

**From:** [Scott Pearson](#)  
**To:** [Mailroom Mailbox](#)  
**Cc:** [Angela Christensen CSIFGC](#)  
**Subject:** Fish and Game Variation 4 Submission  
**Date:** Monday, 12 October 2015 11:46:30 p.m.  
**Attachments:** [Fish and Game submission LWRP Plan Change 4.pdf](#)  
[CoPDefencesAgainstWater\\_Joint\\_Submission\\_CSIFGC\\_NCFGC.pdf](#)

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To Environment Canterbury,  
Please find attached a copy of Fish and Game's Variation 4 plan change submission including appendix.

Kind Regards, Scott

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**RESOURCE MANAGEMENT ACT 1991**

**SUBMISSION ON PROPOSED PLAN CHANGE 4 TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

To: Environment Canterbury

From: North Canterbury Fish & Game and Central South Island Fish & Game

**Address for service:**

**North Canterbury Fish & Game**

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**Trade competition**

Pursuant to Clause 6 of Schedule 1 of the Resource Management Act 1991, Fish and Game confirm they could not gain an advantage in trade competition through this submission.

**Hearing**

Fish & Game wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

## **ROLE OF FISH AND GAME**

Fish and Game Councils are Statutory Bodies with Functions (*inter alia*) to:

*'manage, maintain and enhance the sports fish and game bird resource in the recreational interests of anglers and hunters...*

*(b) 'to maintain and improve the sports fish and game resource-*

*(i) by maintaining and improving access*

*(c) 'to promote and educate-*

*(i) by promoting recreation based on sports fish and game*

*(e) 'in relation to planning-*

*(i)'to represent the interests and aspirations of anglers and hunters in the statutory planning process; and*

*(vii)'to advocate the interests of the Council, including its interests in habitats...'*

Section 26Q, Conservation Act 1987.

In addition, Section 7(h) of the RMA states that all persons *'shall have particular regard to... the protection of the habitat of trout and salmon.'*

## **INTRODUCTION**

1. Canterbury is one of the key regions in the South Island for quality river fisheries. The sports fish and game bird resources of the North Canterbury and the Central South Island Fish and Game regions are highly valued.
2. The sports fishery, in particular is significant, with over 450,000 angler days spent on the Region's waters (NIWA National Angling Survey 2007/08). The value placed on the sports fish and gamebird resource in a wider context is encapsulated by the four operative Water Conservation Orders in the Region (Te Waihora/ Ellesmere, Rakaia, Rangitata and Ahuriri.)

Fish & Game seek the following relief:

| Proposed new provision | Support/oppose | Reasons  | Decision sought   |
|------------------------|----------------|--|---|
| Policy 4.13            |                | <p>The reference to first priority and second priority is unclear as there is no definition of what the priorities relate to or mean. It seems that any further degradation in water quality is now a second priority or of less importance. The NPSFM directs that water quality must be maintained or where degraded, improved. It appears from the s32 report that the second priority is aimed at recognising water bodies that currently do not meet the limits specified in Schedule 5 or any water conservation order to ensure that the water will not degrade any further outside the Mixing Zone. However, allotting priorities gives a different interpretation as to levels of significance or importance. Fish &amp; Game seek that reference to first priority and second priority is deleted.</p> | <p>(e) in the case of surface water, results in a discharge that after reasonable mixing:</p> <p>(i) meets the receiving water standards in Schedule 5 as <del>a first priority</del> .; and</p> <p>(ii) <del>as a second priority</del>, does not result in any further degradation in water quality in any receiving surface waterbody that does not meet the water quality standards in Schedule 5 or any applicable water conservation order.</p> |

