

BEFORE THE SPECIAL TRIBUNAL

IN THE MATTER of the Resource Management Act 1991
(RMA)

AND

IN THE MATTER Of an application to vary the Water Conservation (Buller River)
Order 2001

**Michael Anthony Talley, Graeme Peter Malone, James
Rory Ryder and Guy Alexander Mannering as
Trustees of THE MAJAC TRUST**

Applicants

STATEMENT OF EVIDENCE OF **TODD LEONARD JAGO** ON BEHALF OF
THE ROYAL FORST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND
INCORPORATED

Introduction

1. My Name is Todd Leonard Jago. I am a Senior Raft Guide and Raft Guide Assessor with the New Zealand Rafting Association. I have been involved with rafting as a guide and tutor for the past 15 years, mainly on the Gowan, Buller and Karamea rivers. I started my career as a guide on the Gowan and Buller rivers. I have also worked in Canada as a guide.
2. I am currently employed by the Nelson Marlborough Institute of Technology as Coordinator of the Diploma in Adventure Tourism. As part of the Diploma we teach students to guide rafts in the Buller region, as well as other activities including river kayaking, sea kayaking, rock climbing, hiking and snowboarding.
3. I last rafted the Gowan River on October 10 with my 2nd year students and Forest and Bird representatives so they could see the river. Most recently before that trip, I had kayaked it two days to check the route, and I kayaked it in January 2005 as part of a familiarisation trip for a local raft company in relation to a proposed source to the sea trip beginning in Lake Rotoroa.
4. I have been asked by the Royal Forest and Bird Protection Society to consider Majac's application to vary the Buller Water Conservation Order ("WCO") in relation to the Gowan River and advise whether the proposal would affect the rafting values protected by the WCO. I am qualified to give this advice.
5. I have been provided with a copy of the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (31 March 2005). I have read and agree to comply with that code. I have complied with the Code in preparation of this evidence. Except where I state that I am relying upon the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions which I express.

Values of the Gowan River for Rafting

6. The Gowan River is unique in the Buller region, with a continuous flow, low volume and water that always runs clean. The Gowan is largely surrounded by native bush giving it an enclosed feeling. There are also various channels to select as you head down stream. In my opinion it is an excellent trip, especially combined with the Buller River in a one day trip. The Buller River is much wider/deeper and slower moving until the rapids appear, and it is in more of an open valley compared to the closed in feeling of the Gowan, which is unique to any other river section in the area, – offering two completely different types of rivers in one day.

7. The Gowan's uniqueness offers a different type of raft training for our students. Because of the continuous flow of the river, it requires quick decision making and river reading skills to safely navigate down the various channels and avoid any hazards. The Gowan is the only reliable river in the region which offers a continuous flow requiring decisive decision making especially at a higher river flow.

8. Hazards on the Gowan mainly consist of willows and log jams, but these are avoidable for the experienced guide with knowledge of the river. Hazards can also be removed if necessary.

9. For the reasons outlined above, it is an excellent river for teaching. When commercial rafting was busier on the Gowan, we spent a considerable part of our training teaching guides on the Gowan. If rafting picked up again on the Gowan, as a trainer we would be making more use of the Gowan to train guides. Also, now that the Buller has Didymo, the Gowan offers a river we can run before we enter the Buller. Once we are on the Buller we will stay on there until gear is decontaminated again. That may of course change depending on the spread of, or control of Didymo, about which I am not qualified to comment on.

Majac's proposal

10. If the proposed hydro scheme goes ahead, the rafting experience on the Gowan will be changed, as the river will no longer be in its natural form with water being taken out between the intake and outlet. In my opinion, you would definitely be aware of the intake when rafting the Gowan, as it will impose into the river where we raft, and would pose a visual eyesore at the intake and to a lesser degree the outlet. This would detract from the value of rafting the Gowan.

11. I am not familiar with the telemetry system and am not aware of a similar system being used elsewhere in New Zealand. While the proposal appears likely to accommodate current usage of the Gowan for rafting, if usage increased, and there were multiple river uses during a day (which has occurred in the past), then there might be a conflict between the use of the water for rafting and the use of the water for the hydro scheme. In my opinion, to retain the protection of the Gowan for rafting would require a guarantee of use of natural flow with the telemetry system.

Conclusion

12. The Gowan River is a unique river in the Buller region flowing from Lake Rotoroa in its natural state. It provides challenging rafting for our trainees that can be testing for their technical skill level.

13. The effect of the Majac proposal will change the natural state of the Gowan River and introduce concrete eyesores into a relatively unmodified environment. Moreover, if the use of the Gowan increases in the future, there is a real concern that notwithstanding the proposed telemetry system, if a conflict arises between use of the river for rafting and hydro-electricity, some sort of compromise may have to be reached. Under the current water conservation order, rafting is not dependent on any sort of telemetry system, but only on the natural flow of the river.

25 October 2005