara struck the mine and sank. Fortunately, all 349 passengers and crew were rescued (and most of the 8 tonnes of gold she was carrying later salvaged). Niagara was also carrying a cargo of armaments, half the rifles and ammunition in New Zealand, hastily dispatched to Great Britain in her hour of need after Dunkirk.

The wreck lies at a depth of 120m, equidistant from the Mokoia and Hen and Chicken islands, just over 2 nautical miles inside the Auckland Coastal Marine Area and the Hauraki Gulf Marine Park. The alarm was first raised by diver and conservationist Wade Doak and ROV (undersea remote operated vehicles) expert Keith Gordon. Gordon, who wrote the authoritative history of the ship, *Deep Water Gold*, believes there is at least 1600 tonnes of bunker oil trapped within the wreck. He points out that other wartime wrecks are now collapsing and releasing oil - creating environmental headaches for Pacific nations like the Solomon Is. After being contacted last year by marine biologists and seabird scientists,

I got involved. Since that time I have been working with Keith Gordon, and an international marine salvage expert, Clive Sharp, trying to get something done about it.

Unfortunately, officialdom, ie Maritime NZ - the leading responsible agency - Auckland Council and Northland Regional Council are still very much in denial. To get around this wall of denial we decided to approach the regional conservation boards. In response to our joint presentation, the Auckland Conservation Board chair Lyn Mayes wrote to

Minister of Conservation Maggie Barry and Transport Minister Simon Bridges: "The Board strongly recommends that funding is allocated to remove the oil from the Niagara now rather than waiting until the wreck erodes further and fuel is spilled into the Gulf creating an ecological disaster. Oil slicks up to 15 km long have already been seen from the wreck and a major spill would affect many of the 27 species of seabirds that live in the Hauraki Gulf, including Cook's petrel, NZ storm petrel, black petrel, Pycroft's petrel and fairy tern. Ecologists have expressed their concern about the risk to breeding colonies and habitat... Accordingly, we ask that urgent attention is given to making the wreck safe and removing the fuel oil from the Niagara. This is a preventable environmental disaster. It is better to act now to minimise the effects than to let the wreck totally fail in the next decade or so and have a catastrophic effect."

In August, Keith, Clive and I, along with Karen Baird of Forest & Bird and Birdlife International, presented to the Northland Conservation Board where we received similar support. There has also been growing media interest.

The amount of oil that escaped from the Reno in 2011 was only 350 or so tonnes and we saw the damage it caused. The amount of oil in the Niagara is estimated to be four or five times that. The outer Gulf is an ecological hotspot of world importance, especially for seabirds. It is also near some of our most important marine protected areas, the Poor Knights, Leigh and Tawharamui marine reserves. Waiting to react to a major pollution event is not tenable. The chemical dispersants normally used to deal with oil spills are highly toxic in themselves, as damaging to marine life as the oil.

Preventative action is therefore needed. The oil needs to be extracted. The sinking of the Niagara was an act of war against New Zealand - 72 years after WWII, this act still presents a clear and present danger.

Mike Lee is the Councillor for Auckland representing the Waitemata and Gulf ward

6 October 2016

Cr Mike Lee
Waitemata & Gulf Ward
Auckland Council

Dear Mike

Oil leaking from the wreck of the Niagara – outer Hauraki Gulf

Thank you for your letter of 29 August 2016 concerning the 1941 wreck of the Niagara in the outer Hauraki Gulf. You raise a number of ecological concerns about the risk of an oil spill, and have requested an investigation, to be led by Maritime New Zealand, to assess the condition of the wreck and what oil may remain.

I have asked staff to provide me with further information and to consider what action is appropriate.

As you will be aware, the wreck is a crown asset. Maritime New Zealand would indeed be the best positioned organisation to provide an assessment of the condition of the wreck and its potential to release oil. Should a large oil spill eventuate, they would take the lead in responding.

Managing the small quantities of oil that you report are currently dispersing from the wreck is the responsibility of the Harbour Master, who now sits inside Auckland Transport. Accordingly, council staff have brought your letter to the attention of the Harbour Master.

I share your view that the values associated with the Hauraki Gulf need to be considered in assessing what steps should be taken over the short to medium term and trust that the Harbour Master, copied into this letter, will be able to take appropriate steps.

Yours sincerely


Len Brown
MAYOR OF AUCKLAND

Cc: Andrew Hayton, Harbour Master, Auckland Transport
Izzy Fordham, Chair, Great Barrier Local Board

Councillors' Office



29 August 2016

Len Brown,
Mayor of Auckland
Auckland Council

Dear Mr Mayor,

Oil leaking from the wreck of the *Niagara* – outer Hauraki Gulf

Further to our brief discussion, at a seminar on the Hauraki Gulf at the Auckland Museum earlier this year, shipwreck specialist and inventor of a remote controlled survey submarine Keith Gordon raised serious concerns about the risk of oil leaking from the wreck of the *Niagara*. The *Niagara* was a trans-Pacific liner sunk by a German mine in June 1940 in the outer Hauraki Gulf on its way from Auckland to North America. The position of the wreck has recently been fixed at 35.51.401 South, 174.56.416 East. That is I understand 4km inside the boundary of the Auckland coastal marine area (CMA) and the Hauraki Gulf Marine Park. It is therefore in an area under direct responsibility of the Auckland Council in its role as a regional council. The wreck itself has been determined to be the property of the Crown.

Mr Gordon reported that at a dive on the wreck in February, 'oil was coming up with quite a strong smell, it coated the support boat hull around the water line and above due to the boat being stationary and rolling a bit, made a mess and required oven cleaner to remove.' A recreational boater Mr Paul Wyatt who crossed the site more recently told me he saw a thin but widespread slick and the distinct smell of oil.

While a cargo of gold bullion was extracted soon after the ship went down the bunker and fuel oil was left on the bottom. I believe alerted by what is going on in the Solomon Islands, where the hazard of oil suddenly erupting from the wrecks of ships sunk in World War II is the focus of a major international effort, over the last several weeks or so I have received a large number of emails from divers, marine biologists and seabird scientists concerned about the growing risk of a major pollution event caused by a collapse of the structure of the wreck. *Niagara* was one of the first ships sunk in the Pacific in World War II and the wreck has been on the bottom now for over 75 years. The concern is heightened by the wreck being located in one of the most environmentally sensitive parts of New Zealand's coastal marine area. While the ship was fully bunkered when it sailed from Auckland, it is not known how much oil is still in her. I believe it would be prudent for the council to take these warnings seriously and therefore take action on the basis of a precautionary approach.

The possibility of a catastrophic pollution event caused by the sudden release of the remaining bunker oil would be as S.3 (e) & (f) of the Resource Management Act describes it, a 'potential effect of high probability; and any potential effect of low probability which has a high potential impact.'

The outer Hauraki Gulf is an area of very high marine biodiversity. It is also an internationally important foraging ground for seabirds – some of which are rare and endangered. Not for nothing is the Hauraki Gulf known as the 'seabird capital of the world'. Dr Matt Rayner Auckland Museum seabird scientist points out 'One example of likely massive species impact: the wreck lies on a major flight path of Bullers shearwaters from the Poor Knights that are rounding Great Barrier en-route to oceanic waters off East Cape to forage.' Bullers shearwaters breed only on the Poor Knights Islands about 25 nautical miles from the wreck site.

Also at potential risk is the black petrel which breeds exclusively in this area (Great Barrier and Little Barrier Islands) and is endangered. At even greater risk is the NZ storm petrel, a species so rare that until 2003 it was believed to be extinct with its only known breeding site recently discovered on Little Barrier Island. Storm petrels being a very small and delicate bird are likely to be especially vulnerable to a major oil pollution event. Then there is the endangered fairy tern comprising only 45 individuals with its main breeding site at nearby Mangewhai which could also be potentially vulnerable. The numbers of these birds are so low that an oil pollution event over these feeding grounds could conceivably eliminate the whole population in matter of hours - or at least reduce the genetic diversity of the remaining population to tip both these species over the edge to extinction. Furthermore as seabird biologist Chris Gaskin warns: *'Given the wreck's location a major oil spill would have a devastating on a number of globally important seabird islands (ie. Mokoia, Hen & Chickens, Poor Knights, and Hauturu/Little Barrier) not to mention the seabird feeding flocks that frequent that particular area.'* In other words there is a real risk that we could lose not tens of thousands of seabirds but whole species.

Then there is the question of the impacts on the marine reserves in the area, Poor Knights, Cape Rodney to Okakari Point (Leigh), and Tawharanui marine reserves. Given the sensitivity of these areas the authorities believe they would be unable to use the toxic dispersants normally used on major slicks. In summary a major oil slick in the outer Hauraki Gulf would be disastrous for the whole marine ecosystem including the economically valuable fisheries. The multiple values of this area, for conservation, for recreation, the economy, for tourism, for Māori it should be remembered are so important that the Hauraki Gulf Marine Park was established in 2000 to protect and enhance them. Television and social media coverage of oiled and dying birds and long sandy beaches despoiled by oil would also have reputational as well as intrinsic consequences. Such an event would also likely to lead to proceedings before the Waitangi Tribunal.

While the wreck site lies in the Auckland CMA, a significant release of oil would be dispersed widely, certainly affecting the nearby Northland coast and, given the influence of the East Auckland current, probably the Bay of Plenty. Therefore this is not just a regional threat but a national one.

To return to Keith Gordon's warning.

'The Niagara can be considered as a high risk wreck. From our observations the wreck is biologically imploding and bacteria are eating away at the ferrous metal of the hull creating rusticles. It is also considered the steel structure of such a wreck corrodes 1mm a decade (75 years = 7.5mm), however as the wreck is not sitting upright corrosion can be a lot higher due to the stresses placed on its structure (it was designed to float and not to be wrecked).'

'The situation is not "if" but "when". Also it will be more likely the hull, which is lying on its port side, collapses. This scenario is illustrated by the many shipwrecks in the same situation. I think most of the oil release at present is from hull shell plate rivet degeneration, this will increase as hull plates separate. Although the occasional earthquake in the Gulf also shakes things up a bit, especially as the wreck ages.'

Therefore my request is for you as Mayor of Auckland is to raise these concerns with the prime minister and the appropriate government ministers with the objective of having government agencies led by Maritime NZ and the Northland Regional Council collaborate to carry out a thorough investigation to assess the condition of the wreck and to ascertain the amount of oil still in it.

If the amount of remaining oil is found to be significant then to formulate a joint for an extraction operation based on international best practice ideally involving the New Zealand Navy.

The first step at least needs to be taken and taken with some urgency.

For further background information for yourself and council staff I include the following links sent to me Dr Sandy Bartle:

<http://www.itopf.com/fileadmin/data/Documents/Papers/IOSC08HDP.pdf>

Hon Eugenie Sage

Minister of Conservation
Minister for Land Information
Associate Minister for the Environment

Minita mō Te Pape Atawhai
Minita mō Toitū Te Whenua
Minita Tuarua mō To Takao



14 FEB 2018

Councillor Michael Lee
Auckland Council
Private Bag 92300,
Auckland 1142

Dear Councillor ~~Lee~~ *Mike*

Thank you for your letter of 12 December 2017 and the supporting documentation you provided regarding the condition of the *Niagara*.

While the Department of Conservation is not the lead agency for dealing with marine wrecks, department staff have been monitoring this situation, and I am concerned about the potential adverse effects on marine and bird species if a major release of oil were to occur.

I will liaise with my colleague Hon Julie Anne Genter, Associate Minister of Transport, with a view to meeting you, Mr Sharp and Mr Gordon to explore options to deal with the risks posed by the *Niagara*.

I will contact you if a suitable appointment date can be arranged.

Yours sincerely

Hon. Eugenie Sage
Minister of Conservation

Cc Hon Phil Twyford, Minister of Transport
Hon Julie Anne Genter, Associate Minister of Transport

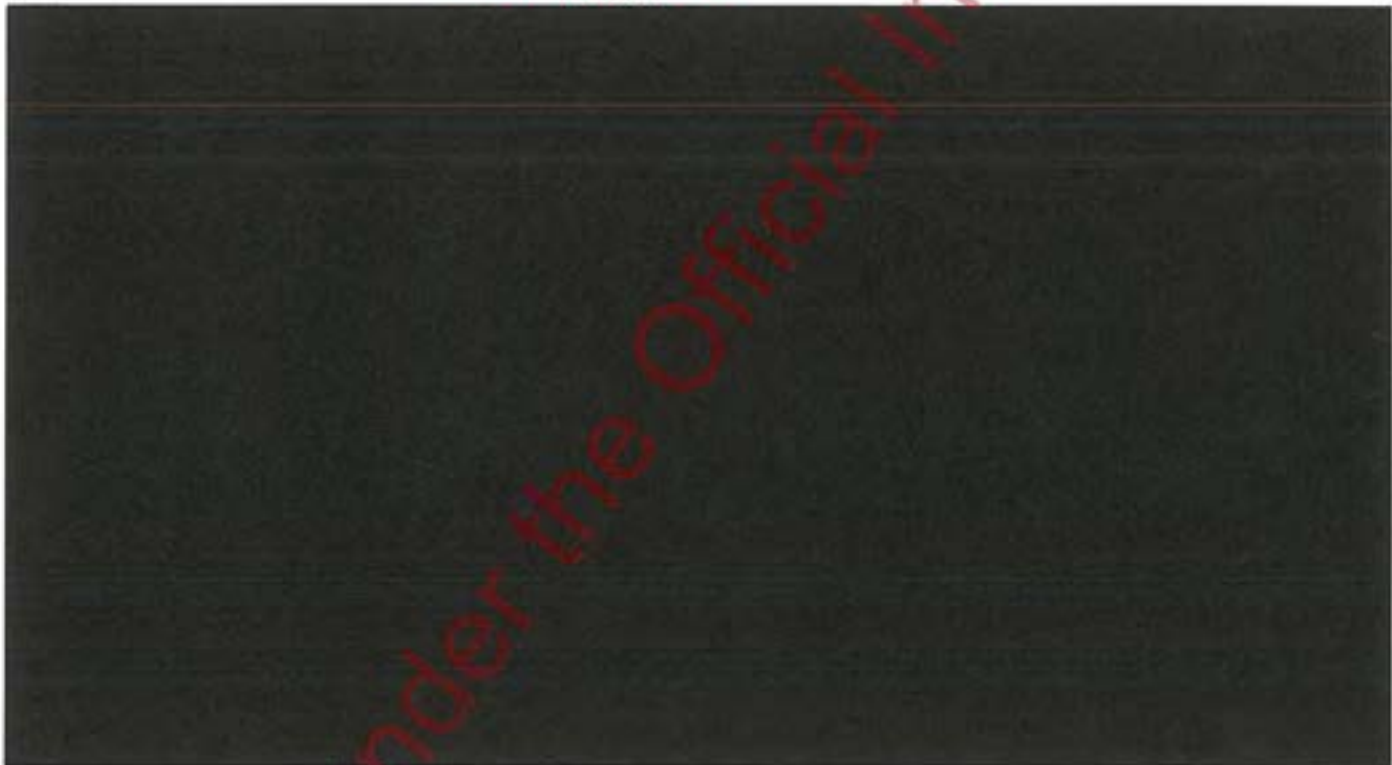
Section 9(2)(a) OIA

From: [Redacted] Section 9(2)(a) OIA
 Sent: Monday, 26 March 2018 8:25 a.m.
 To: [Redacted] Section 9(2)(a) OIA
 Cc: [Redacted] Section 9(2)(a) OIA
 Subject: HPRM: FW: Draft to [Redacted] - Niagara Section 9(2)(a) OIA
 Attachments: HPRM: DOC Niagara wreck OIA

Importance: High
 Follow Up Flag: Follow up
 Flag Status: Completed

Section 9(2)(a) OIA

Hi [Redacted] Section 9(2)(g)(i) OIA



I would be grateful if you could get back to me by the end of the working day on 27 March 2018.

