

**Submission on RMA Consent Applications by Lindis Catchment Group
Incorporated: Ref RM 17.31**

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1. Nature of Submission

The Clutha Fisheries Trust ("the Trust") opposes the Lindis Catchment Group consent applications

2. Hearing

The Trust wishes to be heard in support of this submission. We will consider presenting a joint case with others making similar submissions

3. Specific Parts of the Application that the Trust's submissions relate to

These submissions relate to all the Lindis Catchment Group applications

4. Background

The Clutha Fisheries Trust is a Charitable Trust established in April 1992. The Trust's primary objective is defined in the Trust Deed as:

"To establish, maintain and enhance primarily the sports fisheries values and secondly the conservation values of the waters of the Clutha Catchment for the benefit of the people of New Zealand in recognition of the effects of the Clyde Dam development."

While the Trust operates throughout the Clutha Catchment it has a particular focus on the waters directly affected by or closely connected with the Clyde Dam including Lake Dunstan, the Kawarau River, the Clutha River above Lake Dunstan, and tributary streams including the Lindis River.

The Trust has had significant experience of the Lindis River and its aquatic and recreational values through field work including:

- Support for Otago Fish and Game Council fisheries research (electric fishing, fish tagging and monitoring)
- Spawning run monitoring
- Aerial assessment of river flows at different flow levels.
- Assessment of water temperatures in the Lindis River

- Lower river bird surveys
- Assessment of recreational camping during summer

The Trust also has considerable experience of fisheries and wildlife values in Lake Dunstan and the Upper Clutha River and has supported University of Otago research on the lake ecosystem and on fish movement in the upper catchment amongst other things.

4. The reasons for our submission are:

a) Sports fisheries values

Lake Dunstan and the Upper Clutha River sustain a very significant recreational fishery for both brown and rainbow trout and to a lesser extent salmon. These fisheries are wild and self-sustaining by natural spawning, rearing and recruitment. Spawning and rearing occurs within the catchment where water depths and velocities are suitable and smaller tributaries provide an important component of the natural spawning facilities.

The overall resilience of a fishery comes from a diversity of spawning and rearing locations within the catchment so that the risks from natural events such as floods or droughts are spread.

The Lindis is a high value spawning and rearing water except that its full potential is seriously limited by depleted flows, fish stranding and mortalities and barriers to outmigration of juvenile trout when disconnection occurs.

The Lindis is also a small stream trout fishery in its own right and improved river flows will restore adult habitat in presently depleted reaches.

b) Native fish habitat values

The Lindis provides habitat for a range of native fish including rare non-migratory galaxiids, bullies and eels. Bullies are common in the mainstem and suffer heavy mortalities under the present flow regime. Longfin eels are also regularly found in the river even though the Roxburgh and Clyde Dam presently deny upstream access to this species. However Contact Energy have obligations under RMA consents to provide upstream passage for eels past Clutha dams so, with restored flows, the river is expected to be a more important eel habitat in the future.

c) Wildlife habitat

Trust staff have been involved in wildlife and wading bird surveys on the lower Lindis downstream of the Lindis Crossing bridge. The river in that reach is more mobile than the single thread mainstem upstream and the river, when flows allow, is braided in character.

Both black fronted terns (nationally endangered), black-billed gulls (nationally critical) and pied stilts (declining) have been observed there during summer. Nests and chicks have been observed along with breeding behaviour.

Flows need to be increased to restore water- bird habitats in the lower reaches including braided characteristics, below Lindis Crossing.

d) Recreational Amenity

Even under the present flow regime the Lindis is popular for outdoor recreation over summer for activities including camping, picnicking, swimming and fishing. The river's relatively small size provides a safe alternative for family recreation involving children who often build boulder dams in the riverbed.

Depleted summer low flows limit the river's recreational potential. Downstream of the Crossing camping opportunities are lost when the river dries up.

e) Life Supporting Capacity of the River

Under the present depleted flow regime river ecosystem functioning is first degraded and then lost altogether as the river flow drops over summer and eventually ceases altogether in some reaches.

In the Trust's view this is a failure in environmental management. Rivers should flow and connect and even during summer low flow periods should be able to sustain aquatic life and be seen to be in a healthy state

Sufficient flow must be restored to the river to maintain it in a healthy state and to limit high water temperature and high nutrient levels.

f) Natural Character and Landscape Values

The routine loss of flow in the Lindis River in its lower reaches over summer diminishes landscape values. Historic over-allocation has made dry river beds and stagnant isolated pools all too common a sight in Central Otago. The setting of a minimum flow for the river needs to restore the Lindis as a landscape feature within the valley.

g) Minimum Flow Decision

The ORC decision on a minimum flow for the Lindis River is under appeal to the Environment Court by Lindis Catchment Group. That decision determined that a summer minimum flow of 900 l/s at Ardour recorder was required to provide for connectivity, life supporting capacity and natural character. But that decision has been compromised by an agreement reached through mediation by ORC and LGC on a lower minimum flow figure of 550 l/s on the basis of the management of residual flows in the main-stem.

The Commissioners adjudicating on Plan Change 5A found that all minimum flows below 900 l/s failed to adequately safeguard life-supporting capacity and natural character, particularly of the lower braided section of the river below SH8. This is the key section of the river, constituting a "bottleneck" to fish passage, prone to drying in summer, posing risks to both fish and water-bird habitat and to the natural braided nature of the river channel in this reach of the river.

At Environment Court mediation the joint witnesses (see Joint Witness Statement 'B' in the appendices attached to this consent application) agreed that at inflows of 1396 l/s into the river reach between the Cluden confluence and the Clutha confluence (such flows can occur for much of the summer/autumn low-flow period), a 550l/s minimum flow fails to provide as much safeguard to life-supporting capacity and natural character as a minimum flow of 900 l/s (in effect confirming the Commissioner's findings).

Comparison of the 550 l/s minimum plus residuals with the original 900 l/s without inclusion of residuals is in our view not realistic. While CFT supports the direct referral of LCG consents to the Environment Court, to be heard concurrently with the above minimum flow appeal, it is important that the minimum flow be settled first and then decisions on consents and conditions can be made which are consistent with and supportive of that higher level policy.

h) Supporting information

Supporting information provided with the consent applications is insufficient or deserves clarification in some areas, e.g. irrigation demand figures have been used which may not be appropriate for the Lindis catchment.

5. Decision Sought

The Trust wishes to see:

- a) Residual flow conditions set on all water takes (including takes from tributary streams), whether they relate to existing race takes or new gallery intakes that support a minimum flow of 900 litres per second at Argdour flow recorder and provide for a meaningful connecting flow in the lower reaches through to the confluence with the Clutha. River flows need to maintain side braids in the braided lower reaches for fish and insect life and to provide a barrier to terrestrial predators.
- b) Installation of fish screens on all takes and maintenance of adequate flows for upstream and downstream fish passage.
- c) Limit water allocated by these consents to irrigated areas within the Lindis catchment.
- d) Annual and monthly limits to be set on all water takes, as well as instantaneous limits.
- e) Consent conditions providing for flushing flows to facilitate flow variability during times of low flow.
- f) Any additional, consequential, or other relief which will address the concerns as set out in this submission.

12 January 2018

JM Neilson Date
Trustee
On behalf of Clutha Fisheries Trust

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