

Tabled at Hearing 27/3/2013

Submission to the Commissioners by E.W Phipps and H.A. Fletcher (on behalf of The Lakes Station Partnership – Submitter Number 108) regarding the Proposed Canterbury Land and Water Regional Plan.

1. Our submission concerns provisions of the Proposed Plan excluding cattle from the north branch of the Hurunui River (from Camp Stream to Lake Sumner) and from Landslip Stream, on the basis of their identification as salmon spawning sites (Policy 4.26, Rule 5.134 & Schedule 17).
2. Our submission is that the north branch of the Hurunui River and Landslip Stream should not be included in Schedule 17.
3. Our reasons for opposing the inclusion of the north branch of the Hurunui River and Landslip Stream in Schedule 17 in summary are:
 - The expert reports (such as there are) show that the River and Stream are not significant enough spawning sites to merit inclusion in Schedule 17;
 - The s32 assessment undertaken is inadequate as regards Rule 5.134 in regard to salmon spawning sites, and no site specific assessment has been undertaken for the River and Stream such as would justify their inclusion in Schedule 17;
 - The benefits of the new rule as applied to the River and Stream are hypothetical and do not outweigh the very real costs associated with them. These costs include not only the direct financial cost of fencing, but also the problems with fencing as a solution, the loss of access by stock to water and to freehold land behind or beyond the fences, and the impact of fencing on important landscape features.
4. The effect of making access by cattle of the Hurunui River and Landslip Stream a prohibited activity is to require fencing of the River and Stream. This could involve tens of kilometres of fencing and/or exclusion of stock from hundreds of acres of freehold land (since Rule 5.115 prevents the building of bridges and culverts in salmon spawning sites). The imposition of such significant duties and costs and potential interference with private property rights make it necessary to consider whether the reasons for inclusion of the River and Stream in Schedule 17 are robust and meet the cost-benefit test of s32 of the Resource Management Act 1991.

5. The non-inclusion of the north branch of the River in the Langlands & Elley Database (2000) as a “significant spawning site”, Unwin’s treatment of it as locally but not regionally or nationally important, and the Boffa Miskell assessment that it (probably) supports less than 0.1% of the region’s spawning salmon, must mean that the inclusion of the River in Schedule 17 fails any sensible threshold test. Landslip Stream may be different. It was at least recognized as a regionally important salmon spawning site. However, it is worth pointing out that, even then, less than one-third of one per cent of the region’s salmon spawn in the Stream.¹ If not relevant to an assessment of whether the Stream is of such significance as to require some protection, this must impact upon decisions about how best to protect the Stream for spawning salmon and the s32 assessment.

6. Given the limited numbers of salmon in the River and Stream and the very significant costs and impacts upon land use that fencing will cause to The Lakes Station (with its kilometres of grazing land adjoining and intersected by the Hurunui River and Landslip Stream), it is submitted that the absolute terms of Rule 5.134 (“the use and disturbance of the bed of a ... river ... by cattle ... is a prohibited activity” in a salmon spawning site listed in Schedule 17) does not satisfy the s32 test of ensuring that the rules in the Plan, “having regard to their efficiency and effectiveness, are the most appropriate way of achieving the plan objectives”, taking into account “the benefits and costs of policies, rules, or other methods ...”. It is submitted that the s32 assessment that has been done is not only inadequate in relation to salmon spawning sites generally (it does not make an assessment of the likely increase in salmon numbers as a result of the rule change, or of its costs to landowners, or of the practicability of compliance) but also should have been undertaken in relation to each of the different rivers or streams listed in Schedule 17 (because the benefits, costs and alternatives may be materially different for each). In making this submission, the following additional points are made:

- The Lakes Station undertakes low intensity grazing above Lake Sumner and has done so for a hundred years – well before salmon began to spawn there;
- The cost of fencing the River or even just Landslip Stream (8.5 kilometres) would be considerable;
- Fencing and maintaining fencing on a braided river like the Hurunui River that is often in flood and variable in location is highly problematic, without considerable loss of grazing land;

¹ Additionally, Unwin makes the point that the co-ordinates for any spawning site (which can change over as short a period as five years) should be “verified by ground truthing” and may not be coextensive with the whole river or stream. This “ground truthing” has not been done for Landslip Stream.