Kind regards

[Redacted] Section 9(2)(a) OIA
 Advisor, Ministerial Services
 Information, Research & Ministerial Servicing
 Maritime New Zealand | Wellington
 Nō te rere moana Aotearoa

DDI: [Redacted] Web maritimenz.govt.nz Section 9(2)(a) OIA
 Email: [Redacted] Section 9(2)(a) OIA

Seafarer Certification
 MOSS Maritime Operator Safety System



From: Nigel Clifford

Sent: Friday, 23 March 2018 11:20 a.m.

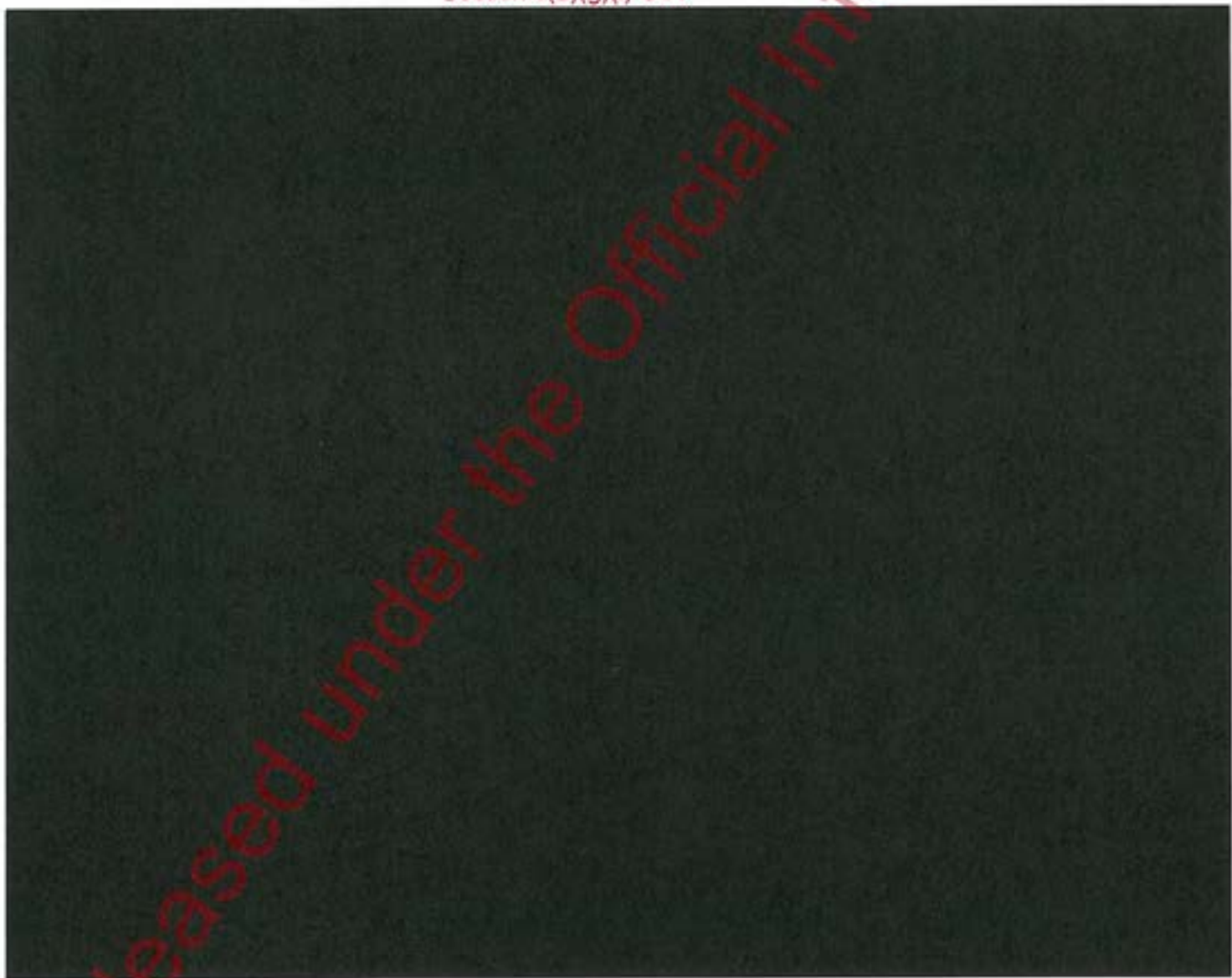
To: [REDACTED]

Section 9(2)(a) OIA

Cc: [REDACTED]

Subject: HPRM: RE: Niagara

Section 9(2)(g)(i) OIA



Nigel

Nigel Clifford
General Manager Safety and Response
Maritime New Zealand | Wellington

T [redacted] | M [redacted] W www.maritimenz.govt.nz
Nō te rere moana Aotearoa

Section 9(2)(a) OIA

From: [redacted] Section 9(2)(a) OIA

Sent: Thursday, 22 March 2018 2:10 p.m.

To: Nigel Clifford

Cc: [redacted] Section 9(2)(a) OIA

Subject: RE: Niagara

Hi Nigel,

Section 9(2)(g)(i) OIA



Regards

[redacted] Section 9(2)(a) OIA

Advisor, Ministerial Services
Information, Research & Ministerial Servicing
Maritime New Zealand | Wellington
Nō te rere moana Aotearoa

DDI [redacted] | [Web maritimenz.govt.nz](http://www.maritimenz.govt.nz) Section 9(2)(a) OIA

Email [redacted]

Seacert Seafarer Certification

MOSS Maritime Operator Safety System



From: Nigel Clifford

Sent: Thursday, 22 March 2018 1:26 p.m.

To: [redacted] Section 9(2)(a) OIA

Subject: Re: Niagara

[redacted] Section 9(2)(a) OIA

Can we get a copy of the OIA request (out of interest) and a copy of the overall reply?

In terms of the report what grounds can we use please?

Nigel

Nigel Clifford
General Manager
Safety and Response
Maritime New Zealand
[REDACTED]

On 22/03/2018, at 12:39, [REDACTED] wrote:

Hi Nigel,

We've received DOC's draft response to an OIA request on the RMS Niagara. This includes the Final Report Management of the Wreck of the Niagara (attached).

I would be grateful if you could advise us on which information within the briefing can be released. I would also be grateful if we could have a response by the end of the working day tomorrow. Our final review due date to DOC is 26 March 2018.

Feel free to contact [REDACTED] or myself if there are any issues to discuss regard the above.

Kind regard

[REDACTED]
Advisor, Ministerial Services
Information, Research & Ministerial Servicing
Maritime New Zealand | Wellington
Nō te rere moana Aotearoa

DDI [REDACTED] Web maritime.govt.nz
Email [REDACTED]

From: Nigel Clifford
Sent: Wednesday, 14 March 2018 3:11 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Niagara

[REDACTED] Section 9(2)(a) OIA

- Thanks for the update. Going well here thanks.

- There are now a number of OIAs and Ministerials raising queries on the Niagara matter so I have copied in our OIA team and also [REDACTED] from Minister Genter's Office so that we can remain joined up.

- For MNZ, we would like a copy of the OIA request and also request that your OIA people work with the MNZ team [REDACTED] (e-mails above) on the draft response. If the report and any associated MNZ material (e-mails etc.) are in scope then we would wish to review them prior to agreeing to any release, as is our normal practice.

- Look forward to hearing from you.

Nigel

Nigel Clifford
General Manager Safety and Response
Maritime New Zealand | Wellington
T [REDACTED] M + [REDACTED] W www.maritimenz.govt.nz
Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Wednesday, 14 March 2018 12:36 p.m.
To: Nigel Clifford
Subject: Niagara

Hi Nigel

I trust all is well with you. By way of a heads up, DOC has received an OIA request relating to the HMS Niagara wreck, and the scope of it is such that the recent briefing MNZ provided to Ass Minister of Transport and Minister of Conservation is included. Let me now if you would like more information or have any concerns and I can give you a call.

Cheers

[REDACTED]
[REDACTED]
Marine Ecosystems Team Manager - *Mātanga Mātai Ahu Moana*
Department of Conservation - *Te Papa Atawhai*

[REDACTED]
Conservation leadership for our nature *Tākina te hī, Tiakina, te hā o te Āo Tūroa*
www.doc.govt.nz

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Information withheld under section 9(2)(a) OIA, unless otherwise indicated

From: Nigel Clifford
Sent: Friday, 15 June 2018 3:27 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Team,

- Please see below. I can do the 'lines'. Can you provide [REDACTED] with the OIA material please, cc to me?

Nigel

Nigel Clifford
 General Manager Safety and Response
 Maritime New Zealand | Wellington
 T [REDACTED] M [REDACTED] W www.maritimenz.govt.nz
 Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Friday, 15 June 2018 3:25 p.m.
To: Nigel Clifford
Cc: Ministerial Servicing
Subject: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please
Importance: High

Kia ora Nigel

The Minister is doing an interview with John Michael Swannix next week, and is expected to ask her about the Niagara and options being explored. Could MNZ please provide some lines so that the Minister can talk about the options being investigated at a high level?

Also, could we please have copies of the OIAs Mr Swannix has received on this subject?

As stated above, if we could get this info by 2pm on Monday that would be great. I appreciate this isn't a lot of time. Let me know if you have any questions, and thanks in advance!

Ngā mihi,
 [REDACTED]
 [REDACTED]

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
 Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand
 T: [REDACTED] M: [REDACTED] E: [REDACTED]

Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: Nigel Clifford
Sent: Friday, 15 June 2018 3:29 p.m.
To: [REDACTED]
Subject: RE: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please

[REDACTED]

- I can do some lines but do you have the brief we provided as this is very clear on the options, the risks and the issues. I will simply be re-hashing bits of that. I can do this but I have nothing new or different.

- What is the interview for/about – do we have some context?

Nigel

Nigel Clifford
 General Manager Safety and Response
 Maritime New Zealand | Wellington
 T [REDACTED] M [REDACTED] W www.maritimenz.govt.nz
 Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Friday, 15 June 2018 3:25 p.m.
To: Nigel Clifford
Cc: Ministerial Servicing
Subject: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please
Importance: High

Kia ora Nigel

The Minister is doing an interview with John Michael Swannix next week, and is expected to ask her about the Niagara and options being explored. Could MNZ please provide some lines so that the Minister can talk about the options being investigated at a high level?

Also, could we please have copies of the OIAs Mr Swannix has received on this subject?

As stated above, if we could get this info by 2pm on Monday that would be great. I appreciate this isn't a lot of time. Let me know if you have any questions, and thanks in advance!

Ngā mihi,
 [REDACTED]

[REDACTED]

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
 Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand
 T: [REDACTED] | E: [REDACTED]

Information withheld under section 9(2)(a)
of the Official Information Act 1982 unless
otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Friday, 15 June 2018 3:46 PM
To: 'Nigel Clifford'
Subject: RE: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please

Thanks Nigel, much appreciated. I'm just trying to get some more info for you, I'll get back to you as soon as I have anything. I think re-hashing the relevant parts of the briefing should be fine, we just need something quite high level anyway.

Ngā mihi,
[REDACTED]

From: Nigel Clifford [REDACTED]
Sent: Friday, 15 June 2018 3:29 PM
To: [REDACTED]
Subject: RE: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please

[REDACTED]

- I can do some lines but do you have the brief we provided as this is very clear on the options, the risks and the issues. I will simply be re-hashing bits of that. I can do this but I have nothing new or different.

- What is the interview for/about – do we have some context?

Nigel

Nigel Clifford
General Manager Safety and Response
Maritime New Zealand | Wellington
T [REDACTED] | M [REDACTED] | W www.maritimenz.govt.nz
Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Friday, 15 June 2018 3:25 p.m.
To: Nigel Clifford
Cc: Ministerial Servicing
Subject: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please
Importance: High

Kia ora Nigel

The Minister is doing an interview with John Michael Swannix next week, and is expected to ask her about the Niagara and options being explored. Could MNZ please provide some lines so that the Minister can talk about the options being investigated at a high level?

Also, could we please have copies of the OIAs Mr Swannix has received on this subject?

As stated above, if we could get this info by 2pm on Monday that would be great. I appreciate this isn't a lot of time. Let me know if you have any questions, and thanks in advance!

Ngā mihi,
[REDACTED]
[REDACTED]

Information withheld under section 9(2)(a)
of the Official Information Act 1982 unless
otherwise indicated

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand

T: [REDACTED] M: [REDACTED] | E: [REDACTED]

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RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Released under the Official Information Act

[Redacted]

From: [Redacted]
Sent: Friday, 15 June 2018 3:49 p.m.
To: [Redacted]
Cc: [Redacted] Nigel Clifford
Subject: OIA response John Michael Swannix on the Niagara - Email One
Attachments: OIA response John Swannix_Niagara.pdf; Briefing_Management of the Wreck of the Niagara.pdf; OIA response_John Swannix_Niagara.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [Redacted]

As per your request please find attached information that has been sent to John Michael Swannix in response to his Official Information Act requests on the Niagara.

Please note that due to the size of the documents this will be sent in two separate emails.

Cheers

[Redacted]

[Redacted] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing Maritime
 New Zealand | Wellington Nō te rere moana Aotearoa

T DDI [Redacted] F+ [Redacted] Web maritimenz.govt.nz | Email [Redacted]

Released under the Official Information Act

[Redacted]

From: [Redacted]
Sent: Friday, 15 June 2018 4:02 p.m.
To: [Redacted]
Cc: Nigel Clifford; [Redacted]
Subject: RE: OIA response John Michael Swannix on the Niagara - Email Two

Thanks for the quick response on this, much appreciated!

Ngā mihi,
[Redacted]

From: [Redacted]
Sent: Friday, 15 June 2018 3:51 PM
To: [Redacted]
Cc: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>; [Redacted]
Subject: OIA response John Michael Swannix on the Niagara - Email Two

Hi [Redacted]

Please find attached the remainder of the information that has been sent in response to OIA requests from John Michael Swannix on the Niagara.