| <b>Proposed new provision</b> | <b>Support/oppose</b> | <b>Reasons</b>   | <b>Decision sought</b>   |
|-------------------------------|-----------------------|--|--|
| Policy 4.31                   | Support in part       | <p>Policy 4.3.1(b) has been amended so that it now applies to the waterbody bed and banks “closely adjacent to,” rather than “closely upstream” of various sensitive areas. The wording "upstream" has been deleted from the policy but is considered by Fish &amp; Game to be relevant and important in minimising the impacts of stock to salmon spawning sites. The s32 report did not specifically address this change or the impacts that the proposed deletion of "upstream" could have on life supporting capacity. Any disturbance in the bed of a waterway upstream of a salmon spawning site dislodges sediment and negatively impacts spawning. As fine sediment settles out of the water column, benthic habitats, spawning gravels and incubating redds may be smothered. Fish &amp; Game seek that the word "upstream" remain in the policy.</p> | <p>4.3.1(b) should read: “...and the waterbody bed and banks closely adjacent to and upstream of these areas;”</p>   |
| Rule 4.92A                    | Support in part       | <p>Fish and Game support this rule as it will assist with the habitat restoration and enhancement work carried out by Fish and Game and other parties in water ways. However, some macrophytes are important for the ecosystem health of waterways and therefore their removal should be restricted to nuisance species or nuisance levels in the abundance of macrophytes.</p>  | <p>4.92A Enable catchment restoration activities that protect springheads, establish or enhance riparian margins, create restore or enhance wetlands, and remove <u>nuisance</u> macrophytes and fine sediment from waterways.</p> |

| Proposed new provision | Support/oppose  | Reasons  | Decision sought  |
|------------------------|-----------------|--|--|
| Rule 5.68A             | Support in part | Artificial lakes may become degraded as a result of stock and other animals accessing them. Therefore, as a precaution Fish and Game consider that where an artificial lake discharges directly into a natural watercourse or artificial watercourse that runs directly into a natural water course, then Rule 5.68A continues to apply. | 2. Any artificial lake is excluded, unless the artificial lake has been created as a result of the damming of a river; <u>or the artificial lake discharges directly into a watercourse that is natural or leads to a natural watercourse.</u> |
| Rule 5.68              | Oppose          | The rule now restricts stock to lake access to only 3 defined lake types, where previously, cattle were prohibited from standing in any lakes. Fish & Game feels it is inappropriate to make this rule more relaxed as site damage and water quality degradation will occur if cattle are allowed to stand in lakes.                     | Amend 5.68(3)(c)(1) to read:<br><br>“lake located <u>within</u> the Hill and High Country Area.”   |
| Rule 5.68(3)c          | Amend           | The rule appears to have omitted ‘or river’ from 5.68 (3)c from the wording in the proposed plan inadvertently. Fish and Game seek to have it reinstated.  | c) cattle standing in any lake <b>or river</b> ; and   |
| Rule 5.138             | Support in part | This rule refers to the COP Defences Against Water. Fish & Game have considered the document and seek amendments to reflect ecosystem health and life supporting capacity as attached in Appendix 1.   | See Appendix 1   |
| Rule 5.139             | Support         | This rule gives appropriate regard to inanga and salmon spawning sites.  | Retain   |

| <b>Proposed new provision</b> | <b>Support/oppose</b> | <b>Reasons</b>   | <b>Decision sought</b>   |
|-------------------------------|-----------------------|--|--|
| Rule 5.140A                   | Support in part       | Works in waterways have the potential to cause the stranding of fish in pools or channels. Fish & Game seek amendment to the rule to include a sub clause to mitigate this risk.   | Insert as sub clause 5: "The associated excavation, disturbance and deposition of substances on or in the bed of a lake or river does not result in the stranding of fish in pools or channels." |
| Rule 5.145                    | Support in part       | Fish & Game feels it is important to manage fuel near waterways at all times, including when the site may be vacated overnight, to prevent water quality degradation that would impact ecosystem health and life supporting capacity. Fish & Game seeks amendment to the rule to include a sub clause to reflect proper fuel management at all times.  | Insert as new sub clause 5: "Fuel is securely stored overnight or removed from site."  |
| Rule 5.168                    | Support in part       | This rule allows for earthworks as a permitted activity if certain conditions are met. Sub clause 3 identifies that the activity must not occur adjacent to a significant spawning reach for salmon. Fish & Game feels that the word "adjacent" on its own, does not provide for adequate protection at significant salmon spawning sites. Any works upstream can have negative consequences by dislodging sediment. As fine sediment settles out of the water column, spawning gravels and incubating redds may be smothered. Fish & Game seeks amendment to the rule to include "upstream" as it relates to significant salmon spawning sites. | Include "upstream" as it relates to significant salmon spawning sites  |

