

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 17 Eye Street, Invercargill on Thursday 12th August 2021.

Present: Lindsay Withington (Chair) Craig Horrell (via zoom)
 Dave Harris David MacGregor
 Mike Hartstonge Lyndon Norman
 Bevan McNaughton Paul Stenning
 Richard Crean

In attendance: Zane Moss (Manager) **Members of the public.**
 J Smyth (RMA officer) Len Prentice
 C Mason (Minutes). David Linklater.

The Country was currently at Alert level 1 of the COVID-19 pandemic restrictions.

Welcome

The Chairman opened the meeting at 6.05pm & welcomed those present.
The Chairman showed where the exits were should an emergency occur and the assembly point, being the car park.

1 Apologies:

Resolved McNaughton/Hartstonge that apologies be received and accepted from Cory Carston and Chris Owen. Carried.

2 Declarations of Interest:

The individual member declaration of conflicts of interest with any item on the agenda had been circulated to members before the start of the meeting.
Craig Horrell (via zoom) noted farming could be a conflict of interest to him.
Conflicts were noted by the Chairman.

3 Confirmation of Minutes.

The minutes of the public meeting held 10th June 2021 and the Council extraordinary meeting (by zoom) minutes of the 26th July 2021 were considered.

Resolved Crean/Stenning that the minutes of the Public meeting held 10th June 2021 were a true and correct record. Carried.

Resolved McNaughton/Harris that the minutes of the Council extraordinary meeting held 26th July 2021 were a true and correct record. Carried.

4. Notices of Motion

a) Health & Safety Report to 31st July 2021.

The Council health & safety report for the period 1st June to 31st July 2021 was attached to the agenda for consideration.

A minor staff incident was reported.

All known hazards were listed in the Southland Health & Safety Plan.

Resolved Withington/MacGregor that the Health & Safety Report to 31st July 2021, be received & accepted. Carried.

5. Public Forum:

David Linklater:

Mr Linklater had prior to the meeting circulated to Councillors a letter voicing his concerns that Fish & Game were “not opposed to” the commercial rafting venture application to the Southland District Council in the Lower Waiau catchment. He believed it was a sell-out of the rights of anglers to speak, clearly demonstrated by the Maitara rafting venture application, in his view. He had asked that F&G withdraw the letter of “no opposition” to the Waiau venture and replace it with a letter asking for public notification of the consent.

Further to that letter he had also circulated to Council, prior to the meeting, explanatory notes to the Maitara rafting issue and the effect that Fish & Game’s “no opposition” had on licence holders rights to be heard. He believed that the way the RMA worked put enormous power in the hands of the administrators.

He now spoke to the Council of his concerns that Fish & Game had not acted in the interest of licence holders and their right to speak. He noted the Waiau consent had been signed off by the Southland District Council yesterday, so was now irrelevant. He referred to the Maitara rafting issue and the fact that Fish and Game did not oppose it when there were many anglers against it, and they did not get any say at all. He asked that in future Fish and Game talk to the anglers first before giving “no opposition”.

Cr Hartstonge clarified that Fish & Game did not give approval to the Maitara rafting application rather Council had no legal grounds to oppose it. You had to have legal grounds, that met the threshold to go against it and we did not have that. Opposing the application would not have succeeded under the RMA.

Jacob Smith gave a background to the Maitara application Mr Linklater referred to and the two issues involved. One being the notification of consents – two applications were made, one to the Gore District Council and one to the Southland District Council. The litigation related only to the decision of the Gore District Council. The matter was not put out to public notification, so the public was unable to make a submission. The Council then had to determine whether the effects were more than minor with respect to the activity. There were two Court decisions in relation to the matter, (High Court & the Court of Appeal, both of which were unsuccessful), an argument was raised that effectively the Council had not considered anglers because Fish & Game had provided “no opposition”. Both Court decisions were that the GDC based its decision on sufficient information to determine that the effects were minor, and that the written “no opposition” from Fish & Game was immaterial. The Court of Appeal Judge noted that in terms of effects on amenity values what needed to be considered was the qualities and characteristics of an area that contributed to people’s appreciation of the recreational values, and it was not necessary to consider the subjective views of anglers to assess the effects of the application. Philosophical opposition of anglers to commercial usage of a fishery, was not a relevant consideration. The reality was that Fish and Game did not have any ability to make that determination itself.

