

From: [Scott Pearson](#)
To: [Mailroom Mailbox](#)
Subject: Attention Nick Regnault
Date: Friday, 6 November 2015 2:15:43 p.m.
Attachments: [Fish and Game submission LWRP Plan Change 6.pdf](#)

Hi Nick,

Please find attached a submission on Plan Change 6 from North Canterbury Fish and Game Council.

Kind Regards,

Scott Pearson | Environmental Advisor

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**RESOURCE MANAGEMENT ACT 1991
SUBMISSION ON PROPOSED PLAN CHANGE 6 LAKE FORSYTH/ WAIWERA CATCHMENT
TO THE CANTERBURY LAND AND WATER REGIONAL PLAN**

To: Environment Canterbury

From: The North Canterbury Fish & Game Council

Address for service:

North Canterbury Fish & Game

PO Box 50

Woodend 7641

Attn: Scott Pearson

Email: spearson@fishandgame.org.nz

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.'*

Unless specified in each submission point, my reasons for supporting or opposing are that the provisions are either consistent or inconsistent with the purposes and principles of the Resource Management Act 1991 (RMA).

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	Plan Provision	Position and Reason	Decision Sought
Section 10	Description	Other fish also require passage to the sea in order to complete their lifecycle or to improve their condition, including brown trout.	Amend to: “And providing for the migratory habits of the tuna so as to enhance mahinga kai <u>and to complete or enhance the life cycle of other diadromous fish</u> ”
Section 10	Description	<p>Support in part. Further reference is required for the importance of valued introduced fish species and game birds. Lake Forsythe/Waiwera, Kaituna River, Okana River, Okuti River and Takiritawai are each classified as a “Local Salmonid Fishery” in Fish and Game’s Schedule XX, Local Water Body Values 2013. Kaituna, Okana, and Okuti Rivers are classified as having “Secondary Spawning” values. Lake Forsythe/Waiwera is also classified as a “Game Bird Habitat”.</p> <p>Local Salmonid Fishery is defined in Schedule XX as: This value relates to salmonid fisheries having up to 1000 angler days per year, as defined by the Annual National Angler Survey. The use of this water body for recreational fishing also reflects a locally significant level of amenity received from this recreational resource in terms of the overall angler experience. The habitat associated with this value provides important advantages for the healthy functioning of aquatic ecosystems.</p>	<p>Add to the end of paragraph 3 on page 10-2 add:</p> <p><u>These tributaries and Lake Forsythe/Waiwera have salmonid fishery values at a local level. Kaituna River, Okana River, and Okuti River also have secondary spawning values. For game birds, the Lake is classed as a game bird habitat with national and regional levels of significance.</u></p>

Proposed New Provision	Plan Provision	Position and Reason	Decision Sought
		<p>Secondary Spawning Habitat is defined in Schedule XX as: This value relates to water bodies containing more extensive spawning grounds for salmonids, with a secondary ranking compared to primary spawning water bodies. These water bodies are also critical for the maintenance and enhancement of salmonid populations. The level of significance and habitat features of these spawning areas warrants a high level of protection.</p> <p>Game Bird Habitat is defined in Schedule XX as: The game bird habitats shown in this Schedule have national and regional levels of significance and provide for the life supporting requirements of these birds at the relevant stages in their lifecycle.</p>	
Section 10.1	10.1 Other Regional Plans that apply	The Regional Coastal Environment Plan (2005) should apply given the coastal environment in this catchment.	Add “ <u>Regional Coastal Environment Plan</u> ”
Section 10.1A Page 10-3	10.1A Definitions	Support. Support all definitions in order to give effect to the plan.	Retain all definitions

Proposed New Provision	Plan Provision	Position and Reason	Decision Sought
Section 10.4 Policies	Policies 10.4.1-10.4.4	Support with minor amendments, as the Policies are required to give effect to the plan.	Add after water quality in the first line of Policy 10.4.1 <u>“for instream, recreational and amenity values”</u>
Section 10.5 Rules	Rules 10.5.1, 10.5.3-10.5.9	Support The rules are required to give effect to the Policies	Retain
Rules 10.5	Rule 10.5.2	Support with amendment. Conditions should allow the exercise of discretion for trout spawning habitat, consistent with Objective 3.8 of the plan and Section 7(h) of the RMA. Under Part 5B of the Conservation Law Reform Act 1990 it is also an offense to disturb or damage the spawning ground, eggs or larvae of any freshwater fish.	Amend condition 4 to add: <u>“Fish spawning habitat in general, including the spawning habitat of brown trout; and”</u>

Proposed New Provision	Plan Provision	Position and Reason	Decision Sought
Section 10.6 Freshwater Outcomes	Table 10(a) and 10(b)	Support These outcomes are required to give effect to the plan.	Retain
Section 10.7.1 Environmental Flow Regime	Table 10(c)	<p>Oppose</p> <ul style="list-style-type: none"> • Minimum flows and restrictions should be rounded up to the nearest five or ten round number, as the standard error in hydrological measurement is approximately 5%. • This means rounding up or down to the nearest five or ten is within the margin of error for hydrological measurement and will have little effect on reliability. • It is also more precautionary under the primary principles of The Canterbury Water Management Strategy to round up a minimum flow and restriction number than round down a minimum flow or restriction • Using section 68(7) to introduce this rule provides ample lead-in time for consent holders to adjust to the new regime. 	<p>Alter table 10 (c) as follows:</p> <p>Minimum Flows:</p> <ul style="list-style-type: none"> • Okuiti River and Tributaries- <u>60 L/s⁻¹</u> • Okana River, Takiritawai River and their Tributaries- <u>100 L/s⁻¹</u> <p>Restrictions:</p> <p>Okuiti River and Tributaries</p> <p>25% <u>80</u></p> <p>50% <u>70</u></p> <p>100% <u>60</u></p>

Proposed New Provision	Plan Provision	Position and Reason	Decision Sought
			<p>Okana River, Takiritawai River and their Tributaries</p> <p>25% <u>130</u></p> <p>50% <u>115</u></p> <p>100% <u>100</u></p> <p>Insert new rule for table 10(c):</p> <p><u>“By section 68(7) of the RMA, table 10(c) shall affect the exercise of any existing resource consent to which this rule applies from the expiry of 7 years after the day on which this plan change becomes operative.”</u></p>
Section 10.7.3 Environmental Flow Regime	Tables 10 (d- f)	Support Required to give effect to the plan Policies	Retain
Section 10.8 Flow Sensitive Catchments	Un-named Table	Support retention of this un-named table as it is required to give effect to the plan	Retain

Proposed New Provision	Plan Provision	Position and Reason	Decision Sought
Section 10.10	Schedule 24(c) Valley Floor Area River Bank Erosion Plan	Support in Part. Spawning sites of other fish including brown trout, deserve to be sustainably managed and protected from adverse effects so that they can retain their life supporting capacity.	Add to 5 a) <i>water quality of surface waterbodies, sources of human or animal drinking-water, aquatic ecosystems, inanga spawning sites and inanga spawning habitat; <u>and the spawning sites of other native fish and valued introduced fish species</u></i> ”
Section 10.11	Maps	Support. Required to give effect to the plan Policies and Rules	Retain