Cheers

[Redacted]

[Redacted] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
Maritime New Zealand | Wellington
Nō te rere moana Aotearoa

T DDI [Redacted] F + [Redacted] Web maritimenz.govt.nz |
Email [Redacted]

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Information withheld under section 9(2)(a) OIA, unless otherwise indicated

From: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>
Sent: Sunday, 17 June 2018 11:25 a.m.
To: [REDACTED]
Cc: Ministerial Servicing
Subject: RE: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please
Attachments: 20180617 Memo to Private Secretary Minister Genter re Niagara Options.docx

- PSA memo for my suggestions on lines re the Niagara matter. Please call at any time if you have any questions.
 Regards,

Nigel

Nigel Clifford
 General Manager Safety and Response
 Maritime New Zealand | Wellington
 T: [REDACTED] M: [REDACTED] W www.maritimenz.govt.nz
 Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Friday, 15 June 2018 3:25 p.m.
To: Nigel Clifford
Cc: Ministerial Servicing
Subject: Niagara - request for info (media) and OIA material by 2pm Monday 18 June please
Importance: High

Kia ora Nigel

The Minister is doing an interview with John Michael Swannix next week, and is expected to ask her about the Niagara and options being explored. Could MNZ please provide some lines so that the Minister can talk about the options being investigated at a high level?

Also, could we please have copies of the OIAs Mr Swannix has received on this subject?

As stated above, if we could get this info by 2pm on Monday that would be great. I appreciate this isn't a lot of time. Let me know if you have any questions, and thanks in advance!

Ngā mihi,
 [REDACTED]

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
 Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand
 T: [REDACTED] M: [REDACTED] E: [REDACTED]

Memorandum

IN-CONFIDENCE



TO [REDACTED]
Private Secretary Associate Minister of Transport

FROM Nigel Clifford
GM Safety and Response

DATE 17 June 2018

OUR REF MEP

SUBJECT Background Information for Associate Minister of Transport re
RMS Niagara

Level 11, 1 Grey Street
PO Box 25620
Wellington 6146
New Zealand
Tel +64 4 473 0111
Fax +64 4 494 1263
www.maritimenz.govt.nz

- [REDACTED]
1. You asked for some additional information for the upcoming meeting between Minister Genter and John Michael Swannix (e mail 15 June at 3:25 pm). In particular you asked about high level comment on the options being explored for the way forward.
 2. I note that we have provided copies of all the OIA responses sent to Mr Swannix to you and that these responses include a copy of the briefing provided to the Minister in early March (Management of the Wreck of the Niagara dated 2 March 2018).
 3. The March briefing was released with a number of redactions under the Act; these redactions include the sections on the options under consideration.
 4. Noting the above it may be that the Minister is asked about the current situation and what has occurred since March. I offer the following possible comments.
 - a) ***'What has happened since March when you received the report on management of the wreck of the Niagara?'*** We take the possibility that the wreck of the *Niagara* may pose a significant environmental risk seriously so officials have been tasked to look at the options that might be considered, and also the risks that any of these options might pose. As you know the wreck is old and we need to balance the potential for an oil spill as the wreck degrades against any risks from undertaking some sort of intervention operation. It is a complex situation so developing robust options takes time; this work is on-going.
 - b) ***'What options are being considered?'*** I don't want to get into specific detail but there are a range of options from the status quo where we respond to reported leaks to undertaking some form of survey investigation to undertaking some form of oil recovery operation. As you saw in the briefing it is considered best practice to undertake careful risk assessments based on detailed survey work before deciding exactly what options might be best.
 - c) ***'Why is it taking so long to decide what to do when it is obvious that the wreck is falling apart and that there is a real risk of a major environmental disaster?'*** This is a complex situation that quite understandably raises significant concerns. If we look at the facts there has never been a significant spill from the wreck apart from the initial sinking and then the early salvage operation. We know there are small occasional leaks but these seem to have minimal impact. It is important for us to look at all the aspects of the matter and take care to develop a robust way forward; this inevitably takes time. ***If pressed*** – The Minister might note that a report back from officials is due in the next few weeks.

- d) **'Who will be paying for dealing with the Niagara and the mess it is going to make?'**
The work we are doing on options will include considering how best to fund those options. In terms of marine oil spills there is a clear requirement in general that the spiller pays for the costs of the spill. As you can imagine the original owners of the *Niagara* are long gone so we need to look at other options.
- e) **'How much oil do you think is on the wreck of the Niagara?'** – As you saw in the briefing this is very difficult to answer; we know the vessel had a fuel capacity of more than 4,000 tonnes but we don't know how much oil she had on board when she sailed. We do know that what were called 'significant amounts' were released when she sank and when she was blown open for the gold salvage, and we know that there have been small leaks since. Overall it is impossible to say with any accuracy how much oil is still on board but we must assume that it is potentially quite a large amount.

5. As discussed we are working currently on the survey and risk assessment aspects and would expect to be able to provide an update at the next Maritime NZ meeting with the Minister in early July. The work will not be complete at that time so the full report back will be some weeks after that. Please let me know if you need anything more.

Regards,



Nigel Clifford
GM Safety and Response

[Redacted]

From: [Redacted]
Sent: Wednesday, 27 June 2018 1:36 p.m.
To: [Redacted]
Subject: Niagara briefing

Hey [Redacted] can you send the updated version of what you intend to provide Mr Swannix? I'm hoping to get this to the Minister this afternoon.

Ngā mihi,
[Redacted]

[Redacted]

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand
T: [Redacted] M: [Redacted] E: [Redacted]

Released under the Official Information Act

Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:44 p.m.
To: [REDACTED]
Subject: 'Management of the Wreck of the Niagara'
Attachments: 20180626 Revised redacted version briefing _ Final Report Management of the Wreck of the Niagara.pdf **Attachment withheld - duplicate document**

Hi [REDACTED]

As discussed please find attached a proposed redacted version of the briefing "Management of the Wreck of the *Niagara*".

The additional information being released, following the original response to Mr Swannix, is contained in paragraphs 8, 47 (except the last line in 47f) and the beginning of paragraphs 48, 49 and 50. The remaining information is now withheld under s 9(2)(g)(i), 9(2)(f)(iv) and 9 (2)(ba)(ii) of the OIA.

I'm just going through a couple more internal checks here, in regards to the additional info being released, but I'll let you know asap if there's a change to this document.

Cheers

[REDACTED]

[REDACTED] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
Maritime New Zealand | Wellington
Nó te rere moana Aotearoa

T DD [REDACTED] F [REDACTED] Web maritimenz.govt.nz |
Email [REDACTED]

Information has been withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:54 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

Further to my previous email are you able to inform [REDACTED] of our intention to release further info. Their office has previously been interested in what's been released regarding the *Niagara*.

Cheers

[REDACTED] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
 Maritime New Zealand | Wellington
 Nō te rere moana Aotearoa

T DDI [REDACTED] F [REDACTED] Web maritimenz.govt.nz |
 Email [REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:51 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

The intention to release the 'bare options' has been approved, I'm just getting confirmation on the exact information within the briefing that can now be released.

Cheers

[REDACTED] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
 Maritime New Zealand | Wellington
 Nō te rere moana Aotearoa

T DDI [REDACTED] F [REDACTED] Web maritimenz.govt.nz |
 Email [REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:48 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Thanks [REDACTED] much appreciated. The Minister is ok with releasing that additional info, do you still need to get the ok from MNZ?

Ngā mihi,
[REDACTED]

From: [REDACTED]@maritimenz.govt.nz
Sent: Wednesday, 27 June 2018 1:44 PM
To: [REDACTED]
Subject: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

As discussed please find attached a proposed redacted version of the briefing "Management of the Wreck of the *Niagara*".

The additional information being released, following the original response to Mr Swannix, is contained in paragraphs 8, 47 (except the last line in 47f) and the beginning of paragraphs 48, 49 and 50. The remaining information is now withheld under s 9(2)(g)(i), 9(2)(f)(iv) and 9 (2)(ba)(ii) of the OIA.

I'm just going through a couple more internal checks here, in regards to the additional info being released, but I'll let you know asap if there's a change to this document.

Cheers

[REDACTED]

[REDACTED] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
Maritime New Zealand | Wellington
Nā te rere moana Aotearoa

T DDI [REDACTED] F [REDACTED] Web maritimenz.govt.nz |
Email [REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 3:42 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Section 9(2)(g)(i) OIA

[REDACTED]

Ngā mihi,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 2:08 PM
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

Yes, I should be able to get back to you by tomorrow.

Cheers

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:56 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Ok, sorry I must have got a bit confused. I'll make that clearer in my memo to the Minister. Are you expecting to have confirmation of info to release by 29 June?

Ngā mihi,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:55 PM
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

If you could hold off then I know I can come back to you with a final version.

Cheers

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:52 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Are you comfortable with me providing this to the Minister to agree to release, or do you want me to hold off until everything is approved at you end?

Ngā mihi,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:51 PM
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

The intention to release the 'bare options' has been approved, I'm just getting confirmation on the exact information within the briefing that can now be released.

Cheers
[REDACTED]

[REDACTED] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
Maritime New Zealand | Wellington
Nō te rere moana Aotearoa

T DDI [REDACTED] F [REDACTED] [Web: maritimenz.govt.nz/](http://web.maritimenz.govt.nz/)
Email [REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:48 p.m.
To: [REDACTED]
Subject: RE: 'Management of the Wreck of the Niagara'

Thanks [REDACTED] much appreciated. The Minister is ok with releasing that additional info, do you still need to get the ok from MNZ?

Ngā mihi,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, 27 June 2018 1:44 PM
To: [REDACTED]
Subject: 'Management of the Wreck of the Niagara'

Hi [REDACTED]

As discussed please find attached a proposed redacted version of the briefing "Management of the Wreck of the *Niagara*".

The additional information being released, following the original response to Mr Swannix, is contained in paragraphs 8, 47 (except the last line in 47f) and the beginning of paragraphs 48, 49 and 50. The remaining information is now withheld under s 9(2)(g)(i), 9(2)(f)(iv) and 9 (2)(ba)(ii) of the OIA.

I'm just going through a couple more internal checks here, in regards to the additional info being released, but I'll let you know asap if there's a change to this document.

Cheers

██████████
██████████ Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing
Maritime New Zealand | Wellington
Nō te rere moana Aotearoa

T DDI: ██████████ F + ██████████ Web maritimenz.govt.nz |
Email ██████████

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[Redacted]

From: [Redacted]
Sent: Thursday, 28 June 2018 9:48 a.m.
To: [Redacted]
Subject: RE: Scan Data from fuji_mfd_350815
Attachments: Report Management of the Wreck of the Niagara (final).pdf
Attachment withheld - duplicate document

Hi [Redacted]

Thanks for your email. Please find attached a redacted version of the briefing 'Management of the Wreck of the Niagara' that can be used in your revised response to Ms Stanford.

As discussed Maritime NZ has reconsidered the information it provided to a request we received from Mr Swannix. We intend to send the attached briefing to Mr Swannix next week in response to a complaint he made to the Ombudsman. The revised response now includes the 'bare' options outlined in the briefing.

Feel free to call if you want to discuss.

Cheers

[Redacted]

[Redacted] Senior Advisor Ministerial Services, Information, Research and Ministerial Servicing Maritime New Zealand | Wellington Nō te rere moana Aotearoa

T [Redacted] F [Redacted] Web maritimenz.govt.nz | Email [Redacted]

-----Original Message-----

From: [Redacted]
Sent: Wednesday, 27 June 2018 6:14 p.m.
To: [Redacted]
Subject: FW: Scan Data from fuji_mfd_350815

Hey [Redacted]

Section 9(2)(g)(i) OIA

[Redacted]

Ngā mihi,

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Wednesday, 27 June 2018 6:12 PM
To: [Redacted]@parliament.govt.nz
Subject: Scan Data from fuji_mfd_350815

Sent by: [REDACTED]
Number of Images: 4
Attachment File Type: PDF

Section 9(2)(a) OIA

Device Name: Fuji_MFD_350815
Device Location: BH 6:10 - [MFD]

Released under the Official Information Act

[REDACTED]

From: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>
Sent: Thursday, 12 July 2018 9:14 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: FREE AND FRANK IN CONFIDENCE: Update on Work Underway on the Management of the Wreck of the Niagara
Attachments: 20180712 V3.0 Project Update.docx; 20180627 RMS Niagara Update.pptx
Attachments withheld: sections 9(2)(ba)(ii), 9(2)(f)(iv) and 9(2)(g)(i) OIA.

[REDACTED]

- Thank you for the call on Wednesday. As discussed we are progressing the work requested re the management of the wreck of the Niagara.

- As I outlined we are working on a number of threads or work-streams that collectively will enable us to provide the advice requested. We had hoped to be able to report back in early July but due to the time required for some of the work-streams we now estimate that the detailed report back will be in late August.

- My apologies for this delay but it is driven in large part by the drift modelling work that is essential to developing appropriate costs estimates for economic consequences of hypothetical releases of oil.

- As a consequence we were intending to provide an update at the planned meeting between Minister Genter and the Maritime NZ Chair and CE but this was deferred. Accordingly I attach a 'one pager' slide that was to have been used for that meeting plus a copy of the latest update on project themes and timings.

Section 9(2)(g)(i) OIA

[REDACTED]

[REDACTED] had asked for an update and I left a voice message late last week so have copied her into this e mail plus other members of the working party.

- For information I was advised today that TV3 will be airing an item on matters related to the Niagara on Saturday morning's News Hub Nation starting at 09:30. I understand that there will be an interview with the artist who held an exhibition related to the Niagara some months ago.

- Please let me know at any time if you have any questions or need any further information. If you are unable to contact me then [REDACTED] would be the next point of contact for maritime NZ on these matters [REDACTED].

Regards,

Nigel

[REDACTED]

From: Vince Cholewa
Sent: Wednesday, 18 July 2018 10:39 a.m.
To: [REDACTED]
Subject: FW: Further follow up email: Niagara Wreck Oil Spills

Hi [REDACTED] and [REDACTED]

FYI, Mr Swannix referred his proposed text to us for comment. This was our reply.

Best regards
Vince

From: Vince Cholewa
Sent: Wednesday, 18 July 2018 10:37 a.m.
To: 'John-Michael Swannix'
Subject: RE: FW: Niagara Wreck Oil Spills

Hi John-Michael

Thank you so much for referring your text for comment. We really appreciate the opportunity.

Renny has asked for a change to the second sentence, which I have marked with strikethrough below. The new second sentence would be:

"The review confirmed a major spill from the wreck would be considered a national scale or tier three event, which could include international assistance."

Best regards
Vince

From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Wednesday, 18 July 2018 10:18 a.m.
To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Is this a fair representation?

