

Before the Wellington Regional Council
Commissioners

In the matter of The Resource Management Act 1991

And The proposed Wellington Natural Resources Regional Plan

STATEMENT OF EVIDENCE OF PETER WILSON FOR

Wellington Fish and Game Council

Dated 13 September 2017

Counsel instructed

For the Wellington Fish and Game Council:
Sarah Ongley
Barrister
PO Box 8213
New Plymouth
Telephone: 06 7699400
Email: sarah@ongley.co.nz

QUALIFICATIONS AND EXPERIENCE

1. My name is Peter Gordon Wilson. I am a resource management planner, holding the degrees of Master of Planning and Bachelor of Science (Physical Geography) from the University of Otago.
2. I have worked as a planner for twelve years, previously as a statutory planner with the Department of Conservation in Southland, with the Waitaki District Council, as an environmental officer with the Otago Fish and Game Council, based out of Dunedin, and most recently as senior environmental planner with the Wellington Fish and Game Council, based out of Palmerston North.
3. I have ten years' experience in planning for water quantity and quality. However I am presenting this evidence as a representative of the Wellington Fish and Game Council and not as an expert.
4. In preparing this evidence I have reviewed the:
 - a) The proposed Wellington Natural Resources Regional Plan ("the plan");
 - b) The Wellington Fish and Game Council's submissions on the plan;
 - c) s42a Officers reports from the Wellington Regional Council; and
 - d) The evidence of Mr Phillip Percy on behalf of Rangitāne, the Department of Conservation and the Wellington Fish and Game Council.

OVERVIEW OF SUBMISSION

5. This brief of evidence covers the following topics:
 - a. The interests of the Wellington Fish and Game Council.
 - b. An overview of Fish and Game's submission on the plan topics discussed at this hearing.
 - c. Clarification and addition to the matters raised in Mr Phillip Percy's evidence.

THE WELLINGTON FISH AND GAME COUNCIL

6. The statutory Sports Fish and Game Management Plans of Fish and Game must be "had regard to" under s66(2)(c)(i) of the Act.¹ Under "Water Quantity", for the habitat of trout the Wellington Fish and Game Management Plan (2005) states:

¹ Because it is a management plan/strategy prepared under another Act.

“Trout in streams and rivers need sufficient flow to thrive. At its most basic, this means enough water for fish passage, to be able to actually swim along the stream. But trout habitat requires much more than just fish passage, there needs to be a sufficient range of depths and velocities to sustain both food production systems and the various growth stages of trout.

Ideal trout streams consist of a succession of runs, riffles and pools.”

7. The protection of these features is specified in section 7(h) of the Resource Management Act 1991. Those administering the Act must have “particular regard” to the protection of the habitat of trout (noting that salmon is not present in this Region).
8. Many large rivers in the Region are recognised as offering important trout habitat and having significant recreational values. Mr Canning will present evidence at Hearing Stream 5 for the Wellington Fish and Game Council on important trout fishery rivers and spawning waters in the Wellington Region. Trout spawning reaches are particularly important habitat because they are sources of recruitment for the trout fishery.
9. Policies and methods relating to natural character, hydrological variability, core allocations and minimum flows should have regard to the need to protect the habitat of trout and recreational angling values.

WELLINGTON FISH AND GAME COUNCIL’S SUBMISSION

10. Fish and Game has sought the following matters in our submission (bold/italicised).

Minimum flows should not exceed 70% of natural MALF and core allocation should not exceed 30% of the natural MALF.

Supplementary takes not cause a departure from the natural hydrological regime.

Allocation should not cause the river to flatline or reduce hydrological variability.

11. The allocation limits for each river are found within Tables 7.3-7.5, along with the default rules of 90% of MALF. This is consistent with the draft National Environmental Standard on Ecological Flow Setting (2008). I consider that the draft NES and its companion document is a matter for the Panel to consider, as it is a comprehensive reference on approaches and methods for setting flow regimes.