| <b>Proposed new provision</b>                     | <b>Support/oppose</b> | <b>Reasons</b>   | <b>Decision sought</b>   |
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| Schedule 17                                       | Support               | Fish & Game support the updated list of inanga spawning sites in Schedule 17 of the LWRP and agree with the s32 report that it provides better protection to both potential and known inanga spawning sites. | Retain   |
| Section 2.9<br>High<br>Naturalness<br>waterbodies | Support in part       | This new definition replaces the old definition for Outstanding fresh water bodies, but omits water bodies subject to Water Conservation Orders. This should be reinserted into the new definition.          | Amend definition to include water bodies subject to Water Conservation Orders. |



## Appendix 1

| (1) The specific parts of Variation 4 that the submission relates to are: |  | (2) The submission is that: |  | (3) We seek the following decision from Environment Canterbury:  |
|---|--|-----------------------------|--|--|
| Section & Page #  | Sub-section / Point                            | Support/ Oppose             | Reason   |  |
| 1.1 p 4   | Resource Management Act                        | Support with amendment      | Amend the sentence to state the rule explicitly to make for ease of reference.   | Amend to: "Within the Canterbury Region, the Land and Water Regional Plan <u>Rule 5.138</u> , which provides for the installation....."  |
| 1.2 p 5   | COP principles                                 | Support with amendment      | Amend the first bullet point where it gives examples of ecological values to either not include an example, or to broaden the example to include other species. It should not only be "threatened native fish" that are identified but all native fish and salmonids in order to safeguard life supporting capacity and ecosystem processes. | Amend to: "Environmental and ecological values ( <del>eg threatened native fish and their habitat</del> ) shall be identified...<br>Or<br>"Environmental and ecological values ( <u>e.g. native fish and salmonids and their habitats</u> ) shall be identified...." |
| 1.2 p 5   | COP principles                                 | Support with amendment      | Amend the sixth bullet to more clearly define or provide reference to the meaning of "design mean bed level requirements".   | For example...River bed levels shall be unchanged or conform with the design mean bed level requirements <u>as set out in the approved works plan and consistent with requirements set by the Canterbury Regional Council.</u>                                       |
| 1.3 p 6   | Table 1-Effects on riverbed plants and animals | Support with amendment      | Bullet point 2 discusses the removal of fish and large invertebrates and lists koura and kakahi. As the removal of fish and large invertebrates can extend well beyond these two species, these should be referred to as examples only.  | Amend to: "Removal of fish and large invertebrates ( <u>e.g. koura, kakahi</u> )   |
| 2.2 p 11  | Stakeholder Engagement                         | Support with amendment      | Fish & Game support stakeholder engagement and the opportunity to discuss and review annual work programmes. Fish & Game seek stronger wording to reflect the importance of these meetings and intent to engage with stakeholders.   | Amend to: "Environment Canterbury <del>also intends to engage with</del> <u>shall invite the</u> Department of Conservation and Canterbury Fish and Game Councils on an annual basis to <u>discuss and</u> review their annual works programme...."                  |
| 2.2 p 11  | Stakeholder Engagement                         | Support with amendment      | Fish and Game request general notification of 5 "working" days or 10 working days prior to commencement of works where a fish salvage operation is likely to be required.  | Amend to: "Such notification will generally occur <u>five working days</u> prior to commencement of works, <u>or ten days</u> where a fish salvage operation   |