In 2016, Maritime NZ updated its Niagara response strategy. ~~A major spill from the wreck would now be considered an international-scale or tier three event.~~

"Tier 3 oil spills are generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator," says Mr van der Velde.

"The response is nationally led and coordinated by the National On-Scene Commander for Maritime NZ, which will likely call on considerable resources from around the country and overseas."

The National Oil Spill Contingency Plan, plus four regional plans, will now apply for any oil spills from the Niagara.

"All of these plans... collectively cover the risks, threats, and response options for any spill from any source in the Hauraki Gulf," says Mr van der Velde. "Including the wreck of the Niagara."

On 18 July 2018 at 10:09, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John-Michael

Many thanks for you follow up question about a major oil spill.

The scale of a response to an oil spill would depend on the amount of oil and the complexity of the event.

Tier 3 is a national response described in the *National Marine Oil Spill Contingency Plan* as:

"Tier 3 oil spills are generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator. The response is nationally led and coordinated by the National On-Scene Commander for Maritime NZ, which will likely call on considerable resources from around the country and overseas."

Yesterday, I described Renny van der Velde as Maritime NZ's Manager Maritime Security & Incident Response, which he is. As part of his incident response role he is Manager of Maritime NZ's Marine Pollution Response Service (MPRS). You might like to use Renny's MPRS title as from the public's point of view that might be more clearly linked to marine oil spills.

Best regards

Vince

Vince Cholewa | Senior Media and Communications Advisor
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From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Wednesday, 18 July 2018 9:32 a.m.

To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Hi Vince,

Thank you for this, I just want to clarify that a major spill from the Niagara would be a tier three or international scale event.

Thanks

JMS

On 17 July 2018 at 11:50, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John-Michael

Many thanks for your email about oil from the wreck of the *Niagara*. This is Maritime NZ's reply and it can be attributed to the Manager Maritime Security & Incident Response, Renny van der Velde:

Maritime NZ and councils have well-established and practiced systems in place for oil spill reporting and they work 24/7. Any reported spill or leak is taken very seriously and we always follow up on reports received to determine an appropriate response.

Masters and crew of vessels are encouraged to report any oil, from the *Niagara* or any other source in New Zealand waters, to councils or Maritime NZ or to both. In any of these cases Maritime NZ will work with the councils to assess what, if any, action is needed.

The *Niagara* wreck lies below one of New Zealand's busiest shipping routes. The occasional small oil leaks coming from it are reported by the many vessels that use this area. It is standard practice internationally for vessels to report oil in the water to maritime authorities.

All the small spills from *Niagara* in recent years have been found to have naturally dispersed, with no observed environmental impact.

In the event of an oil spill in New Zealand waters there are regional plans for each area, and a national plan and 22 caches of oil recovery equipment support the regions.

The plans that apply for any oil spills from the *Niagara* wreck are: the National Oil Spill Contingency Plan, the Northland, Auckland, and Waikato Region Marine Oil Spill Contingency Plans, and the Hauraki Gulf Marine Oil Spill Contingency Plan. All of these plans apply in that they collectively cover the risks, threats, and response options for any spill from any source in the Hauraki Gulf, including the wreck of the *Niagara*.

Best regards

Vince

From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Tuesday, 17 July 2018 9:35 a.m.
To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Brilliant thank you Vince.

Cheers

JMS

On 17 July 2018 at 08:54, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John

Many thanks for your email, it has been forwarded to me and I will get a reply to you shortly.

I am sorry that your earlier emails bounced. The best email for media inquiries is media@maritimenz.govt.nz and our 24/7 media phone is 04 499 7318.

Best regards

Vince

Vince Cholewa | Senior Media and Communications Advisor
Maritime New Zealand
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From: John-Michael Swannix [<mailto:johnmichaelswannix@mediaworks.co.nz>]
Sent: Monday, 16 July 2018 5:20 p.m.
To: Sarah Pettigrew
Subject: Niagara Wreck Oil Spills

Kia ora Sarah,

Could you forward this to the right person at Maritime NZ? I've had two emails bounce back already.

I'm just following up some feedback from my story on the Niagara over the weekend.

Local boaters in Whangarei say they've been reporting oil slicks above the wreck for decades but are unhappy at the way their reports are handled.

For example, one fisherman told me that when he reports a large slick to the Northland Regional Council, they tell him it's Auckland Council's problem, when he calls them they tell him it's Maritime NZ's problem.

Could I get a response from Maritime NZ by midday tomorrow (Tuesday) about what the agency does when it receives a report of a slick above the wreck?

Thanks

JMS

--

JOHN-MICHAEL SWANNIX | MULTI-PLATFORM JOURNALIST | NEWSHUB NATION | **MEDIAWORKS** | (09) 977 7841
EXT 9841 | MOBILE 02102427845 | jms@mswinnix.com

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--

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--

JOHN-MICHAEL SWANNIX | MULTI-PLATFORM JOURNALIST | NENYSHUS NATHAN | MEDIAWORKS | 184777 TAMU
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JOHN-MICHAEL SWANNIX | MULTI-PLATFORM JOURNALIST | NEWSHUB NATION | MEDIAWORKS | (09) 977 7841
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Thank you

Released under the Official Information Act

From: Vince Cholewa
Sent: Wednesday, 18 July 2018 10:20 a.m.
To: [REDACTED]
Subject: FW: FW: Niagara Wreck Oil Spills

Hi [REDACTED] and [REDACTED]

FYI, response to a follow up question from John-Michael Swannix.

Best regards
Vince

From: Vince Cholewa
Sent: Wednesday, 18 July 2018 10:10 a.m.
To: 'John-Michael Swannix'
Subject: RE: FW: Niagara Wreck Oil Spills

Hi John-Michael

Many thanks for you follow up question about a major oil spill.

The scale of a response to an oil spill would depend on the amount of oil and the complexity of the event.

Tier 3 is a national response described in the *National Marine Oil Spill Contingency Plan* as:

"Tier 3 oil spills are generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator. The response is nationally led and coordinated by the National On-Scene Commander for Maritime NZ, which will likely call on considerable resources from around the country and overseas."

Yesterday, I described Renny van der Velde as Maritime NZ's Manager Maritime Security & Incident Response, which he is. As part of his incident response role he is Manager of Maritime NZ's Marine Pollution Response Service (MPRS). You might like to use Renny's MPRS title as from the public's point of view that might be more clearly linked to marine oil spills.

Best regards
Vince

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From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Wednesday, 18 July 2018 9:32 a.m.
To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Hi Vince,

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Thanks
JMS

On 17 July 2018 at 11:50, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John-Michael

Many thanks for your email about oil from the wreck of the *Niagara*. This is Maritime NZ's reply and it can be attributed to the Manager Maritime Security & Incident Response, Renny van der Velde:

Maritime NZ and councils have well-established and practiced systems in place for oil spill reporting and they work 24/7. Any reported spill or leak is taken very seriously and we always follow up on reports received to determine an appropriate response.

Masters and crew of vessels are encouraged to report any oil, from the *Niagara* or any other source in New Zealand waters, to councils or Maritime NZ or to both. In any of these cases Maritime NZ will work with the councils to assess what, if any, action is needed.

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Oil Spill Contingency Plan. All of these plans apply in that they collectively cover the risks, threats, and response options for any spill from any source in the Hauraki Gulf, including the wreck of the *Niagara*.

Best regards

Vince

From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Tuesday, 17 July 2018 9:35 a.m.
To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Brilliant thank you Vince,

Cheers

JMS

On 17 July 2018 at 08:54, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John

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I am sorry that your earlier emails bounced. The best email for media inquiries is media@maritimenz.govt.nz and our 24/7 media phone is 04 499 7318.

Best regards

Vince

Vince Cholewa | Senior Media and Communications Advisor
Maritime New Zealand
Nō te rere moana Aotearoa



From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Monday, 16 July 2018 5:20 p.m.
To: Serah Pettigrew
Subject: Niagara Wreck Oil Spills

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For example, one fisherman told me that when he reports a large slick to the Northland Regional Council, they tell him it's Auckland Council's problem, when he calls them they tell him it's Maritime NZ's problem.

Could I get a response from Maritime NZ by midday tomorrow (Tuesday) about what the agency does when it receives a report of a slick above the wreck?

Thanks

JMS

--

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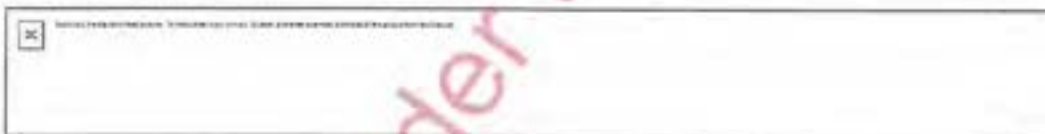
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Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: Vince Cholewa
Sent: Tuesday, 17 July 2018 11:52 a.m.
To: [REDACTED]
Subject: FW: FW: Niagara Wreck Oil Spills

Hi [REDACTED] and [REDACTED]

FYI, follow up question from Newshub and Maritime NZ's reply.

Best regards
 Vince

From: Vince Cholewa
Sent: Tuesday, 17 July 2018 11:51 a.m.
To: 'John-Michael Swannix'
Subject: RE: FW: Niagara Wreck Oil Spills

Hi John-Michael

Many thanks for your email about oil from the wreck of the *Niagara*. This is Maritime NZ's reply and it can be attributed to the Manager Maritime Security & Incident Response, Renny van der Velde:

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Best regards
 Vince

From: John-Michael Swannix [mailto:johnmichaelswannix@mediaworks.co.nz]
Sent: Tuesday, 17 July 2018 9:35 a.m.

To: Vince Cholewa
Subject: Re: FW: Niagara Wreck Oil Spills

Brilliant thank you Vince,

Cheers
JMS

On 17 July 2018 at 08:54, Vince Cholewa <Vince.Cholewa@maritimenz.govt.nz> wrote:

Hi John

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I am sorry that your earlier emails bounced. The best email for media inquiries is media@maritimenz.govt.nz and our 24/7 media phone is 04 499 7318.

Best regards

Vince

Vince Cholewa | Senior Media and Communications Advisor
Maritime New Zealand
Nō te rere moana Aotearoa

T +64 4 494 1236 | M +64 27 538 1713 | F +64 4 494 8903 | www.maritimenz.govt.nz/contact-us



From: John Michael Swannix [<mailto:johnmichaelswannix@mediaworks.co.nz>]
Sent: Monday, 16 July 2018 5:20 p.m.
To: Sarah Pettigrew
Subject: Niagara Wreck Oil Spills

Kia ora Serah,

Could you forward this to the right person at Maritime NZ? I've had two emails bounce back already.

I'm just following up some feedback from my story on the Niagara over the weekend.

Local boaties in Whangarei say they've been reporting oil slicks above the wreck for decades but are unhappy at the way their reports are handled.

For example, one fisherman told me that when he reports a large slick to the Northland Regional Council, they tell him it's Auckland Council's problem, when he calls them they tell him it's Maritime NZ's problem.

Could I get a response from Maritime NZ by midday tomorrow (Tuesday) about what the agency does when it receives a report of a slick above the wreck?

Thanks

JMS

--

JOHN-MICHAEL SWANNIX | MULTI-PLATFORM JOURNALIST | NEWSHUB-NATION | MEDIAWORKS | (09) 077 7811
EXT 9841 | MOBILE 02102427845 | jms@mediaworks.co.nz

Street Address [3 Flower St, Eden Tce](#) | Private Bag 92624, Symonds Street, Auckland 1150



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Grey Street, Wellington 6011. PO Box 25620, Wellington 6146 Tel: 0508 22 55 22 (04 473 0111) Fax: 04 494 1263. www.maritimenz.govt.nz

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JOHN-MICHAEL SWANNIX | MULTI-PLATFORM JOURNALIST | NEWSHUB NATION | MEDIAWORKS | PHONE 04 473 7541
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Thank you.

All information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 17 October 2018 3:17 p.m.
Subject: FW: Correspondence and possible OIA request from Mike Lee re Niagara
Attachments: JAG Niagara.jpg; Niagara Oil. Hon James Shaw..pdf

This one

From: [REDACTED]
Sent: Wednesday, 1 August 2018 5:34 p.m.
To: [REDACTED]
Subject: FW: Correspondence and possible OIA request from Mike Lee re Niagara

Hi [REDACTED] just passing this on to you since Nigel is on leave.

Ngā mihi,
 [REDACTED]

From: [REDACTED]
Sent: Wednesday, 1 August 2018 5:20 PM
To: Ministerial Servicing <Ministerial.Servicing@maritimenz.govt.nz>
Cc: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>
Subject: Correspondence and possible OIA request from Mike Lee re Niagara

Hi there

Mike Lee has written to Minister Shaw (as Acting Associate Minister of Transport) regarding the Niagara. It looks to be an OIA request, can you please advise whether MNZ can respond to the information Mr Lee is requesting? I've attached a copy of his letter, as well as previous correspondence from Minister Genter to him.

Nigel, I've copied you in given this is about the Niagara, and you will definitely know about the information being requested! Feel free to get in touch if you want to discuss further.

Ngā mihi,
 [REDACTED]

Private Secretary | Office of Hon Julie Anne Genter | Associate Minister of Transport
 Level 6.C Bowen House | Parliament Buildings | Wellington | New Zealand
 T: [REDACTED] M: [REDACTED] E: [REDACTED]

Councillors' Office

30 July 2018

Hon James Shaw
Acting Associate Minister of Transport
Parliament Buildings
Wellington.



Dear Minister

The threat of a major oil discharge from the Niagara

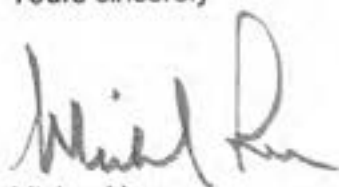
I am writing to you as I understand the associate Minister Julie Anne Genter is presently on maternity leave. In Minister Genter's letter to me dated 26 February 2018 (attached), in response to my offer for a briefing on the technical aspects of the *Niagara* oil situation with Mr Keith Gordon and Mr Clive Sharp, recognised experts in this field, she did not accept our offer. However Minister Genter did acknowledge the potential seriousness of the situation and said that she would "reconsider the matter in the near future."

In regard to the 'desk top' analysis she announced in the *Nation* TV programme of 14 July, it has to be said we are sceptical of the merits of this as the only effective way to ascertain how much oil is still held in the ship's undamaged after tanks is to carry out an assessment of the wreck itself. However to assist we would advise that the following information be sought as part of the 'desk-top' analysis:

1. How does Maritime NZ know, as the Associate Minister suggested in the above TV interview, that the oil present in the wreck is in a "semi-solid state"? This is an unlikely scenario given what we know of the sea temperature at the wreck site. Moreover, the "semi-solid" oil scenario would appear to be disproved by the fact that after 78 years a small amount of oil is still escaping from the forward, damaged parts of the wreck, forming a permanent slick on the sea surface.
2. A major offshore oil release would trigger a Tier 3 response. It would be good to know in detail how Maritime NZ intends to respond to such an event as Tier 3 is an International response. We believe Maritime NZ should quantify.
3. Where will a Tier 3 response come from? Our understanding is consultants Boots & Coots will advise Maritime NZ of the best plan of action. The vessel/equipment will then need to be mobilised from overseas. Singapore or Western Australia is most likely. These vessels/equipment are 14 and 17 days away at a minimum.
4. By Maritime NZ's own admission a major oil release from the *Niagara* is "low risk, high consequence." May we advise that as the Minister in charge you need to ascertain how Maritime NZ reached their conclusion that a major oil release is "low risk".