12. Under the recommendations of the draft NES, flow setting defaults to 80% of MALF (rivers with a median flow of above 5 cumecs) or 90% of MALF (rivers with a median flow of below 5 cumecs) in the absence of more detailed fisheries information.
13. Once more detailed fisheries information is known, the percentage of available habitat at MALF is traditionally used as a flow setting measure instead, for various stages of life cycles of modelled species. The ecological modelling required to inform this flow setting exercise is detailed and has not yet been undertaken.
14. Fish and Game's relief to set all minimum flows at a level *no lower* than 70% of MALF is met by the default policy in the plan of 90% of MALF.
15. On core allocation, the 30% relief in Fish and Game's submission is again based on the default draft NES recommendations for smaller rivers. However Greater Wellington (Thompson and Mirza, 2015) recommend a more nuanced approach – up to 50% of MALF for primary allocation in large rivers, and 20% in smaller rivers, and variations in between for individual rivers based on analysis for individual rivers.
16. Mr Thompson's s42A report produced for this hearing provides further clarification on the effects of this allocation on rivers - using modified hydrographs on a selection of rivers - that show the effect of core – or primary – allocation on rivers if fully utilised. The modelled flow regime does not appear to show anything that in my opinion would negatively affect the species and values that Fish and Game manages.

New/existing water takes reduced to meet the water quantity numerical freshwater objectives in Tables 3.4 and 3.6 including minimum flows, protection of hydrological variability and core allocations.

17. The minimum flows, levels, and allocation regimes contained in Tables 7.1 - 7.5 of the plan are appropriate and consistent with the fishery status of the Wairarapa, in the absence of more detailed studies to inform flow setting.
18. Fish and Game no longer seeks the component of our relief within Tale 3.4 that requests a hydrological variability narrative, provided that the other relief Fish and Game is seeking in relation to hydrological variability is accepted.²

² In particular, under P117 "*Supplementary allocation amounts at flows above the median flow*".

19. Fish and Game still seeks the component of our relief within Table 3.4 that relates to natural character and processes defined through the habitat quality index (HQI). Professor Death has provided the technical evidence on this point, with Ms Lucy Cooper outlining the planning approach.

Amendments to policies - including that water saving measures are undertaken before minimum flows are reached, water storage during high flows is considered

20. The plan already puts in place a default regime for supplementary allocation at high flows which gives effect to part of Fish and Game's relief above.
21. The issue of "water saving measures", flow management, sharing, or rationing on the falling arm of a hydrograph but whilst the river is still above the minimum flow is complex and worthy of further discussion. I have addressed this element of Fish and Game's relief below in my evidence under the overall concept of collective catchment management.

Delete provisions allowing takes below minimum flow for stock

22. Fish and Game's relief on taking of water below minimum flow has been addressed in the evidence of Mr Percy and submission of Ms Ongley.

Amendments to Schedule Q including more definition as to what is meant by efficient (including technical efficiency),

23. Mr Percy has provided Fish and Game's position on this matter.

ADDITION TO THE MATTERS RAISED IN MR PERCY'S EVIDENCE

Flow setting

24. I have assessed the proposed minimum flow and allocation regimes on the basis of risk to the fishery values they support, using the ecological principle that MALF sets a natural bottleneck for species and forms the baseline for which to begin assessments against. I consider that from a risk to fishery perspective, that the flow regimes proposed in this plan are appropriate, as they fall within a range of 70%-120% of MALF. I do note that the minimum flows within the largest river – the Ruamahanga – is below 70% of MALF. From a fishery perspective, any further reduction in this would be risky. It is at the bottom end of the acceptable range.

25. I understand that these flow regimes are on an interim basis, and may be amended by future plan changes following on from the work of the whitua. I support them on this basis. Given that the setting of flow regimes requires in-depth study and analysis for each catchment and sub-catchment, it is not appropriate to give evidence on that at this time. However I consider that this plan is deficient in that it does not provide advice on values, quantities, or processes that must be considered or undertaken when flow-setting. Mr Percy has provided planning recommendations on rectifying this.