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|          |                               |                                       |  | <u>is likely to be required.</u>   |
| 2.3 p 13 | Planning and Work Site Design | Support with amendment                | Fish & Game are the statutory bodies established under the Conservation Act (1987) and Wildlife Act (1953) mandated to manage, maintain and enhance sports fish and game birds in the recreational interests of anglers and hunters. Sports fish includes salmon and trout. Therefore regard should be given to the spawning and migration seasons and locations of both salmon and trout.   | Amend to: "The spawning and migration seasons and locations of <u>trout</u> , salmon and native fish. ...."  |
| 2.3 p 13 | Planning and Work Site Design | Support with amendment                | Fish & Game are the statutory bodies established under the Conservation Act (1987) and Wildlife Act (1953) mandated to manage, maintain and enhance sports fish and game birds in the recreational interests of anglers and hunters. The nesting, rearing and feeding habitat of gamebirds, should also be given regard to in the planning of works.   | Add new line under Bullet Point 1:<br><u>The nesting, rearing and feeding habitat of gamebirds and associated recreational shooting areas.</u> For example, consideration of lake level manipulation, or drainage of wetlands/swamps for subdivision.  |
| 2.3 p 13 | Planning and Work Site Design | Support with an additions             | The scale of the activity within the bed of a particular water body should be considered as part of works planning and design.   | Add new line under Bullet Point 1:<br><u>The scale of the activity with respect to the permitted activity thresholds set out in this Code of Practice.</u> For example, the length of a river bed where activities will take place at any given time.  |
| 2.3 p 15 | Timing of Works               | Support with amendment and correction | Fish & Game are the statutory bodies established under the Conservation Act (1987) and Wildlife Act (1953) mandated to manage, maintain and enhance sports fish and game birds in the recreational interests of anglers. Sports fish includes salmon and trout. Therefore, the spawning seasons of both species should be given regard to when deciding on the timing of works.<br><br>The opening day of the fishing season in Canterbury can vary depending on the area. Opening day for most areas (low country) is 1 October; however, the High Country fishing season does not commence until the first Saturday in November. | Amend to: "Where practicable, work in inanga, salmon or trout spawning areas shall not be carried out during spawning seasons. .... For salmon, the spawning season is April to <del>June</del> <u>August</u> (inclusive). <u>For trout, the spawning season is May to November (inclusive).</u> "<br><br>Amend to: "Where practicable, work in the active river bed or any associated lagoon or drainage habitat shall not be carried out during the opening weekend of duck Shooting Season (1st weekend in May) and Angling season (1 October to <del>4 November</del> <u>the first Saturday in November</u> ) in any |

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|          |  |                        |   | given year."  |
| 2.3 p 17 | Fuel and Hazardous Materials Management            | Support with amendment | Any fuel or hazardous material that is near a water body should be secured overnight.   | Add new bullet point <ul style="list-style-type: none"> <li>• <u>Fuel shall be stored securely or removed from site overnight.</u></li> </ul>   |
| 2.3 p 20 | General Requirements: Erosion and Sediment Control | Support with addition  | It is important to discourage the piling or placement of sediment laden material in areas where it will be easily returned to a water body.   | Add new bullet point<br><u>The placement, stockpiling or movement of excavated sediment or sediment laden material shall not occur with the bed of a river or lake, unless it is a necessary component of a 'defences against water' infrastructure.</u>  |
| 2.3 p 22 | Complaint and Adverse Effects Management           | Support with additions | Permitted Activity status must be clear/certain, with no subjective terms and be able to be consistently interpreted by everyone. The manner in which complaints, observations, or audits on site are dealt with should be no exception. If adverse effects are identified during the course of undertaking the works, action must be taken immediately or within a specified timeframe. Wording such as "as soon as practicable" does not provide any certainty to stakeholders or the community that issues identified will be dealt with promptly. | Amend to: "If adverse effects are identified during the course of undertaking the works either through complaints or observations/ audits on site, actions shall be taken as soon as practicable <u>within a 48 hour period</u> to address the cause of the effect and undertake any remedial or mitigation measures considered necessary.<br>Add new bullet point below the last bullet point on Page 22.<br><u>In the event of a significant adverse effect occurring, works shall cease immediately with a requirement to remedy the effect(s) or report the occurrence within a 24 hour period.</u> |
| 3.1 p 26 | 3.1.1 Drain Works                                  | Support with amendment | Drains provide habitat for trout and game birds, as well as inanga and therefore, should be given consideration when undertaking works in waterways.  | Amend to: "Outside of the spawning season, consideration must be given to undertaking drain works in a manner which minimises the impact on <u>trout and inanga</u> spawning habitats. Consideration should also be given to the potential loss or  |