Fish and Game did ask the Southland District Council to make the application in relation to the Upper Maitara, publicly notified. However, SDC decided not to do so. In respect to the lower river there was only one angler who raised an issue with the Council on behalf of the Wyndham Anglers.

The second issue in relation to written approval was that for Fish and Game to provide no approval, we must provide evidence in respect to environmental effects. What we have learned through the Oreti Cycleway decision was that to oppose a decision based on amenity values required a comprehensive and costly case, including expert witnesses, such as landscape architects to demonstrate a discernible effect of amenity values.

The reality is we cannot oppose commercialisation consents based on a philosophical viewpoint. We need to look at these from an effects point of view and regarding the lower Waiau application staff had spent many hours working with the applicant to come up with a proposal to address the effects of the activity, including conditions to minimise conflict with bank-based anglers.

The Manager added that if we had opposed the application in a blanket fashion, the applicant, as of right, could have applied for his application in its entirety, which included other fisheries as well, and would likely have been granted by Southland District Council, despite our opposition, which would have had higher impacts on those other fisheries as well as a high risk that we would lose the concessions/gains made through the process of discussions with the applicant. There were already existing commercial activities on the Waiau, and our opposition would have been extremely unlikely to be successful and wouldn't have caused SDC to publicly notify it at all.

The Chairman noted that the Council had acted to get the best result possible, in the best interest of anglers, out of the options available. He thanked the Staff involved for the work they had done in the Waiau application to get the best result possible under the rules that we follow.

Mr Linklater reiterated that the Council could have done better in his view.

Mr Linklater then left the meeting (6.25pm).

6. Council Information Reports:

Staff Report:

The staff report was attached to the agenda and taken as read.

Muddy Creek – Lower Monowai River.

Muddy Creek historically had been an important brown trout spawning creek of the Monowai River. However, after channel maintenance years ago the bed was lowered creating a waterfall barrier on Muddy Creek. eDNA sampling by Staff upstream had found some DNA of trout above the rock barrier, but in very low numbers. Some rock had been added with an existing Resource Consent and Fish and Game will now work with the landowner to see if more rock work can be added to help with easier fish passage during spawning time.

Opening Weekend Game 2021.

The opening weekend average bag was 15 mallards, similar to last season, and good by historic numbers. Ducks presently will be going into the breeding season with plenty of protein and surface water about, which bodes well for next season numbers.

Trout/non-native fish interactions.

One of the big issues for our organisation is to show the value of our sports fish. Non-native fish can be a great food source to native species (eels & birds). To help highlight the value of non-native species Staff are planning a study which investigates the importance of juvenile perch in the diet of long finned eels in the Rakatu & Redcliff wetland complex. This study hopes to provide us with an opportunity to showcase the habitat value of our wetlands. This will be a nationally significant study.

Waituna wetlands development.

Funding for this project is nearly in place. An MoU with Ngai Tahu for the wetland development work will be completed when confirmed.

DNA from different species can now be determined by eDNA water sampling. This was used at Muddy Creek to determine if trout were upstream of the waterfall and will also be used for baseline data at the Waituna wetland development.

The Waituna wetland development will also link into the work that we have completed on habitat eel biomass in artificial wetlands. Jacob noted that the research completed by Staff in Southland and successfully published, after robust peer review, which gave great credence to the work here in Southland by the Staff. Southland has published a lot more scientific papers than other regions. The development of the four wetlands at Waituna (40ha) had promotional & many other mutual benefits for Fish & Game & Iwi.

Mataura Conservation Order: Water allocation.

Staff attended a meeting with representatives from ES who had initiated a project to investigate how to claw back irrigation water from the Mataura with the acknowledgement it had been over allocated in respect to the Mataura Conservation Order.

Pressure sensitive fisheries.

Backcountry angler survey – Upper Oreti. This survey in mid-June 2021 was to assess angler use & satisfaction on the Upper Oreti River, with many anglers enjoying the less pressure/crowding compared to other seasons. The results of the survey were in the staff report.

Upper Oreti – Staff have produced a report outlining the key results of the angler use monitoring on the Upper Oreti during the 18/19 & 20/21 seasons. The report will be used in management decisions on the fishery.