Other flow-related matters

26. Mr Percy has addressed many flow matters on behalf of Fish and Game in his evidence. There are several additional matters which I wish to address:

Sinking lid core allocation and unused water in existing consents

27. Policy P116 states:

“Water that becomes available from resource consents that are surrendered, lapsed, cancelled or not replaced, and by existing resource consents that are replaced for a lesser amount shall not be reallocated if the core allocation identified in Rules R.R1, WH.R1 and K.R1 in the whitua chapters of the Plan (chapters 7, 8 and 10) is exceeded.”

28. I understand that this is intended to create a ‘sinking lid’ on core allocation. To be effective there would need to be standard clauses placed on consents that require use or surrendering. I agree with section 579 of Ms Hammond’s advice which suggests changes to P119 that indicate that that the definition of “unused water” will apply to new consent, but there has to be a programme of consent review and application of “use it or lose it’ provision in order to apply it. Ms Hammond states that unused water allocations would be ‘re-allocated to the natural environment’ under Policy 116 in catchments that are fully allocated.³ However, Policy 116 only applies to resource consents that are “*surrendered, lapsed, cancelled or not replaced*”.

29. The lapse period would not necessarily apply to the portion of water that is not used.

³ Section 42A Hearing Report “Water Allocation” 4 August 2017 at [580].

30. I suggest changes so that Policy 116 also refers to *reviews* of consents where water is not used. The mechanism for achieving such reviews would be under s128 of the Act.
31. Ms Cooper recommended some changes to Policies P5 and P6 following Hearing Stream 1.⁴ These policies relate to reviews of existing consents, and synchronised review and expiry dates. I recommend some minor alterations to Ms Cooper's version on behalf of Fish and Game, as set out in the Schedule to my evidence.

Supplementary allocation

32. Section 387 of Ms Hammond's evidence recommends changes to Policy 117 to set default limits on supplementary allocation based on river size. I support the principle of what is trying to be achieved through these limits, however I note that the plan does not define any system or process to enact these limit, leaving the application of Policy 117 up to staff discretion.
33. In my opinion, any supplementary allocation system must address the following matters:
- a. A process to identify and enact river specific 'trigger' flows to enable supplementary taking.
 - b. A process to identify and enact river specific maximum flows to give effect to the limits in Policy 117.
 - c. How matters of timing, and upstream or downstream distance from a measuring flow recorder are handled.
 - d. How hydrological variability, including that created by climate change, is addressed.
34. I note that Greater Wellington staff discussed the potential for a block allocation system⁵ for supplementary water but rejected it on the basis of complexity. I consider that this may need to be readdressed, as block allocation systems provide an element of certainty and fairness that the existing proposed system does not provide.

⁴ In Ms Cooper's Response to "Review of the Objectives of the Proposed Natural Resources Plan: A Report for Greater Wellington" 28 July 2017.

⁵ Mike Thompson Memo to McLea 14 April 2015 "*cap and step allocation regimes ... have some merit but could be complex to administer and introduce when 'block' allocation has not been a feature of GWRC water management in the past.*

Collective catchment management

35. Collective catchment management is the term I used to describe how a community entity, such as a group of irrigators might form a structure to collectively manage, monitor, ration, or share water within a catchment or a sub-catchment within the overall limits set by a plan or individual consents.
36. Collective catchment management structures form a useful middle layer between the regional council as a regulator and the individual consent holder. Usually the group is called a water allocation committee (or similar) and they serve to build cohesion amongst water users, provide for a means to ration or share water during dry times, and critically, provide an easy point of contact between the regulator/s, and other groups, and the water users themselves.
37. I do not consider the encouragement and creation of collective water management structures, including water allocation committees to be in conflict with any objectives or policies within this plan. I suggest an addition to Policy P1 and an addition to method 18. These suggestions are set out in the Schedule to my evidence.

