

From: [Scott Pearson](#)
To: [Mailroom Mailbox](#)
Subject: Fish and Game Submission PC1
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Attachments: [image001.jpg](#)
[HWPC1 Submission May 2019.pdf](#)

Please find North Canterbury Fish and Game's submission attached.

We wish to present our submission at the hearing.

Kind Regards

Scott

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SUBMISSION ON THE PROPOSED HURUNUI WAIAMU PLAN CHANGE 1

Prepared under the Resource Management Act 1991

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This is a submission on the proposed Plan Change 1 "PC1" (as notified on 4 May 2019) of the Hurunui Waiau Regional River Plan (HWRRP).

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 and Game wish to be heard in support of our submission.

Preliminary

Fish and Game's submission is structured as follows:

- Background – North Canterbury Fish and Game's key roles under the Conservation Act.
- General submission of North Canterbury Fish and Game's position in regard to the proposed PC1;
- The specific provisions of the submission as set out using the same system of identifying numbers as that contained in PC1;
- The wording of relief sought shows new text as underlined and original text to be deleted as strikethrough.

INTRODUCTION

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.'*

General Submission on Variation 1

North Canterbury Fish and Game has provided the following submission in relation to notified Plan Change 1 and the associated S.32 report.

North Canterbury Fish and Game has been involved in the "10% rule" discussions since the plan became operative but decided to withdraw from all Hurunui Waiau Zone Committee processes in April 2018; in frustration at being side-lined and concerns over the legitimacy of this Zone Committee to represent the wider community of interest.

Fish and Game will oppose PC1 and the justifications for its adoption, in its current form. The items raised below in relation to PC1, are submitted to give effect to the purpose of the Act, give effect to the National Policy Statement for Freshwater Management (NPSFM), the Canterbury Regional Policy Statement 2013 (CRPS), the vision and principles of the Canterbury Water Management Strategy (CWMS) and adequately address the significant water quality and quantity issues the Hurunui Waiau Zone faces.

SUMMARY

Fish and Game recognises the nutrient allocation inequity facing dryland farmers in the Hurunui and Waiau Zone and wishes to see a genuine solution to the problem, provided there is a zero-sum game with respect to explicit or implicitly allocated nutrient loads and any associated direct or indirect management actions that affect sports fish and game values.

Fish and Game was active in seeking to find a more open collaborative solution to this problem through the former Nutrient Work Group (2015) before that was disbanded by the Zone Committee, without solid justification.

Unfortunately, the effectiveness of PC1 relies on the ability of a non-statutory agreement¹ in order to address the likely cumulative environmental, social, cultural and economic costs associated with this plan.

Fish and Game has serious concerns with the Zone Committee's primary mandate to alleviate the effects of HWRRP Rule 10.1 on land users, by transferring most of that burden back to the environment through the proposed provisions in PC1. If the "anticipated" offset agreement were to fail, PC1 could lead to an overall 28%+ increase in N allocation within the catchment since the Zone Committee's inception. Fish and Game also believes there is an understated assessment of dryland's potential phosphorus contribution, through more intensive activities. Evidenced by the limited scientific assessment and trend analysis of phosphorous loads, relative to HWRRP limits.

Fish and Game also has concerns about the minimal allocation adjustments PC1 relies upon.

These concerns are explained in more detail below.

NUTRIENT ALLOCATION

1. Fish and Game strongly disagrees with the way the nutrient accounting approach has been used by Canterbury Regional Council, in modelling an additional 38t/N/year source load, greater than the existing activity provisions (page 14, PC1 S32 Report). The Hurunui Science Stakeholder Group meetings and the nutrient allocation workshops that Fish and Game attended (before withdrawing our involvement), indicated a higher worst-case scenario from dryland farming of 70 t/N/year source load based on a higher-level desktop/catchment risk analysis. Yet no mention of this assessment is made in the S32 report in comparison to the irrigation collective accounting method which has been used – despite several stakeholders favouring the former approach; due to less potential bias from irrigation company modellers, who tend to present best-case scenarios and findings.
2. It is noted that the risk scenarios above were based on an assessment of increased winter grazing activity, however this approach assumed good management practices for winter grazing activity, which will not be enforced under an un-audited management plan (light system). Fish and Game note, using examples such as poor farming techniques in regions like Canterbury and Southland, that poor management of critical source areas and over-stocking can produce significant negative water quality effects, from just a few poorly performing farms. Making the conservative 50% "plausible worst-case" scenario risky, when applying a permitted activity rule framework.