In summary we believe Maritime NZ is badly misguided in its assertion that is capable of a suitable rapid response effort using New Zealand resources. This actually conflicts with Maritime NZ's own admission that a major release from the *Niagara* would initiate a Tier 3 response. While the risk from *Niagara* is, in the absence of an actual survey, unquantifiable, it is widely accepted that the effects of any sudden release of oil would have a high impact. Indeed, given the ecologically rich and very sensitive maritime receiving environment in this area, we believe the official response would just be too slow to prevent serious contamination. This would impact on fisheries, seabird feeding grounds (several of seabirds using this area are rare and endangered), nearby marine reserves and conservation islands and the Northland beaches. The clean up using chemical dispersants could be as damaging to marine eco-systems as the oil itself. The impact could well be catastrophic for the outer Hauraki Gulf.

Yours sincerely



Michael Lee

Auckland Councillor for Waitematā & Gulf

and on behalf of Keith Gordon and Clive Sharp.

Released under the Official Information Act

Hon Julie Anne Genter

Minister for Women

Associate Minister of Health
Associate Minister of Transport

26 FEB 2018

Mr Michael Lee
Auckland Councillor, Waitematā and Gulf
Auckland Council
135 Albert Street
AUCKLAND 1142

Dear Mike:

Thank you for your letter dated 12 December 2017 to Hon Phil Twyford, Minister of Transport, regarding the risk of a significant oil leak from the wreck of the *Niagara*. Your letter has been referred to me as the matters you raise fall within my portfolio responsibilities. I appreciate this situation must be really frustrating.

The risk of a significant oil leak from the *Niagara* is an issue the Government takes very seriously, particularly given the potential consequences highlighted in your letter. I have asked Maritime NZ to prepare a joint briefing paper for me and the Minister of Conservation regarding the risks posed by, and other issues associated with, the wreck.

In the meantime, I am advised that Maritime NZ and the relevant regional councils continue to monitor the situation, including any leaks from the wreck. In addition, contingency plans have been developed that collectively cover the risks and response plans for an oil spill from any source in the Hauraki Gulf, including the *Niagara*.

I will consider the matter again in the near future once I have received further advice from Maritime NZ. I have asked Maritime NZ to comment on whether further inspection of the wreck would be timely, and what resources would be needed for such an inspection. I have also asked Maritime NZ to engage with the Department of Conservation to ensure any conservation concerns around the *Niagara* are being addressed.

Thank you for taking the time to raise this matter with me. If you, Mr Gordon or Mr Sharp would like to discuss the situation further with Maritime NZ, please contact Nigel Clifford, General Manager, Safety and Response, on (04) 4941208 or at nigel.clifford@maritimenz.govt.nz.

Yours sincerely

Hon Julie Anne Genter
Associate Minister of Transport

Copy to Hon Eugenie Sage
Minister of Conservation

[Redacted]

From: [Redacted]
Sent: Wednesday, 17 October 2018 3:17 p.m.
Subject: FW: Letter from DPM to Hon Shaw - Niagara wreck
Attachments: 2018.08.08 DPM to Hon Shaw associate transport re Niagara oil leaks.pdf

Outside scope of the request

[Redacted]

[Redacted]

From: [Redacted]
Sent: Friday, 10 August 2018 2:13 p.m.
To: [Redacted]
Cc: [Redacted] Ministerial Servicing
Subject: FW: Letter from DPM to Hon Shaw - Niagara wreck

Kia ora [Redacted]

As discussed, attached is the correspondence from DPM Peters regarding the Niagara. If MNZ could draft a reply, that would be great. I will put it through the TARDIS ministerials system as well, but if you could email me a copy of the draft when it's ready that would be great (I understand there have been some issues with the system passing on agencies's draft replies).

Ngā mihi,
[Redacted]

From: [Redacted]
Sent: Thursday, 9 August 2018 4:52 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Letter from DPM to Hon Shaw - Niagara wreck

FYI

Ngā mihi
[Redacted]

 [Redacted] Senior Private Secretary | Office of Hon Julie Anne Genter
Minister for Women | Associate Minister of Transport | Associate Minister of Health
6.11 (Suite 5C) Bowen House, Parliament Buildings, Private Bag 18041, Wellington 6160, New Zealand
T: [Redacted] M: [Redacted] E: [Redacted]

From: [Redacted]
Sent: Thursday, 9 August 2018 4:23 PM
To: [Redacted]
Cc: [Redacted]
Subject: Letter from DPM to Hon Shaw - Niagara wreck

Hi [Redacted]

Please find attached a letter to your Minister, as Associate Transport covering for Hon Genter, in regards to the Niagara wreck. Original coming in the mail

Thank you

Kind Regards

[REDACTED]

[REDACTED] Senior Private Secretary | Rt Hon Winston Peters | Deputy Prime Minister | Leader New Zealand First | Minister of Foreign Affairs | Minister for Disarmament and Arms Control | Minister for State Owned Enterprises | Minister for Racing | DDI: [REDACTED] M: [REDACTED]
[REDACTED] | 7.4 Executive Wing, Parliament Buildings Wellington | www.beehive.govt.nz

Released under the Official Information Act

Rt Hon Winston Peters



Deputy Prime Minister
Minister of Foreign Affairs
Minister for Disarmament and Arms Control
Minister for State Owned Enterprises
Minister for Racing

8 August 2018

Hon. James Shaw
Acting Associate Minister of Transport

Section 9(2)(a) OIA

Senior Private Secretary
Hon. Julie Anne Genter

Dear Minister Shaw

I am writing to request an update on the monitoring work that Maritime NZ and the relevant regional councils are doing with regard to actual and/or potential oil leaks from the wreck of the *Niagara*.

I would be interested in knowing whether any further inspections on the wreck are planned.

As you would agree, any oil leak from the *Niagara* is of significant concern to our Government. I have received anecdotal accounts from fishers that oil is visible on the sea surface at the site with an accompanying strong oily smell.

Yours sincerely



Rt Hon Winston Peters
Deputy Prime Minister

Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>
Sent: Tuesday, 18 September 2018 7:35 a.m.
To: [REDACTED]
Cc: Ministerial Servicing
Subject: Re: Niagara OIA

[REDACTED]

Outside the scope of the request

[REDACTED]

On Niagara specifically, the draft brief is on circulation with DOC and MoT; will be with you this week.

Nigel

Nigel Clifford
 Deputy Director
 Safety and Response Systems
 Maritime New Zealand

[REDACTED]

On 17/09/2018, at 16:46, [REDACTED] wrote:

Kia ora

I'm aware of an OIA that MNZ and MoT are dealing with regarding the Niagara – I've been collating emails in scope of part 2 of the request, for MoT (I have about 62, and that's just for me...)

[REDACTED]

Ngā mihi,

[REDACTED]

Outside the scope of the request

<image001.jpg>

[REDACTED] Private Secretary (Transport)

Office of Hon James Shaw

Minister for Climate Change | Minister of Statistics | Associate Minister of Finance | Acting Associate

Minister of Transport | Acting Associate Minister of Health

Bowen House, Parliament Buildings, 80 Lambton Quay | Private Bag 18041 | Wellington 6160 | New Zealand

P: [REDACTED] Cell: [REDACTED]

E: [REDACTED]

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[Redacted]

From: [Redacted]
Sent: Thursday, 20 September 2018 10:41 a.m.
Subject: No surprises memorandum, OIA request from [Redacted] for information relating to the Niagara
Attachments: No surprises memo [Redacted] Niagara.pdf

Hi [Redacted] and [Redacted]

In accordance with the "no surprises" policy, please find attached a memorandum regarding Maritime NZ's proposed response to an Official Information Act request from [Redacted] for information relating to the *Niagara*.

If you have any queries or comments on Maritime NZ's proposed response, please let me know.

Kind regards,

[Redacted]

[Redacted] Senior Advisor, Research and Ministerial Servicing
 Maritime New Zealand | Wellington
 Nō te rere moana Aotearoa

T DDi [Redacted] | F + [Redacted] | Web maritimenz.govt.nz
 Email [Redacted]



Released under the Official Information Act

Memorandum



TO Private Secretary, Minister of Transport
Private Secretary, Associate Minister of Transport

FROM [REDACTED] Senior Advisor, Ministerial Services

DATE 20 September 2018

OUR REF F26370

SUBJECT Response to a request under the Official Information Act 1982
[REDACTED] - RMS Niagara

Level 11,1 Grey Street
PO Box 25620
Wellington 6145
New Zealand

Tel +64 4 473 0111
Fax +64 4 494 1263
www.maritimenz.govt.nz

In accordance with the 'no surprises' approach, please find enclosed information regarding our proposed response to a request from [REDACTED] under the Official Information Act (the Act).

Request to Maritime NZ

On 17 August 2018, the Ministry of Transport received a request from [REDACTED] for the following information:

"Under the OIA, I would like to request all advice and reports from Maritime NZ about the Niagara received by Transport ministers or their associates since 2014.

I would also like to separately request all emails or letters sent from the Transport and Associate Transport ministers since 2014 regarding the Niagara.

On 22 August 2018, the Ministry of Transport transferred the first part of [REDACTED] request to Maritime NZ to answer. The Ministry of Transport retained the second part of [REDACTED] request.

We wrote to [REDACTED] on 19 September 2018 to advise him that the timeframe for responding to the first part of his request was being extended until 3 October 2018.

Decision on part one of [REDACTED] request

Please find enclosed Maritime NZ's proposed response to part one of [REDACTED] request.

We are proposing to provide [REDACTED] with the documents covered by part one of his request subject to the deletion of some information for the reasons set out in the enclosed letter.

[REDACTED]

Part two of [REDACTED] request

Section 9(2)(g)(i) OIA

The Ministry of Transport is coordinating the response to part two of [REDACTED] request.

Issues, risks and considerations

Much of the information relevant to part one of [REDACTED] request is already in the public domain or has been released in response to previous official information requests. For example:

- the two briefings dated 4 October 2016 and 2 March 2018 (pages 1 – 14 of the enclosed documents), have been disclosed in response to previous official information requests, subject to the deletion of the information marked on the documents;

- the extract from the weekly report for the week beginning 5 March 2018 (pages 15 – 16 of the enclosed documents), summarises the briefing of 2 March 2018 and is consistent with information that has been released previously;
- the memorandum dated 17 June 2018 (pages 17 – 18 of the enclosed documents) has not previously been disclosed by Maritime NZ. However, much of the information in this document is consistent with information that has been released previously or is otherwise in the public domain; and
- the cover letter to [REDACTED] contains some contextual information and also refers to the additional advice that Maritime NZ is currently preparing regarding the *Niagara*. This information is similar to previous responses to requests and Ministerial correspondence relating to the *Niagara*.

The response to [REDACTED] may result in additional public discussion about the *Niagara* and requests for the additional advice currently being prepared by Maritime NZ.

We have notified Maritime NZ's Education and Communications team of our proposed response to [REDACTED] request. We will continue to work with that team and Nigel Clifford, Deputy Director, Safety and Response Systems, in responding to any further queries.

Timeframe

Our response to this request will be sent by the close of business on 27 September 2018. If you have any comments, please let me know before then.

[REDACTED]

[REDACTED]
Senior Advisor, Ministerial Services
Information, Research & Ministerial Services

or [REDACTED]

Enc [REDACTED]

Attachments have been withheld - section 9(2)(g)(i) OIA but copy of the papers provided to the requester are enclosed.

X September 2018

+64 4 473 0111 +64 4 494 1263
Level 11.1 Grey Street, PO Box 25620, Wellington 6146
New Zealand

Section 9(2)(a) OIA

Our ref: F26400
By email

Dear [REDACTED] Section 9(2)(a) OIA

Official Information Act request – RMS Niagara

I refer to your email, dated 24 August 2018, to the Ministry of Transport requesting, in part, the following information:

"Under the OIA, I would like to request all advice and reports from Maritime NZ about the Niagara received by Transport ministers or their associates since 2014."

On 22 August 2018, the Ministry of Transport transferred this part of your request to Maritime NZ to answer.

We have considered your request under the Official Information Act (the Act).

Background information

The *Niagara* sank in the Hauraki Gulf in 1940 after hitting a mine. The wreck lies close to the boundary between Northland and Auckland Regions Coastal Marine Waters.

Contingency plans have been developed that could be put into action if a significant discharge from the *Niagara* occurred. The relevant contingency plans are: the National Marine Oil Spill Contingency Plan, the Northland, Auckland, and Waikato Region Marine Oil Spill Contingency Plans, and the Hauraki Gulf Marine Oil Spill Contingency Plan. All of these plans apply in that they collectively cover the risks, threats, and response options for any oil spill from any source in the Hauraki Gulf, including the wreck of the *Niagara*. Further information about the National Oil Spill Contingency Plan can be found here:

<https://www.maritimenz.govt.nz/public/environment/responding-to-spills/documents/national-oil-spill-plan-2017.pdf>

The Marine Pollution Response Service (MPRS) leads oil spill response in New Zealand. The New Zealand Marine Oil Spill Response Strategy sets the overarching framework for how Maritime NZ and our partners, including regional councils, will respond to a marine oil spill incident.

Information about MPRS and the New Zealand Marine Oil Spill Response Strategy can be found on our website here:

<http://www.maritimenz.govt.nz/about/what-we-do/safety-and-response/MPRS/>

<http://www.maritimenz.govt.nz/public/environment/responding-to-spills/>

<http://www.maritimenz.govt.nz/public/environment/responding-to-spills/response-strategy.asp>

The National Oil Spill Contingency Plan is used in conjunction with the Regional Marine Oil Spill Contingency Plans, which are maintained by New Zealand's 16 regional councils and territorial authorities. These plans identify sensitive sites and preferred response options for the most likely spill scenarios in each specific region, as well as what resources are held locally.

Spills from ship wrecks are treated in the same manner as spills from any other source when it comes to a response. This is because the source of the spill does not normally make any difference to the response. However, when a fixed source of a potential spill is identified, trajectory modelling may be undertaken in advance if it is considered useful for planning purposes.

When the regional contingency plans are updated every three years, consideration is given to any significant risks, such as oil transfer sites. If a risk is significant, the plan may be amended accordingly. If a wreck was considered to present a significant risk, that risk would also be given due consideration. Whenever regional plans are reviewed or amended for any reason, they are subject to Maritime NZ review prior to approval.

