

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE CANTERBURY REGIONAL COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of Proposed Plan Change 7 to the Canterbury Land and
Water Regional Plan – Map B-C05 and Schedule 17
(Salmon Spawning Sites)

**JOINT MEMORANDUM OF COUNSEL REGARDING AGENDA FOR
AQUATIC ECOLOGY EXPERT WITNESS CONFERENCING
19 August 2020**

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MAY IT PLEASE THE HEARING COMMISSIONERS

- 1 This Joint Memorandum of Counsel is filed on behalf of the Canterbury Regional Council and The Isaac Conservation and Wildlife Trust (**Trust**) (together, the **Parties**).
- 2 This Memorandum follows the Joint Memorandum of Counsel filed on 11 August 2020 in which the Parties requested expert witness conferencing regarding the Salmon Spawning habitat identified within the Trust's landholding.
- 3 That request was approved by way of email correspondence from the Plan Hearings email address on 12 August 2020.
- 4 The Parties have been working together to prepare an agenda for the conferencing of aquatic ecology.
- 5 Accordingly, enclosed as Appendix 1 to this Joint Memorandum is the agenda for the aquatic ecology expert witness conferencing, scheduled to take place on the morning of 20 August 2020, by way of teleconference.
- 6 Counsel for the Trust wishes to record that the Parties are not agreed on the relevance of the following agenda item:
"Is it likely that small-scale restorative intervention (e.g. sand wanding) would alter any classifications applied at the present time?"
- 7 As such, Counsel for the Trust have agreed to its inclusion on the agenda but note, for clarity, there may be disagreement at the hearing as to its relevance to the relief sought by the Trust.

Dated this 19th day of August 2020



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P A C Maw / I F Edwards
Counsel for Canterbury Regional Council



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A C Limmer
Counsel for the Isaac Conservation and Wildlife Trust (Submitter 371)

Appendix 1 – Agenda for Aquatic Ecology Expert Witness Conferencing

AGENDA FOR EXPERT WITNESS CONFERENCING

Topic: Salmon spawning habitat within Isaac Conservation and Wildlife Trust (ICWT) land

Date: 20th August 2020

Location: Virtual online meeting

Attendances:

- Jarred Arthur (Canterbury Regional Council)
- Shelley McMurtrie (EOS Ecology on behalf of ICWT)

Introductions:

- Acknowledging Environment Court Practice Note – 7.1 Code of Conduct for Expert Witnesses and Appendix 3 Protocol for Expert Witness Conferences.

Topics for discussion:

- Are there any historic records of salmon (or trout) spawning within the waterways of the Trust's land?
- Apart from Ms McMurtrie's recent survey, are there any other "ground-truthed" assessments available as to where salmon spawning habitat exists within the boundaries of the Trust's property?
- With reference to Ms McMurtrie's recent survey, is the use of four suitability categories (being "marginal", "poor", "good" and "fair") appropriate?
- Is there agreement on what constitutes "marginal", "poor", "good" and "fair" salmon spawning habitat?
- With reference to those categories, do the experts agree:
 - Habitat classified as "marginal" or "poor" is unsuitable for salmon spawning?; and
 - Habitat classified as "good" or "fair" could potentially support salmon spawning?
- Is it likely that natural flow fluctuations would alter any classifications applied at the present time?
- Is it likely that small-scale restorative intervention (e.g. sand wanding) would alter any classifications applied at the present time?

- Is the final classification of 'salmon spawning habitat' given by Ms McMurtrie in her evidence appropriate?
 - A map will be annexed to the JWS which illustrates the differences between Ms McMurtrie's evidence and the s42A Report (based on the map annexed to the s42A report, Appendix E Part 2 Officer Recommendations, Map 2 Series PC7).
- Would a site visit be helpful?
- Any other matters?