R3 – New/lapsed angler survey

The 20/21 fishing season saw a significant uptake in fishing by new or long term lapsed anglers. To understand why that happened staff undertook a new/reactivated angler email survey. The survey sought to determine what the motivation was to participate this season, what they valued about trout fishing, where they went and how successful they were and how could Fish & Game help them. 70% of new anglers were satisfied or very satisfied with the experience. The main reason for dissatisfaction was lack of success. The key findings from the survey were in the staff report.

Environment Southland Community Awards:

As part of the ES Community awards the Southland Fish & Game Council is sponsoring an award called *“Environmental Action in Water Quality Improvement”*. The Award was to recognise individuals, groups, businesses, or farms that were taking action to improve water quality within Southland, relating to wetlands, estuaries, rivers, streams & lakes.

Waituna Lagoon – East end sanctuary:

A question had been raised at previous meetings by Councillors regarding the status of game bird hunting on the area of Waituna Lagoon situated east of its confluence with “Little Waituna”.

Staff had ascertained by searching past records that any game hunting exclusion in relation to the area, while always accepted, was not formally established as a no hunting area. However, game bird hunting within the Waituna wetland area was controlled by DOC through the issue of hunting permits and on their permit map for the Waituna area it showed the small east end falling outside of the permitted hunting area.

Cr Norman suggested signage should be put up from a safety point of view saying hunting not permitted, as the road is very close to the area. However other Councillors noted that firearms safety was covered under the Arms Act. It was also suggested that F&G approach DOC to put up a large sign showing the area was excluded from gamebird hunting as per their map.

After discussion it was decided that Fish & Game leaves things as the status quo, as seeking to diminish hunter opportunity formally without justifiable reason was incompatible with our statutory function to enhance the game resource in the recreational interests of hunters.

Administration Reports

The accounts paid, direct credit/debit list and automatic payments since the last meeting, correspondence reports, licence sale progress to 31st July 2021, Budget to Actual progress to 31 July 2021, were attached to the agenda for Council's consideration.

It was noted the Clinton & Worsley ballot system would be reviewed at the next Angler notice review.

7. NZ Council Update:

Cr Harris updated the Council on items from the last NZC meetings:

- Acting CE had been appointed – Dianna Taylor was now onboard.
- At June meeting Ministerial Review was discussed.
- A Submission was sent in reply to Minister, being a summation of views from all F&G regions & NZC.
- After consultation with regions NZC approved a licence fee increase 21/22.- FWA \$137 & GWA \$100 (includes GBHST).
- Change freeze policy discussed – possible amalgamations required further investigation.

A subsequent zoom meeting was also held to discuss NC & CSI regions application for funding for a card for salmon anglers to record catches for the season. A season bag limit of 2 salmon was introduced this year. The funding for the card was approved by NZC. This season anglers had to apply for a Salmon licence, like the backcountry licence, at no cost this season. However, there could be a fee next season for the salmon licence.

Nelson /Marlborough Region applied for funding from the RMA legal fund and \$40,000 was approved for that.

From the Public excluded session, a motion was passed that *NZC rescinds its November 2020 decision and supported DOC's option 2A that commercial game preserves continue to operate per Ministerial Notice and that pheasants are deemed wildlife in areas designated by this notice, and game in all other areas.* The motion was carried.

The Manager reported that the Minister had replied to NZC accepting the recommendations from the NZC submission that the amalgamation of regions be slowed down until a study was completed on the appropriateness and benefits of any regional amalgamations and other options e.g. boundary changes.

Cr Withington reported that he had a zoom meeting with regional Chairs where there were some very diverse views on how our organisation should be run.

8. Minutes of the Public Excluded meeting held 10th June 2021

Resolved Harris/McGregor that the minutes of the Public excluded meeting held on the 10th June 2021 were taken as read and were a true and accurate record. Carried.

8. Retiring Councillor – Paul Stenning.

The Chairman took this opportunity to thank Cr. Paul Stenning for his valuable contribution around the Council table since 1999. His common sense and practical approach had been invaluable along with his expansive knowledge. Cr Stenning was not standing for election again, and the Council wished him well in his retirement from the Council.

There were no items for the next meeting agenda.

There was no further business, and the meeting was closed at 7.15pm

Chairman _____ Date _____