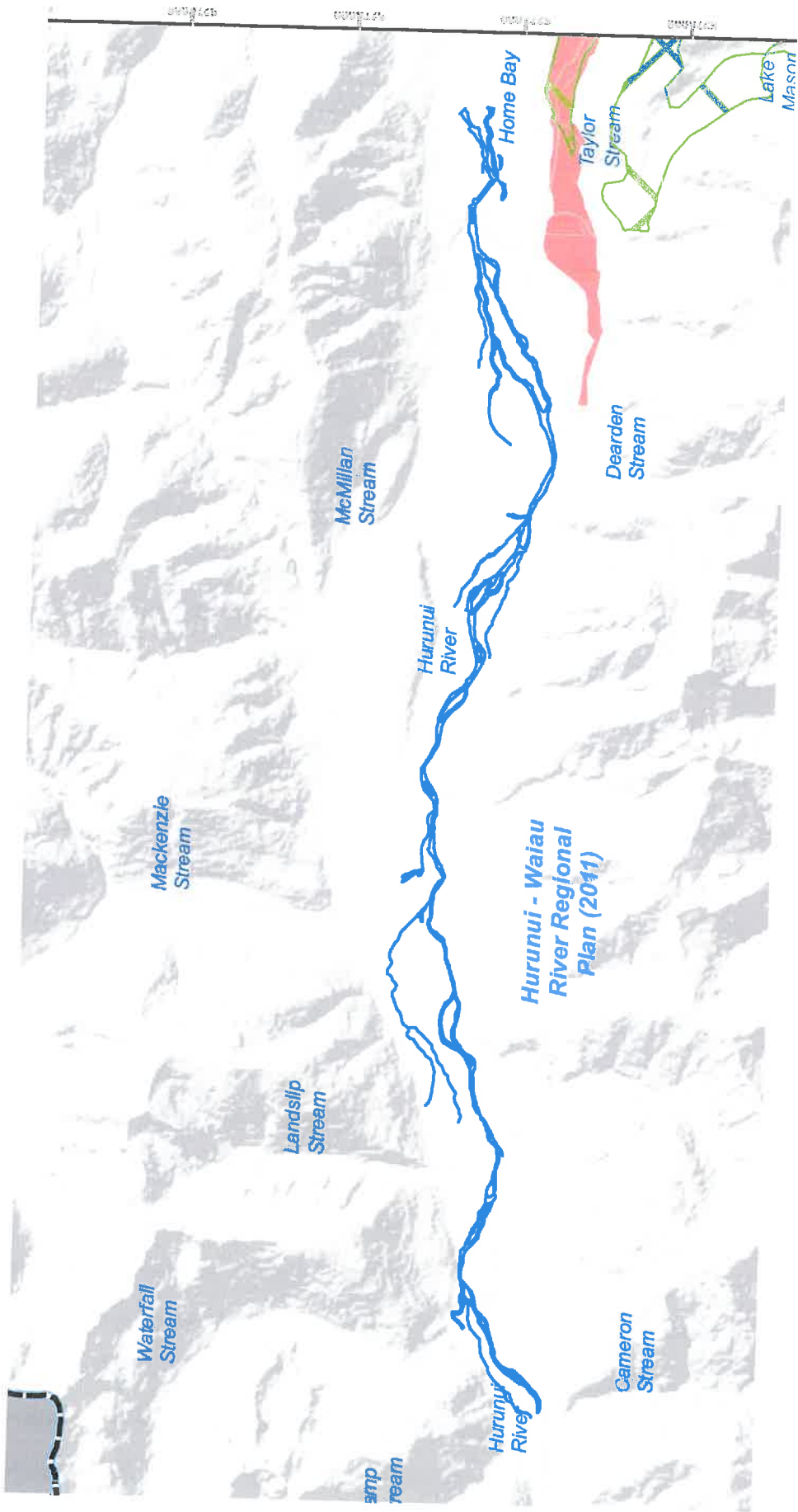
- Fencing will detract from the landscape features of the area and runs contrary to Objective 3.9 of the Proposed Plan, which is to ensure that “the existing natural character values of alpine rivers are protected”;
- Fencing will deny stock access to drinking water. (As is discussed at page 25 of Appendix I of the s32 assessment report, the Canterbury Water Management Strategy identifies this as a “first order priority”, whereas recreational fishing is at best a “second order priority”.) How this is to be mitigated (if indeed it can be²) is not considered in the s32 assessment;
- Fencing (combined with Rule 5.117 preventing the installation of bridges and culverts) potentially cuts off cattle access to significant freehold grazing lands (depending on how rule 5.134 is to be interpreted and depending on whether, as seems to be proposed at present, fencing of Landslip Stream is to extend from the bush into the River); and
- There is no consideration of alternative ways to enhance salmon spawning that may be more cost effective, and in particular options where the cost/benefit assessment might be made by those who enjoy the private benefit. [Is fishing of an introduced species really to be regarded as a public good rather than a private benefit?] In this connection at page 18 Unwin says: “hatchery supplementation ... programmes are constrained by the availability of funding and are likely to remain relatively small scale for the short term at least, pending a collective decision from the salmon angling community as to how much it is willing to pay to sustain the fishery. They have the potential to become important components of the fishery if their future can be secured.”

Decision sought from Environment Canterbury.

The decision sought from Environment Canterbury is that the Hurunui River (north branch) and Landslip Stream be removed from Schedule 17 of the Proposed Plan.

27 March 2013.

² One hurdle is there is no electricity in this area.



MAP B-021
Canterbury Map Series