The national and regional contingency plans may be supplemented by special plans, where particular risks and threats to resources warrant more detailed planning. Examples of this are the Fiordland Plan and the Hauraki Gulf Plan, the latter of which includes consideration of the risks posed by the *Niagara* wreck.

Decision on your request

Please find **enclosed** a number of documents covered by your request. Maritime NZ has redacted some information from these documents for the following reasons:

- a small amount of information is outside the scope of your request (in other words, the information does not relate to the *RMS Niagara*);
- to protect the privacy of natural persons (section 9(2)(a) of the Act);
- to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to damage the public interest (section 9(2)(ba)(ii) of the Act);
- to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials (section 9(2)(f)(iv) of the Act); and
- to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty (section 9(2)(g)(i) of the Act).

Maritime NZ does not consider that the public interest considerations favouring disclosure of this information outweigh the public interest considerations favouring withholding the information (section 9(1) of the Act).

In addition to the briefings enclosed with this letter, Maritime NZ is currently preparing additional advice for Ministers regarding the risks associated with the wreck. The advice will cover a range of issues, including

- the feasibility of any commercial underwater survey of the wreck, including survey requirements, options for how the wreck should be surveyed; estimated costs for the survey; and what information is required to support the risk assessment; and
- the likely economic impact of a spill based on a variety of scenarios using oil spill modelling.

It is anticipated that this advice will be completed by the end of this month.

Information outside the scope of your request

Maritime NZ staff have also provided advice to staff in the Offices of the Minister of Transport and Associate Minister of Transport in respect of media queries, official information requests and other correspondence relating to the *RMS Niagara*. As these documents do not comprise formal advice or reports to the Minister of Transport or Associate Ministers of Transport, we consider these documents are outside the scope of your request.

If you are dissatisfied with the decision on your request, you can complain to the Ombudsman under section 28(3) of the Official Information Act. The Ombudsman's contact details can be found at: <http://www.ombudsman.parliament.nz/>.

Yours sincerely

Section 9(2)(a) OIA

██████████
Senior Advisor, Ministerial Services

Enc: Information covered by your request

Memorandum



TO	Private Secretary Minister of Transport	Private Secretary Associate Minister of Transport	Level 11, 1 Grey Street PO Box 26620 Wellington 6146 New Zealand
FROM	Mike Hill Acting General Manager Safety & Response RCCNZ & Safety Services Safety and Response		Tel +54 4 473 0111 Fax +54 4 494 1263 www.maritimenz.govt.nz
DATE	4 October 2016		
OUR REF	Briefing to Ministers - FY 2016-2017 – Greenpeace (on behalf of the Ministry of Environment Hon Dr Nick Smith) – Information on Niagara		
SUBJECT	Recent interest in the wreck Niagara and the risk of oil discharge		

In accordance with the "no surprises approach", we would like to draw your attention to a recent media article about oil discharge from the wreck of the *Niagara*, off the coast of Northland. This memorandum provides relevant information.

Information received by Maritime NZ

On 27 September 2016, the Ministry of Environment advised Maritime NZ that Russel Norman, Executive Director, Greenpeace New Zealand, has written to the Environment Minister, Hon Dr Nick Smith, to raise concerns about the risk of oil discharge from the wreck of the *Niagara* and the likely environmental consequences of a significant discharge of oil. Dr Norman also provided Minister Smith with a letter from Mike Lee, Councillor, Auckland City Council, to Mayor Len Brown regarding the wreck. Mr Lee called for Mr Brown to raise the issue with the Prime Minister, and appropriate government ministers, with the "objective of having government agencies led by Maritime NZ and the Northland Regional Council collaborate to carry out a thorough investigation to assess the condition of the wreck and to ascertain the amount of oil still in it".

A recent media article regarding the letter was published in the Northern Advocate.

http://www.nzherald.co.nz/northern-advocate/news/article.cfm?c_id=1503450&objectid=11701483

Dr Norman has asked Minister Smith to confirm what steps will be taken to investigate the issue.

This memorandum provides advice about recent activity around the *Niagara* and Maritime NZ's risk assessment of the likelihood of significant oil discharge from the wreck.

In response to the Ministerial from Greenpeace, Maritime NZ has provided information to the Ministry for the Environment (attached as Appendix 1). We will provide further information if requested.

Background

The wreck of the vessel *Niagara*, is located off the coast of Northland in the Hauraki Gulf. The *Niagara* sank in 1940 after hitting a World War II mine laid by an undetected German auxiliary cruiser. The wreck is approximately 20 miles (17.5 nautical miles) offshore and 7 miles (6 nautical miles) east of the Hen and Chicken Islands in 120 metres of water.

The wreck lies close to the boundary between Northland and Auckland Regions' Coastal Marine Waters and both Regional Councils and Maritime NZ are aware of the *Niagara* and the potential for further leaks of oil. Maritime NZ and the Northland Regional Council conducted a joint assessment of the risk posed by the wreck in 2000. That assessment guides much of our understanding of the wreck and the risk it poses.

The 2000 study noted anecdotal evidence suggesting that significant discharges of oil occurred at the time of sinking and also during subsequent cargo salvage operations when explosives were used to breach parts of the hull. The assessment and an analysis of an oil sample in 2008 concluded that the oil on board was a heavy marine fuel oil that appeared to have a high pour point, which refers to the temperature at which the oil ceases to flow like a liquid. Maritime NZ considers it likely that due to the low water temperature at the wreck site, the depth of the wreck and the high pour point, the remaining oil in the wreck will be in a semisolid state from time to time, depending on seasonal variations in water temperature¹

It is impossible to determine, with any degree of accuracy, how much oil remains on board the wreck. The 2000 assessment acknowledged that if a major structural change occurring to the wreck, some of the oil could easily come to the surface en masse. However, the *Niagara* had eleven designated fuel tanks and three ballast tanks that could be used for fuel storage, so it is reasonable to assume that the remaining oil on the wreck is distributed among a number of different spaces.

Maritime NZ considers it unlikely that all of the remaining oil would be released at the same time. The more likely scenario is that which we are continuing to see – occasional reports of small amounts of oil apparently coming from the *Niagara* wreck as it slowly degrades. To date, monitoring these releases has shown that the oil naturally disperses/breaks up and has not caused any significant environmental impact.

The most recent report on the oil leak from the wreck was received by Maritime NZ in February 2016, from Keith Gordon, who operates SeaROV Technologies Ltd and who uses remote operated vehicles (ROVs) to conduct underwater services including shipwreck search and survey, and salvage and marine insurance investigation. Mr Gordon is the author of *Deep Water Gold*, originally published in 2005, which is the story of *Niagara* – see <http://www.deepquest.co.nz>

Readiness to respond

All oil spills and discharges in the region are monitored by Northland or Auckland Regional Councils and/or Maritime NZ. That monitoring has found that the minor amounts of oil that have leaked, have dispersed / broken up naturally with no observed environmental impact. Northland Regional Council, like all regional councils, has a store of oil pollution equipment and staff training to respond to pollution incidents. Each regional council responds immediately to a spill in its area. If Northland Regional Council needed support to respond to an oil spill, whether from the *Niagara* or other source, Maritime NZ would coordinate additional staff and resources. If necessary, the response could be escalated to Tier 3 (national) level.

Currently, New Zealand has \$15 million of specialist oil spill response equipment based around the country at 20 caches. The equipment includes booms, skimmers, dispersants, sorbents, and oil recovery vessels that can all be moved by sea, land or air. Further, New Zealand has 400 trained response personnel that can be called on to assist in minimising the damage from any spill.

Protected Areas – Submarine Cable and Pipeline Protection Act 1996 (SCAPPA)

The Submarine Cables and Pipeline Protection Act 1992 provides for better protection of submarine cables and pipelines and the implementation of obligations under various international conventions relating to protection of submarine cables and pipelines. The *Niagara* is in an area covered by SCAPPA.

In January 2016, Mr Gordon requested a declaration, under the Submarine Cables and Pipeline Protection Act and the Maritime Transport Act, to enable a ROV to carry out an underwater survey of the *Niagara*. The notice is published in the New Zealand Gazette at <https://gazette.govt.nz/notice/id/2016-au817>. Mr Gordon's ROV conducted a survey of the remains of the vessel in February 2016. In return, Mr Gordon agreed to report any oil pollution or state of the wreck to Maritime NZ. After that survey,

¹Notes: Recent underwater photographs were taken in February 2016 by Keith Gordon's SeaROV while conducting a survey of the remains of the vessel. The photographs provided by Mr Gordon of the small amount of oil discharge, were taken when the water and oil temperatures would be higher than in winter and the oil at its most fluid.

Mr Gordon provided photos of the oil leak (see appendix 1). The black squiggles in the photo show small amounts of leaking oil.

Maritime NZ continues to hold the view that the depth of this wreck means that the remaining oil is likely to be in a near solid form for much of the time and, as the oil is likely distributed over a number of spaces and compartments on the wreck, a major leak is unlikely. Regardless, contingency plans have been developed that could be put into action if a significant discharge occurred. The relevant contingency plans are: the National Oil Spill Contingency Plan, the Northland, Auckland, and Waikato Region Marine Oil Spill Contingency Plans, and the Hauraki Gulf Marine Oil Spill Contingency Plan. All of these plans apply in that they collectively cover the risks, threats, and response options for any oil spill from any source in the Hauraki Gulf, including the wreck of the *Niagara*. Reviews of the regional and national contingency plans, and the production of the Hauraki Gulf Contingency Plan, have significantly progressed the risk and threat assessments done in 2000. The contingency plans also now include much more comprehensive site plans for the priority threatened sites in the Hauraki Gulf.

Risks

It is possible that Greenpeace's interest in the wreck could result in further media interest and/or parliamentary questions on:

- the risk posed by the wreck and the likelihood of a gradual or, worst case scenario, a large rupture and oil breaching on the shoreline;
- the need to ascertain the current risks posed by the wreck; and
- the ability of Maritime NZ and the regional councils to respond to any significant discharge.

Maritime NZ will respond to any enquiries that arise with the explanations provided above.


Mike Hill
Acting General Manager Safety & Response
RCCNZ & Safety Services

Telephone 

Information withheld under section 9(2)(a) Official Information Act

Appendix 1: Information provided to Ministry for the Environment

Risk of oil spill from the wreck Niagara

Back ground

Protected Areas – Submarine Cable and Pipeline Protection Act 1996 (SCAPPA)

The Submarine Cables and Pipeline Protection Act 1992 is an Act to provide better protection of submarine cables and pipelines and to continue or enable the implementation of obligations in New Zealand under various international conventions relating to protection of submarine cables and pipelines. The wreck Niagara is in an area covered by SCAPPA.

In January 2016, Keith Gordon requested a declaration to enable Sea Remote Operated Vehicle (ROV) to carry out an underwater survey, using SeaROV and sonar systems, of the wreck vessel, RMS Niagara located in Hauraki Gulf. The notice is published in the New Zealand Gazette (which is available online). Here's the link to the published notice: <https://gazette.govt.nz/notice/id/2016-au817> Mr Gordon's SeaROV conducted a survey of the remains of the vessel. After that survey, Mr Gordon provided photos of the oil leak (below – the black squiggles) which are of small amount:





2000 Maritime NZ and Northland Regional Council risk assessment of the wreck

The *Niagara* sank in the Hauraki Gulf in 1940 after hitting a mine. The wreck lies close to the boundary between Northland and Auckland Regions' Coastal Marine Waters. Both Regional Councils and Maritime NZ are aware of the Niagara wreck and the potential for further leaks of oil. Maritime NZ and the Northland Regional Council conducted a joint assessment of the risk posed by the wreck in 2000. That assessment guides much of our understanding of the wreck and the risk it poses.

The 2000 study noted anecdotal evidence suggesting that significant discharges of oil occurred at the time of sinking and also during subsequent cargo salvage operations when explosives were used to breach parts of the hull. The assessment and an analysis of an oil sample in 2008 concluded that the oil on board was a heavy marine fuel oil that appeared to have a high pour point. It is believed likely that due to the low water temperature at the wreck site and the high pour point, the remaining oil in the wreck may be in a semisolid state from time to time, depending on seasonal variations in water temperature (*note that the accompanying photographs were taken in February 2016, when the water and oil temperatures would be higher than in winter*). It is impossible to determine with any degree of accuracy how much oil remains on board the wreck.

Since 2000

Occasional reports of small amounts of oil apparently coming from the Niagara wreck have been received by Maritime NZ. One such recording was received on 11 February 2008, the most recent has been in February 2016, by Keith Gordon. The spills are monitored by Northland Regional Council and/or Maritime NZ. That monitoring has found that the minor amounts of oil that have leaked have naturally dispersed/broken up with no observed environmental impact.

Current view

Maritime NZ continues to hold the view that the depth of this wreck means that the remaining oil is likely to be in a near solid form, making a major leak unlikely. Regardless, contingency plans have been developed that could be put into action if a significant discharge occurred. The relevant contingency plans are: the National Oil Spill Contingency Plan, the Northland, Auckland, and Waikato Region Marine Oil Spill Contingency Plans, and the Hauraki Gulf Marine Oil Spill Contingency Plan. All of these plans apply in that they collectively cover the risks, threats, and response options for any oil spill from any source in the Hauraki Gulf, including the wreck of the *Niagara*. Reviews of the regional and national contingency plans, and the production of the Hauraki Gulf Contingency Plan, have significantly progressed the risk and threat assessments done in 2000. Those plans also now include much more comprehensive response options for the priority threatened sites in the Hauraki Gulf.

Report

IN-CONFIDENCE

Information withheld under sections 9(2)(ba)(ii), 9(2)(f)(iv) and 9(2)(g)(i) of the Official Information Act 1982

AGENDA ITEM NO.	TBD
DATE OF REPORT	2 March 2018
SUBJECT	Management of the Wreck of the <i>Niagara</i>

Purpose

1. To provide an update to the Associate Minister of Transport and the Minister of Conservation on matters related to the management of the wreck of the *Niagara*.

Executive Summary

2. The wreck of the *Niagara* located in the Hauraki Gulf has been the source of a number of minor marine oil spills in the years since it sank. There is public concern over the environmental risk posed by the wreck.
3. Internationally, the management of historical wrecks due to the environmental risks they pose is a significant and growing challenge. Technology permits oil recovery operations to be carried out on wrecks and at depths that were previously not considered feasible although at significant cost and with operational risks.
4. The UK authorities operate a comprehensive wreck management regime that uses desk-top risk assessment, survey and inspection of wrecks and, on rare occasions, oil recovery operations.
5. In the case of the *Niagara* considerations include uncertainty over the amount of oil in the wreck, the environmentally sensitive nature of the area around the wreck, the potential costs of any activity, funding for the activity, cost recovery considerations, third party interests and the operational risks of any intrusive activity.
6. [REDACTED]
7. [REDACTED]
8. Three basic options exist:
 - a) The status quo of monitoring via reports received and maintaining a contingency plan for use in the event of a release;
 - b) Undertaking an underwater survey and an independent risk assessment to consider the likelihood and consequences of a release, and (if then considered appropriate);
 - c) An oil recovery operation to remove oil remaining in the wreck.