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|          |  |                              |   | damage of gamebird habitat."   |
| 3.1 p 26 | Aquatic Weed Cutting                         | Support with amendment       |   | For consistency in terminology amend Bullet point 3 to: " <u>Removal</u> <del>Capture</del> of fish species from the watercourse."   |
| 3.1 p 27 | Chemical Control of Weed                     | Correction in wording        |   | Amend Bullet point 4 to: "Fish abundance and spawning success affected by water de-oxygenation during plant <u>decomposition</u> ."  |
| 3.1 p 37 | 3.1.4 Spraying - Riverbeds, Drains and Berms | Correction in wording        |   | Amend Bullet point 2 to: "Fish abundance and spawning success affected by water de-oxygenation during plant <u>decomposition</u> ."  |
| 3.1 p 39 | 3.1.5 Pest Control                           | Correction in wording        |   | Amend Bullet point 2 to: "Potential for poisons to enter waterways and adversely <u>affect</u> <del>effecting</del> fish life and aquatic vegetation."   |
| 3.2 p 43 | Work Adjacent to or in Flowing Water         | Support with amendment       | Works adjacent to or in flowing water have the potential to leave the area in a degraded state; therefore, where practicable, the area should be left in a state consistent with the surrounding natural environment in order to provide amenity value. | Add new bullet point <ul style="list-style-type: none"> <li>• <u>Where practicable, the area should be reshaped to a state consistent with the surrounding natural character of the river bed.</u></li> </ul>                |
| 3.2 p 45 | Diversions                                   | Support with minor amendment | Amend Bullet point 5 for clarity.   | Amend to: "Fish recovery shall be conducted in <u>drying</u> channels and stranded fish returned to flowing water."  |
| 3.2 p 47 | Vegetation and Silt Removal in Water         | Support with amendment       | Fish & Game's management of sports fish includes both trout and salmon. Therefore, the habitat of both species is important to consider in Bullet point 9.  | Amend to: "Inspect the targeted section of the waterway and identify features such as pools, riffles, woody debris, <u>salmon/trout</u> spawning habitat or threatened species habitats that should not be disturbed ..... " |
| 3.2 p 49 | Use of Agrichemicals                         | Support with amendment       | Advising people of the use of agrichemicals should follow EPA standards.  | Amend to: "Signs will be erected advising people of the activity and location prior to commencement <u>as per EPA guidelines.</u> "  |

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|          |                                |                        |  |   |
| 4.4 p 52 | Certification Process          |                        | <p>Fish &amp; Game believe that it is vital to have robust monitoring and review of any works that have the potential to adversely affect life supporting capacity, ecosystem health, natural character, and the habitat of trout, salmon and gamebirds.</p> <p>Fish &amp; Game, as statutory bodies mandated to manage, maintain and enhance sports fish in the recreational interests of anglers, and for the protection of the habitat of trout and salmon under RMA (1991) s7(h), seek notification under the following work plans:</p> <p>Works in flowing water occurring during Trout/Salmon spawning:</p> <p>Trout: May-November (inclusive)</p> <p>Salmon: April-August (inclusive)</p> |   |
| 5 p 55   | 5.2 Review of Code of Practice | Support with amendment | <p>Fish &amp; Game believe that it is vital to have robust review of the Code of Practice to determine its efficiency in meeting the objectives. Fish &amp; Game seek involvement in discussions that relate to the review.</p>  | <p>Add new bullet point</p> <ul style="list-style-type: none"> <li>• Discussion and invitation of comment and feedback from interested or affected parties (e.g. Department of Conservation, Fish and Game Council)</li> </ul> <p>Amend Bullet point 3 to: "Invitation of comment and feedback from user groups (local authorities and network utility operators). <del>and interested or affected parties (eg Department of Conservation, Fish and Game Council).</del>"</p> |