¹ The wider HWRRP "Implementation Package" as detailed in the PC1 S.32 report Page 35.

3. In Fish and Game's opinion, the proposed 38t/N/per year source load offset is too low, given the Zone has been elevated to an "at risk" status since the HWRRP became operative, and the fact that many overallocation problems in Canterbury have occurred from underestimating the projected environmental effects.
4. The impression we have is that PC1 is being pushed through prior to expiry of the ECan Act 2010, before the offsets under the implementation package are legally binding, and before the previously scheduled 2018 load limits for the Waiau River are in place. Which is perhaps an indication of where priorities in this zone currently sit.
5. We therefore consider a higher Nitrogen in-river load offset is more appropriate to account for these significant risks; and believe the potential for Phosphorous (P) loss from intensified dryland activity has also been underestimated; particularly when using an unaudited management plan system.
6. It is noted, but poorly analysed in the scientific risk assessments and S32 report, that changing stocking type and stocking ratio is also a major factor in relation to nutrient source loads and the justification for dryland farmers wanting more than a 10% buffer. Fish and Game notes that winter grazing alone is not the only major variable affecting off-farm losses, when factors such as the market and climate will influence these losses and the plausible worst case scenario.
7. Fish and Game considers a 50 t/N/year "in-river-load" is a more appropriate precautionary and equitable level of allocation to provide the dryland farming community, if the 10% change cap is to be removed and a more permissive system adopted. This was the offset amount originally offered by Amuri Irrigation in the former Nutrient Working Group process, in contrast to the 18t/N/year in-river load being proposed in PC1.

MANAGEMENT PLANS

8. Fish and Game is supportive of dryland farmers adopting Good Management Practices (GMPs) through the development and application of management plans. However, there are some concerns with the suggested implementation and monitoring of these management plans (light) under proposed rule 10.1A. Under Plan Change 5, the management plans are subject to ECan "*reviewing the implementation of Management Plans for permitted farming activities*". The way PC1 is written, land users need only submit their plans to ECan on request. Given the management plans are not being audited, in the same way as Farm Environment Plans (under Plan Change 5), there is a very real concern that land users will not take the plans seriously, where no random on-farm compliance checking of plan implementation is to occur.
9. Fish and Game would therefore strongly request that any inclusion of the management plan provision affords ECan the ability to carry out random checks of management plan accuracy and implementation on-farm, given the "at risk" state of the zone and fully allocated N load situation. This is not intended to catch-out the majority of land users, but rather; to protect and encourage those farmers who do follow the rules, ensure a process of continuous improvement is achieved, and provide comprehensive protections to avoid the zone slipping into a "red" overallocated state.
10. The S32 report mentions the present lack of compliance with HWRRP, especially in regard to Overseer nutrient budget requirements, and while Fish and Game understands the difficult

circumstances surrounding this specific provision, there is the risk that Rule PC1 10.1A could also be given token weight, if the actual or perceived compliance and associated follow-up is also very light.

NEUTRAL IMPACT ON THE ENVIRONMENT

11. Fish and Game notes in the PC1 S32 report page 29 under the title Environmental, that “compared to the status quo (fully implemented), the proposed plan change is anticipated to have, at worst, a neutral impact on the environment.” We are concerned by the confidence expressed in this conclusion, given the permissive nature of this plan change and the tendency for modelling to “often” be incorrect.
12. Fish and Game is concerned with the lack of balance in reporting on the P load rolling averages in the zone. For example, a lot is made of the very wet year 2013/14 in the S32 report having caused an exceedance of the HWRRP Plan limit, but little is made of the three subsequent drought years in terms of the affect they would have on reducing catchment wide P discharges and the associated measured loads. More detailed analysis of the long term (rolling) average P load trend is required.
13. The S32 report also refers to the HWRRP Implementation Package being developed with key irrigation schemes in the Zone. What concerns Fish and Game is that the offset package is part of a wider mitigation package to avoid overdue irrigation consent minimum flow reviews; as intended to be implemented on Amuri Irrigation, under the operative HWRRP. It is not acceptable that the environmental trade-offs within this wider offset package are not being comprehensively considered within the S32 report. As effectively, the irrigation schemes are leveraging the dryland nutrient allocation “bail-out” with their own motivations to avoid tougher minimum flow restrictions.
14. Full disclosure and transparency are required, to indicate all the environmental costs and benefits of any integrated offset packages. The implementation package in its current form, would see significant delays in minimum flow implementation and effectively see the “intent” of the 2013 operative plan not fully implemented until 2026 – 13 years after its approval. This situation makes a mockery of the Canterbury Water Management Strategy and Schedule 1 process, and casts a shadow on the Hurunui Waiau Zone Committee actions.