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

Background

12. The Royal Mail Ship *Niagara* (*Niagara*) was built in 1913 in Scotland. The vessel was 524 feet long with a gross tonnage of 13,415, a passenger and crew capacity of 904 and a fuel capacity of 4,324 tons. In 1940 the vessel was owned and operated by the Canadian Australasian Line Ltd and was sailing out of the port of Auckland when it hit a sea mine laid by an undetected German auxiliary cruiser.
13. Amongst the cargo was a secret consignment of UK Government owned gold bullion (590 ingots) being taken to the USA as payment for war munitions. The vessel sank rapidly although all crew and passengers were saved. There was a considerable but un-quantified release of oil from the damage caused by the mine. The sinking occurred approximately 20 miles offshore and 7 miles east of the Hen and Chicken Islands and the wreck lies in 120 metres of water. The position is close to the boundary between Northland and Auckland Regions' Coastal Marine Waters. See map at Appendix 1.
14. In 1941 a salvage operation was conducted to recover the gold bullion. Using a viewing/diving chamber, radio, and a grab lowered from the surface the operation blasted a hole in the hull and successfully recovered 555 gold bars. The remaining boxes were inaccessible to the grab. There was a further substantial but un-quantified release of oil as a result of the blasting activity. In 1953 a further 30 gold ingots were recovered, leaving five bars still unrecovered in the wreck as of today.
15. Over the years since the vessel sank a number of minor oil releases have been observed and reported to authorities. In addition there have been a number of underwater surveys by dive enthusiasts and also using Remote Operated Vehicles (ROVs). In 2000 Maritime NZ and the Northland Regional Council conducted a joint assessment of the pollution risk posed by the wreck. In 2008 an oil sample was recovered after another minor release and sent for sampling at a specialist laboratory. The laboratory reported that the oil was "sticky and semi-solid" and was consistent with being a marine fuel oil.
16. The most recent report of an oil leak from the wreck was received by Maritime NZ in February 2016, from Mr Keith Gordon¹, who operates SeaROV Technologies Ltd and who uses ROVs to conduct underwater services including shipwreck search and survey, and salvage and marine insurance investigation. The leak was seen in photographs provided to Maritime NZ from the wreck site showing very small 'wisps' of oil drifting from the wreck

Current Situation

17. In recent months interest has been growing in the condition of the wreck and in the potential risk for damage to the environment from a release of oil. Interested parties have written on more than one occasion to the Minister of Transport, the Minister for the Environment, the Minister of Conservation, the Parliamentary Commissioner for the Environment and the Auckland Council. Media reports have been raising the matter for some time.
18. To date, responses have confirmed that agencies are aware of the matter and noted that Maritime NZ has a lead role in the management of any releases of oil from the wreck. Based on previous work dating back many years it is considered unlikely that all remaining oil would be released at one time and that the more likely scenario is that which we are continuing to see – occasional reports of small amounts of oil apparently coming from the *Niagara* wreck as it slowly degrades. Monitoring these very small releases has shown that the oil naturally disperses and breaks up and

¹ Mr Gordon is the author also of 'Deep Water Gold', originally published in 2005, which is the story of *Niagara* – see <http://www.deepquest.co.nz>

has not caused any significant environmental impact. In 2016 Maritime NZ prepared a Niagara Contingency Plan to address any oil that emerged from the vessel. That Plan remains in place.

19. Key parties involved in raising the profile of the wreck include the Auckland Conservation Board, Councillor Mike Lee from the Auckland Council, Mr Keith Gordon and Mr Clive Sharp (a salvage expert and owner of the salvage company Subsee Limited). In February 2018 there was an exhibition on the history of the *Niagara* and the threat posed by the wreck at the Mangawhai Artists Gallery including a public meeting.

Wreck Management Practice

20. Internationally there are many thousands of wrecks that pose some degree of risk to the environment. The historical practice was to resolve any hazards to navigation posed by wrecks but not necessarily to deal with any pollution risks. This practice has evolved and changed over time due to the growing awareness of the environmental pollution risks coupled with the availability of technology that did not exist previously to address those pollution risks.
21. If a vessel sinks today then the immediate priority will be the safety of life of those involved but the next priority is the risk to the environment. Complex, and expensive, pollution prevention or mitigation operations are now common when a vessel sinks.
22. However, historical wrecks are posing significant environmental challenges to jurisdictions across the globe: in particular wrecks dating from after approximately 1870 when engine driven (and hence hydro-carbon fuelled) vessels came into widespread use. Jurisdictions are grappling with how to assess the risks from historical wrecks and how to determine what, if any, preventative action could or should be undertaken. Technology will now allow hydro-carbon recovery operations to be undertaken at almost any depth, albeit with the risk of unintended releases and at significant cost.
23. Maritime NZ has been engaged with authorities in the United Kingdom (UK) to understand the current best practice on the management of historical wrecks. The UK Ministry of Defence (MoD) in partnership with the Centre for Environment, Fisheries and Aquaculture Science (Cefas – the UK national operational marine science agency) operate a comprehensive Wreck Management Programme to oversee the more than 5,000 historical wrecks that are the responsibility of the MoD.
24. The UK Programme is based on a three stage approach – stages one and two involve a desk-based environmental risk assessment and a site-based wreck integrity and environmental survey. The desk-based survey uses a formal risk assessment process to consider the likelihood of the release of oil combined with the impacts on the affected environment to produce an overall risk assessment.
25. The site survey using high-resolution multi-beam sonar and ROV or diver sourced imagery supports a detailed analysis of the condition of the wreck. It may be undertaken after the desk-based risk assessment or before; in which case the results inform the risk assessment. Based on the scientific and technical assessment of the results from stages one and two a view can be reached on the overall level of risk (the combination of the likelihood of release given the state of the wreck, and the consequences of an oil release should one occur given the nature of the surrounding environment, the amount of oil etc.). If this overall risk level is judged to be unacceptable then stage three – an oil recovery operation – can be initiated.
26. Maritime NZ is of the view that the UK approach represents best practice for managing the pollution risk from wrecks.

Considerations Specific to the *Niagara*

The oil remaining in the wreck

27. It is impossible to determine at present the volume of oil remaining in the wreck. What is known is that the vessel had a capacity of 4,324 tons contained in eleven designated fuel tanks and three ballast tanks and that there were significant but un-quantified releases of oil at the time of the sinking and during the first salvage operation. In addition the vessel has undoubtedly been leaking oil at low or very low rates in the subsequent years – this also may be a substantial amount in total given the elapsed time.
28. Interested parties have speculated that approximately 1,600 tons remains in the wreck. This figure cannot be confirmed at present. Modern technology (e.g. neutron back-scatter) may allow for a non-intrusive assessment of how much oil remains in the wreck during an underwater survey operation but techniques are complex and expensive and results cannot be guaranteed.
29. Speculation has suggested that a rise in sea temperature in the vicinity of the wreck would allow any oil present to flow more easily and so increase the risk of oil escaping from the vessel. In general, heavy fuel oil (of the type understood to have been on-board the *Niagara*) is a thick, heavy oil. At low temperatures such oils are typically in a semi-solid state – as such it is common for these fuels to be heated to enable easier flowing prior to them being burned in a ship's engines.
30. Maritime NZ sought advice from NIWA as to the possible rise in sea temperature at the wreck site (approximately 120m deep) given the warm weather this summer and higher than usual surface temperatures. The advice indicated that temperature profile over depth in the sea is a complex matter where local conditions – currents, topography etc. can have a significant impact. Nevertheless the deeper the water the more stable the temperature is likely to be. Below 100m variations in surface temperature will have only a limited effect. Maritime NZ considers it most likely that the oil is in a semi-solid or thick liquid form generally and resistant to easy flowing and that surface temperature variation will have little effect on the water temperature at the depth of the wreck.
31. An additional factor to consider is the age of the oil in the wreck. It is now more than 70 years old and will have weathered and aged to some degree depending on how it is contained and how much it is exposed to seawater. As oil ages the more volatile, lighter components degrade quite quickly – giving the hydrocarbon smell typically associated with spilled oil – and the remaining oil 'thickens' and begins to break down. If oil leaks out from containment its behaviour will vary widely depending on its condition in terms of how much it moves within the water column²; it may spread across the sea-floor, be dispersed within the water column, rise to the surface or a combination of all three.
32. In a similar way to having no certainty as to the volume remaining, it is not possible to be certain of the current condition of the fuel oil from the *Niagara* or exactly how it might behave should it be released from the wreck. The most likely scenario is that it will be buoyant to some degree, consist mainly of the heavy components and that its behaviour will vary depending on the extent of any weathering. The extant contingency plan to respond to a release of oil is based on this scenario. As a heavy fuel oil the oil will be challenging to clean up, resistant to dispersant and slow to break down.

Environmental Risk

33. The area in the vicinity of the wreck includes the Hauraki Gulf Marine Park, a number of marine reserves and significant coastlines with important ecology. The Hauraki Gulf Marine Spatial Plan (SeaChange) recommends an assessment of the risk posed by the wreck. A large scale release of oil would spread widely in the area and potentially severely impact marine wildlife including important sea bird species. The coastlines likely to be impacted include estuaries, rocky shorelines and islands. It is very challenging to protect these shorelines, the effectiveness of

² From the seabed to the surface.

booms may be very limited in some areas due to wind, tides and the size of the areas. In addition some of the shorelines would be challenging to clear up without causing significant damage in the process.

34. There are potential impacts on benthic assemblages – research indicates that contamination of flocculated marine sediments can transport significant amounts of released oil to the seafloor with significant adverse effects on pelagic organisms and infauna. The extent of the impact of spill from the *Niagara* on benthic and pelagic ecosystems in the Gulf would depend upon local hydrographic conditions, time of the year (influences the amount of suspended particulate material in the water column) and what proportions and components of the oil entered the water column and what stayed on the seafloor.
35. Maritime NZ and the Regional Councils have a good understanding of the sensitive areas, sites and species in the area; this is a standard part of developing the general regional oil spill response plans. In addition Maritime NZ has expert advice and support available through its partnerships with Massey University (recognised worldwide for their work around oiled wildlife) and the Department of Conservation (DOC).
36. A formal assessment specifically focused on the potential environmental impacts of any significant oil spill from the wreck forms a key part of the Wreck Management best practice risk assessment.

Ownership of the Wreck

37. The legal frameworks around the ownership of wrecks are complex; over time international systems have evolved and changed and New Zealand has changed domestic arrangements. Maritime NZ has received a comprehensive legal opinion on this matter due to its importance to the issue of identifying a responsible party or owner who might be held accountable for the costs of any assessment and oil recovery operations.
38. Given the passage of time and the demise of the company that was operating the vessel in 1940 we have concluded that it is almost certain that a private or commercial owner for the wreck itself no longer exists. Maritime NZ is of the view that ownership is most likely to have vested, in effect, in the Crown.

Other Party Interests

39. Maritime NZ has undertaken research in the UK to determine what, if any, interests exist in the wreck. Vessel ownership can be complex due to considerations around the hull and machinery components as well as multiple cargo interests. In the case of the *Niagara* what has been established is that the UK Treasury retains ownership of (and hence an interest in) the remaining gold bullion. As such they would need to be advised of any intrusive activity in regards to the wreck.
40. The wreck lies in Protected Area 2 as defined under the Submarine Cables and Pipelines Protection Order 2009. This area exists to protect the Southern Cross cable and the Pakam East Cable. The Southern Cross cable network is of major structural significance for New Zealand and Australia. As such any activity in the area of the wreck that poses a potential hazard to the cables needs to be coordinated with relevant commercial and Government parties.
41. There are also multiple other parties with an interest in the wreck and/or in the likelihood and consequences of any potential oil release and so with an interest in any potential risk assessment and subsequent oil recovery operations. Government parties would likely include Environment and Conservation plus others, and regional and local authorities. External parties might include Iwi and the local Conservation Boards and the Hauraki Gulf Forum. To date consultation has only occurred with the Ministry of Transport and the Department of Conservation.

Operational Risks

- 42. Non-intrusive survey activity poses very little risk of disturbing the wreck. Any intrusive activity that might be recommended as part of the survey would need to be very carefully considered due to the risks of causing a release of oil. Examples might include taking metal samples of plates and panels or attempting to physically investigate the tanks to measure their contents.
- 43. If the risk assessment led in due course to an oil recovery operation it must be recognised that there is a risk of causing a release of oil while attempting to recover the oil. The vessel is now 105 years old and has been underwater for over 77 years; the metal will be significantly corroded. In such cases experience shows that oil 'migrates' around the vessel if it escapes from the tanks; as such it may be encountered in unexpected places.
- 44. Should an oil recovery operation result at some time there is a very real risk of an uncontained oil release. Precautionary response measures would need to be mobilised to mitigate this risk.

Operational Support

45. [Redacted]

[Redacted]

46. [Redacted]

Options

- 47. Broadly speaking there are three options:
 - d) Status Quo. Continue monitoring of the situation based on reports received, supported by the contingency plan that is in place;
 - e) Survey and Risk Assessment. Undertake an underwater survey and use the information to conduct a revised risk assessment, and (if then considered appropriate);
 - f) Undertake an Oil Recovery Operation. A decision to do this would follow a survey and risk assessment (it would be unwise to move straight to an oil recovery operation)..