General Terminology

38. I consider that it is appropriate to use the term “water quantity allocation” wherever possible instead of “water allocation”, as future plan changes address water quality matters the distinction will be necessary.
39. Anticipating this, I consider that it might be necessary to remove the term “core allocation” and replace that with “primary water allocation”.

Peter Gordon Wilson
Senior Environmental Planner
Wellington Fish and Game Council
13 September 2017

Schedule to the Evidence of Mr Peter Wilson, Hearing Stream 3: Marked-up plan changes

Relevant Provisions	Proposed Changes (Ms Hammond's s42A)	Relief sought
<p>Policy P1 – Ki uta ki tai and integrated catchment management</p>	<p>None</p>	<p>Policy P1: Ki uta ki tai and integrated catchment management</p> <p>Land and water resources will be managed recognising ki uta ki tai by using the principles of integrated catchment management. These principles include:</p> <ul style="list-style-type: none"> (a) decision-making using the catchment as the spatial unit, and (b) applying an adaptive management approach to take into account the dynamic nature and processes of catchments, and (c) coordinated management, with decisions based on best available information, and (d) taking into account the connected nature of resources and natural processes within a catchment, and (e) recognising links between environmental, social, cultural and economic sustainability of the catchment, and (f) <u>Encouraging and enabling collective catchment management structures.</u> <p><u>Addition to Method 18:</u></p> <p><u>Water users, including irrigators, will be encouraged to form water allocation committees in order to provide a structure for the collective management of water, such as rationing, sharing, monitoring, and measuring water quantity and quality, and to build cohesion amongst water users.</u></p>

<p>Policy P5 – Reasonable and efficient use of water</p> <p>Policy P6 – Synchronised expiry and review dates</p> <p>P116 - Reallocating water</p>	<p>No changes to Policy P5</p> <p>Policy P116: Reallocating water</p> <p>Water that becomes available from resource consents that are surrendered, lapsed, cancelled or not replaced, and by existing resource consents that are replaced for a lesser amount shall not be reallocated if the core-allocation allocation amount identified in Rules R.R1, WH.R1 and K.R1 in the whatua chapters of the Plan (chapters 7, 8 and 10) is exceeded.</p>	<p>Policy P5: Review of existing consents</p> <p><i>The conditions of existing resource consents to discharge contaminants to fresh water or coastal water, and to take and use water, may be reviewed pursuant to section 128 of the Resource Management Act 1991, or in respect of future changes to the Plan. <u>The Regional Council will generally initiate reviews of consent conditions:</u></i></p> <p><i>(a) <u>when monitoring results or other evidence demonstrate a review is required; or</u></i></p> <p><i>(b) <u>under s68(7) of the Act where the affected resource within a whatua or sub-catchment is fully allocated or over-allocated, and existing consents contravene rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality.</u></i></p> <p>Policy P6: Synchronised expiry and review dates:</p> <p><i>Where Rresource consents <u>are granted they will generally may be granted with a common expiry or review date within a whatua or sub-catchment, if to ensure:</u></i></p> <p><i>(a) <u>the affected resource is fully allocated or over-allocated of resources is avoided and existing over-allocation is phased out; or</u></i></p> <p><i>(b) <u>the exercise of the resource consent may <u>does not impede the ability to implement an integrated solution approach to manage water quality, quantity or habitat within that whatua or sub-catchment.</u></u></i></p> <p>Policy P116: Reallocating water</p> <p>Water that becomes available from resource consents that are surrendered, lapsed, cancelled or not replaced, <u>reviewed</u>, and by existing resource consents that are replaced for a lesser amount shall not be reallocated if the core-allocation allocation amount identified in Rules R.R1, WH.R1 and K.R1 in the whatua chapters of the Plan (chapters 7, 8 and 10) is exceeded</p>
---	--	---