THE COLLABORATIVE APPROACH

15. The S32 report makes several mentions of the collaborative approach that was used to develop PC1. The way this information is presented implies the collaborative approach successfully negotiated the hurdles associated with developing such a plan. However; little mention is made of the strong discontent by some of the significant stakeholders in regard to how this process and its outcomes were achieved. It is important that a more accurate portrayal of the process is provided and at least acknowledgement there were some major points of divergence between the Zone Committee and some environmental parties. Noting that a Declaration to the Environment Court has been made with respect to the “Advice Note” for the 10% Rule, and the fact that Fish and Game decided to withdraw partway through the more recent 10% rule workshops, and later withdraw from the entire Zone Committee process.
16. In regard to the Hurunui Waiau Zone Committee, North Canterbury Fish and Game does not currently recognise the legitimacy of this Zone Committee as a true representative of the community, given our experiences of the process and the biases it has created.

CONCLUSION

1. Under the currently notified PC1, the environment may end up being the vehicle used to absorb the impact of additional dryland farming development, if a more adequate N load offset is not formalised in the plan, and if better compliance measures are not implemented for minimising both N and P losses. Fish and Game is supportive of the concept of improving the nutrient equity situation for dryland farmers. Through the relief sought, we seek a more precautionary approach, so the unintended consequences of the 10% rule are not borne by the environment and the wider community.

PC1 Policies

1. Policy 5.3C – Oppose

- 1.1 Fish and Game opposes this Policy while it does not specifically recognise the higher order requirements to maintain water quality, through avoiding the “overallocation” of both nutrients and irrigation takes; the latter being indirectly associated with the wider implementation package.
- 1.2 The use of the word “small” in this policy is not supported, as it implies an insignificant amount. If you take account of dryland farming existing use (baseline N & P loss) and the projected growth, it is still significant in terms of catchment accounting and the prevention of overallocation.
- 1.3 **Relief sought**
Amend 5.3C to read:

To protect existing values, uses and the mauri of the Hurunui and Waiau Uwha Rivers and their tributaries from nutrient and water overallocation, while recognising the comparatively ~~small~~ lesser contribution of dryland farming to in-river nutrient concentrations by allowing for the continued operation of low intensity dryland farms without resource consent.

2. Rule 10.1 - Oppose

- 2.1 Fish and Game oppose the proposed exception of the use of land for Low Intensity Dryland Farming, while the requirement for a precautionary equivalent N load offset is not stipulated in PC1 provisions.
- 2.2 **Relief sought**
Add clause

e. That a precautionary equivalent in-river N load of 50 tonnes allocation has been legally transferred to offset the additional Nitrogen that may be discharged to water from increased low intensity dryland farming activities.

3. Rule 10.1A - Oppose

- 3.1 Fish and Game do not have confidence that Good Management Practices will be achieved by the majority of low intensity dryland farmers, unless the management plan process has some teeth. A “view only” approach in PC1, is likely to see many farmers not respecting this rule and ignoring or delaying the required on-farm actions. In our experience, permitted

activity rules suffer from a poor compliance/monitoring record, so the requested relief is designed to address this shortcoming using a “randomised” rather than “across the board” approach. The further stipulation that CRC will not retain copies of the management plans, adds additional weight to Fish and Game’s concerns.

3.2 Relief sought

Amend to read:

b. a Management Plan in accordance with Schedule 6 has been prepared and is implemented by [12 months after the plan change becomes operative in accordance with clause 20 of Schedule 1 of the RMA] and is supplied to the Canterbury Regional Council, on request, to be viewed ~~only~~ and used for random compliance check purposes as required by Canterbury Regional Council. The Canterbury Regional Council will not retain copies of the Management Plan unless it is necessary for remedying non-compliance.

Sincerely



Scott Pearson
North Canterbury Fish and Game Council
Environmental Advisor

29 May 2019