48. Status Quo [Redacted]

49. Survey and Risk Assessment [Redacted]

50. Oil Recovery Operation [Redacted]

[Redacted]

[Redacted]

51. [Redacted]

52. [Redacted]

[Redacted]

53. [Redacted]

54. [Redacted]

55. [Redacted]

56. [Redacted]

57. [Redacted]

58. [Redacted]

[Redacted]

[Redacted]

59. [Redacted]

60. [Redacted]

61. [Redacted]

Recommendations

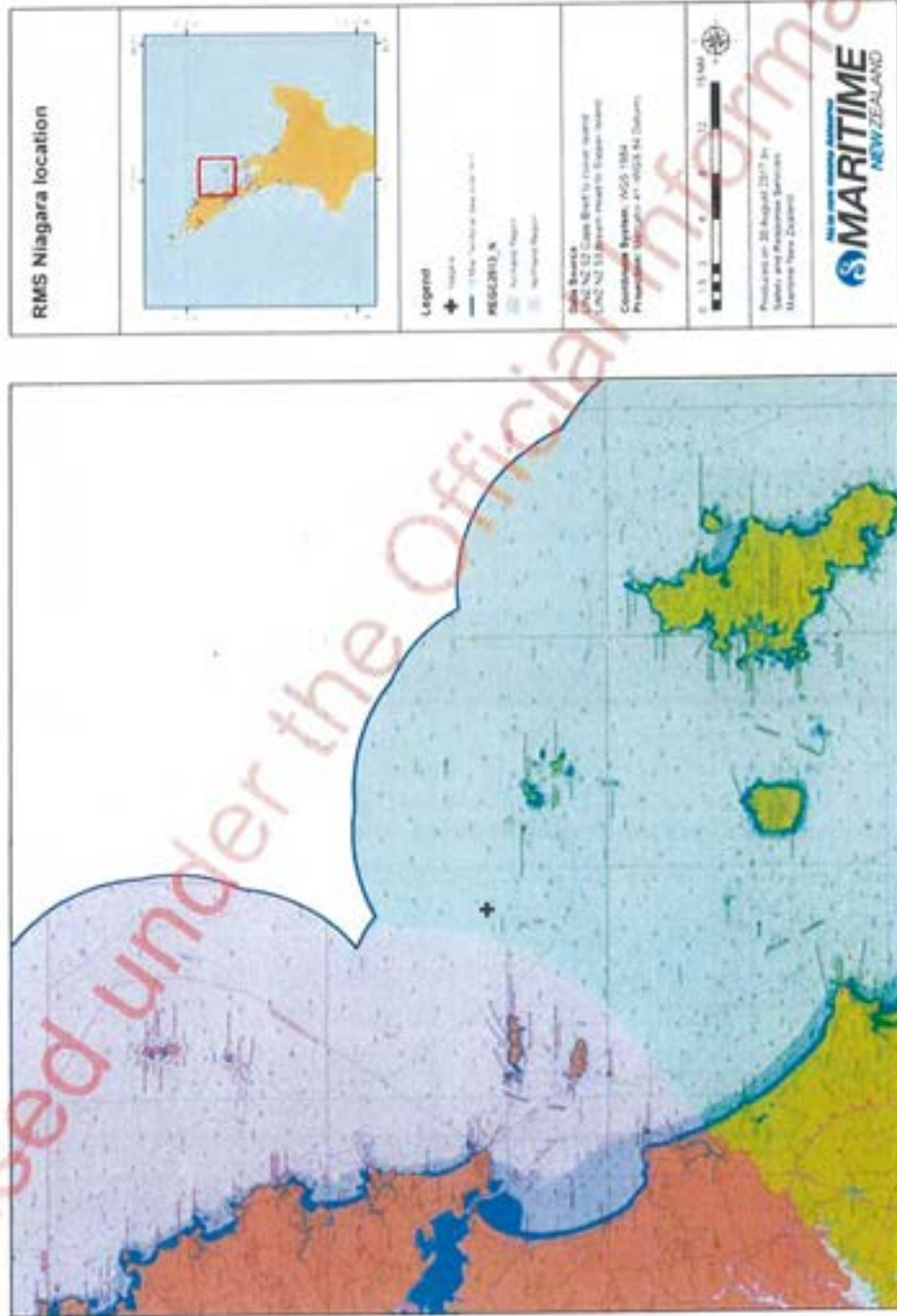
62. It is recommended that you:

- g) **Note** the information provided on the management of the wreck of the *Niagara*
- h) [Redacted]
- i) [Redacted]
- j) [Redacted]
- k) **Advise** whether you wish to meet with officials for further discussion

N Clifford

Nigel Clifford
General Manager Safety and Response

Appendix 1: Map showing location of the Niagara and relevant boundaries



Weekly Report to the Minister of Transport

For week beginning 5 March 2018



Contents

1. Your Weekly Report
2. Key Government Priorities
3. Other Transport Matters to Note
4. Upcoming briefings
5. Transport Crown Entity and SOE Updates

5. Transport Crown Entity and SOE Updates



Outside the scope of your request



REPORT ON MANAGEMENT OF THE WRECK OF THE NIAGARA - On Friday 2 March we provided a report to the Associate Minister of Transport on matters related to the management of the wreck of the vessel *Niagara*. The vessel was sunk by a mine in 1940 and now lies in 120m of water in the Hauraki Gulf. Over the years there have been occasional small leaks of heavy fuel oil from the wreck. Periodically, interested parties raise questions over the environmental threat posed potentially by any oil remaining in the vessel. Recent months have seen queries raised with the previous administration and now with the current Government as well as media interest and reports. As a result the Associate Minister requested a report on the matter. We understand that the report will also be provided to Minister Sage at Department of Conservation.

Outside the scope of your request



Released under the Official Information Act

Memorandum

IN-CONFIDENCE



Information withheld under section 9(2)(a) Official Information Act

TO [REDACTED]
Private Secretary Associate Minister of Transport

FROM Nigel Clifford
GM Safety and Response

DATE 17 June 2018

OUR REF MEP

SUBJECT **Background Information for Associate Minister of Transport re
RMS Niagara**

Level 11, 1 Grey Street
PO Box 25620
Wellington 6146
New Zealand

Tel +64 4 473 0111
Fax +64 4 494 1263
www.maritimenz.govt.nz

- [REDACTED]
1. You asked for some additional information for the upcoming meeting between Minister Genter and John Michael Swannix (e mail 15 June at 3 25 pm). In particular you asked about high level comment on the options being explored for the way forward
 2. I note that we have provided copies of all the OIA responses sent to Mr Swannix to you and that these responses include a copy of the briefing provided to the Minister in early March (Management of the Wreck of the Niagara dated 2 March 2018).
 3. The March briefing was released with a number of redactions under the Act, these redactions include the sections on the options under consideration
 4. Noting the above it may be that the Minister is asked about the current situation and what has occurred since March. I offer the following possible comments.
 - a) ***'What has happened since March when you received the report on management of the wreck of the Niagara?'*** We take the possibility that the wreck of the Niagara may pose a significant environmental risk seriously so officials have been tasked to look at the options that might be considered, and also the risks that any of these options might pose. As you know the wreck is old and we need to balance the potential for an oil spill as the wreck degrades against any risks from undertaking some sort of intervention operation. It is a complex situation so developing robust options takes time, this work is on-going.
 - b) ***'What options are being considered?'*** I don't want to get into specific detail but there are a range of options from the status quo where we respond to reported leaks to undertaking some form of survey investigation to undertaking some form of oil recovery operation. As you saw in the briefing it is considered best practice to undertake careful risk assessments based on detailed survey work before deciding exactly what options might be best.
 - c) ***'Why is it taking so long to decide what to do when it is obvious that the wreck is falling apart and that there is a real risk of a major environmental disaster?'*** This is a complex situation that quite understandably raises significant concerns. If we look at the facts there has never been a significant spill from the wreck apart from the initial sinking and then the early salvage operation. We know there are small occasional leaks but these seem to have minimal impact. It is important for us to look at all the aspects of the matter and take care to develop a robust way forward; this inevitably takes time. ***if pressed*** – The Minister might note that a report back from officials is due in the next few weeks

- d) **'Who will be paying for dealing with the Niagara and the mess it is going to make?'**
The work we are doing on options will include considering how best to fund those options. In terms of marine oil spills there is a clear requirement in general that the spiller pays for the costs of the spill. As you can imagine the original owners of the Niagara are long gone so we need to look at other options.
- e) **'How much oil do you think is on the wreck of the Niagara?'** – As you saw in the briefing this is very difficult to answer; we know the vessel had a fuel capacity of more than 4,000 tonnes but we don't know how much oil she had on board when she sailed. We do know that what were called 'significant amounts' were released when she sank and when she was blown open for the gold salvage, and we know that there have been small leaks since. Overall it is impossible to say with any accuracy how much oil is still on board but we must assume that it is potentially quite a large amount.
5. As discussed we are working currently on the survey and risk assessment aspects and would expect to be able to provide an update at the next Maritime NZ meeting with the Minister in early July. The work will not be complete at that time so the full report back will be some weeks after that. Please let me know if you need anything more.

Regards,



Nigel Clifford
GM Safety and Response

[REDACTED]

From: Nigel Clifford
Sent: Friday, 21 September 2018 7:26 p.m.
To: [REDACTED]
Subject: Submission of Report Back on Niagara

All,

- Many apologies but due to some last minute changes following discussions at MNZ and latest update on a couple of matters I have had to delay sending the Report Back in. **Outside the scope of the request**

[REDACTED]

Nigel

[Redacted]

From: [Redacted]
Sent: Thursday, 27 September 2018 6:04 p.m.
To: Nigel Clifford; [Redacted]
Cc: [Redacted]
Subject: RE: Submission of Report Back on Niagara

Thanks Nigel, appreciate the prompt response while you're overseas!

Ngā mihi,
[Redacted]

From: Nigel Clifford [<mailto:Nigel.Clifford@maritimenz.govt.nz>]
Sent: Thursday, 27 September 2018 6:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: Submission of Report Back on Niagara

[Redacted]

Thanks for checking. Yes the report will be with you tomorrow. We will make the recommendation you've asked for in the cover e mail.

After discussion we have suggested in the report that the Associate Minister may like to discuss next steps with the Minister as there are funding considerations.

The report should be sent out shortly after that. Any questions, please call. **Outside the scope of the request**

Nigel

Nigel Clifford
Deputy Director
Safety and Response Systems
Maritime New Zealand
[Redacted]

On 27/09/2018, at 11:19, [Redacted] wrote:

Hi Nigel

Can you confirm whether the briefing will be coming over this week?

Also, the Deputy PM is very interested to see the advice when it comes over, so can you please include a recommendation that the Minister forward the briefing to DPM Peters, and to Minister Sage? Thanks!

Ngā mihi,
[Redacted]

From: Nigel Clifford [<mailto:Nigel.Clifford@maritimenz.govt.nz>]
Sent: Friday, 21 September 2018 7:26 PM
To: [Redacted]

[REDACTED]
Subject: Submission of Report Back on Niagara

All,

- Many apologies but due to some last minute changes following discussions at MNZ and latest update on a couple of matters I have had to delay sending the Report Back in.

[REDACTED]
Outside the scope of the request

- Happy to chat at any time and will be checking e mails. Apologies again for the late delay.

Nigel

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Information withheld under section 9(2)(a) OIA

[REDACTED]

From: Nigel Clifford <Nigel.Clifford@maritimenz.govt.nz>
Sent: Friday, 28 September 2018 2:39 p.m.
To: [REDACTED]
Cc: [REDACTED]
Subject: Report Back on Niagara Wreck Management - with supporting documents and Business Case

Attachments: Niagara Report Back 28092018110458-0001.pdf; Attachment 2 20180914 Navigatus Report Consequences of Oil Release from Niagara.pdf; Attachment 3 20180914 LOC - NIAGARA Wreck Survey Report rev 1.pdf; Attachment 4 20180914 Cefas Report RMS Niagara_V1_29_08_18.pdf; Attachment 5 20180914 V1.0 Niagara Business case.pdf; Attachment 1 20180302 March 2018 Report Management of the Wreck of the Niagara.pdf

Attachments covered by part 1 of your request

- [REDACTED]
- Please see attached documents for the report back on management of the wreck of the *Niagara* as previously discussed. The report back is accompanied by a number of attachments that provide additional detail on the supporting work that has been undertaken and the full Business Case as prepared with support from PWC.
 - Given that the work was requested jointly by Ministers Genter and Sage we recommend that a copy of all documents is provided formally to Minister Sage's Office. Also, based on your advice we understand that it would be appropriate to provide a copy to the Deputy Prime Minister's Office, we request that you undertake this. Finally we understand that in accordance with standard practice that you will provide a copy to the Minister of Transport's Office.
 - I will be providing a copy to MoT [REDACTED] and to DOC [REDACTED] to ensure that they are across where this matter has got to, noting that both are aware of this work.
 - Any questions at any time please call. Regards,

Nigel

Nigel Clifford
 Deputy Director Safety and Response Systems
 Maritime New Zealand | Wellington
 T [REDACTED] M [REDACTED] W www.maritimenz.govt.nz
 Nā te rere moana Aotearoa

Information withheld under section 9(2)(a) OIA, unless otherwise indicated

[REDACTED]

From: [REDACTED]
Sent: Friday, 28 September 2018 4:03 p.m.
To: Nigel Clifford
Cc: [REDACTED]
Subject: RE: Report Back on Niagara Wreck Management - with supporting documents and Business Case

Perfect, thanks Nigel!

Ngā mihi,
 [REDACTED]

From: Nigel Clifford [mailto:Nigel.Clifford@maritimenz.govt.nz]
Sent: Friday, 28 September 2018 3:48 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Report Back on Niagara Wreck Management - with supporting documents and Business Case

[REDACTED]

Understood, please see a revised version with the date added to the front and a recommendation on distribution at the end.

Nigel Clifford
 Deputy Director Safety and Response Systems
 Maritime New Zealand | Wellington
 T [REDACTED] M [REDACTED] W www.maritimenz.govt.nz
 Nō te rere moana Aotearoa

From: [REDACTED]
Sent: Friday, 28 September 2018 3:25 p.m.
To: Nigel Clifford
Cc: [REDACTED]
Subject: RE: Report Back on Niagara Wreck Management - with supporting documents and Business Case

Thanks Nigel, much appreciated! Sorry, just a couple of things with the briefing:

- There's no date on the front page – is it easy enough for you to amend the briefing?
- Regarding copies being provided to Minister Sage and DPM Peters – is there a reason why there's no recommendation for this in the briefing? All it would need to say is "forward a copy of this briefing and attachments to the Minister of Conservation, Hon Eugenie Sage, and the Deputy Prime Minister, Rt Hon Winston Peters". Happy to discuss if you have concerns about this.

[REDACTED]

Ngā mihi,
 [REDACTED]

Outside the scope of the request

From: Nigel Clifford [mailto:Nigel.Clifford@maritimenz.govt.nz]
Sent: Friday, 28 September 2018 2:39 PM

To: [REDACTED]
Cc: [REDACTED]
Subject: Report Back on Niagara Wreck Management - with supporting documents and Business Case

- Please see attached documents for the report back on management of the wreck of the *Niagara* as previously discussed. The report back is accompanied by a number of attachments that provide additional detail on the supporting work that has been undertaken and the full Business Case as prepared with support from PWC.
- Given that the work was requested jointly by Ministers Genter and Sage we recommend that a copy of all documents is provided formally to Minister Sage's Office. Also, based on your advice we understand that it would be appropriate to provide a copy to the Deputy Prime Minister's Office, we request that you undertake this. Finally we understand that in accordance with standard practice that you will provide a copy to the Minister of Transport's Office.
- I will be providing a copy to MoT [REDACTED] and to DOC [REDACTED] to ensure that they are across where this matter has got to, noting that both are aware of this work.
- Any questions at any time please call. Regards,

Nigel

Nigel Clifford
Deputy Director Safety and Response Systems
Maritime New Zealand | Wellington
T [REDACTED] M [REDACTED] W www.maritimenz.govt.nz
Nō te rere moana Aotearoa

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