IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application pursuant to Section 201 for a Water Conservation Order on the Hurunui River.

STATEMENT OF SUPPLEMENTARY AND REBUTTAL EVIDENCE OF TONY HAWKER ON BEHALF OF NORTH CANTERBURY FISH AND GAME COUNCIL
Dated 17 day of April 2009

---

1. I prepared a first statement of evidence dated 30 March 2009, in respect of Fish and Game's application for a Water Conservation Order on the Hurunui. I confirm the detail of my experience and qualifications set out therein.

2. In this statement of evidence I address points raised by the Tribunal.

3. I also set out my comments in rebuttal in respect of the evidence of:

   a. Vaughan Keesing
   b. Lyndon Mathews
   c. Bruce Norrie
   d. Maurice Duncan

Points raised by the Special Tribunal

4. Fish and Game was asked to clarify what "enhancement" means in the context of the clause relating to the scope of the order, which currently states:

> Subject to sub-clause (3), this Order does not restrict or prevent the grant of resource consents for the purpose of: (a) research into, and protection or enhancement of, fisheries and wildlife habitats

5. Currently Fish & Game do not undertake any enhancement work in the Hurunui above the Mandamus. However, we wish to include this clause so that future enhancement work is not excluded. There could be unforeseen events in the future that may necessitate this work. There could be events caused by nature or land use that damage important habitat for the fishery. Some enhancement work that could

take place is riparian planting on spawning streams. Also the works associated with excluding stock from waterways may come under this exemption. While it is difficult in the abstract to think of what consents might be required to enable this enhancement, I consider it necessary to retain the exemption in case it is required.

Vaughan Keesing, evidence dated 23 March 2009

6. At paragraph 23 Dr Keesing states that the applicant has only considered brown trout habitat under section 199. I can confirm that both Fish & Game's application and evidence only address brown trout as being outstanding in relation to aquatic organisms. Dr Keesing's interpretation of section 199 is some what broader than ours, this will be addressed by our legal counsel.

7. In paragraphs 95-100 Dr Keesing discusses the benefits of having higher than current mean flows for the South Branch during the irrigation season (October to April). Dr Keesing claims that the increased flow will adequately maintain aquatic life. His evidence does not address the effects of these increased flows on angling opportunity for brown trout.

8. The irrigation season and subsequent increased flow will occur from October to April. The fishing summer fishing season is also from October to April[1], which creates a direct conflict between anglers and the increased flows. As you have heard from the expert anglers the generally agreed optimal flow range for trout fishing in the Hurunui is between 10 to 30 cumecs at the recorder at Mandamus. Anything above this, the opportunity for optimal trout fishing is lost and the fishing will become mediocre with the ability to spot fish or get access along the river banks and beaches to the fish being severely compromised.

9. At paragraph 105 Dr Keesing states “inundation and the formation of a Lake has no affect on any Outstanding value”.

10. In response to this statement, I note that the open section of the South Branch above the gorge that would be inundated offers top quality back country fishing to large and trophy brown trout. This section offers crystal clear water, easy walking and

[1] Although the fishing season for trout in the Hurunui River is all year round as far up as the confluence with the South Branch, by far the most popular time of year for angling is the summer season of October to April inc lusive.

unimpeded casting. It is also a productive reach for large brown trout. These factors make it a popular reach of river for guides and their overseas clients. It also offers an opportunity to fish for large and trophy trout in a pristine and very scenic environment.

11. I have observed many large fish in this reach and so have other Fish & Game staff during aerial surveys. The loss of this part of the river will be the loss of what we regard as an outstanding reach of "trophy" water that is reasonably easy to fish. This is something of a rarity on New Zealand rivers. Fish & Game firmly believe this reach of river offers outstanding angling for brown trout, and inundation by a lake will destroy this resource.

Lyndon Mathews, evidence dated 23 March 2009

12. Paragraph 31 of Mr Mathew's evidence states:

> I am not convinced a water harvesting scheme on the upper reaches of the Hurunui River will adversely affect the fishing resource (The Opuha Dam in South Canterbury has, as I understand, in fact improved the fishing resource).

13. In response to this I note that there are a number of key differences between the Opihi Rivers system and the Hurunui catchment. These key points that I have outlined below were formulated in consultation with Fish & Game staff in the Central South Island Region.

14. In the 1980's it was identified that the Opihi and its tributaries were in a degraded state due to over-allocation and intensive land use practices. The Opihi needed action in an attempt to restore its fisheries and other instream values to their former condition. The Hurunui on the other hand, is largely in its natural state above the Mandamus confluence. It does not currently need restoration or rehabilitation. The lower reaches of the Hurunui also compare favourably with other lowland rivers in terms of quality and flow.

15. The Opihi fishery was in trouble, the Hurunui fishery as it stands today is clearly not. The Hurunui boasts an outstanding brown trout fishery that is not in any need of modification to improve the fishery.

16. The Opuha Dam is located on the Opuha River, one of three main tributaries of the Opihi River, the other two being the Tengawai and the mainstem of the Opihi itself. 5-20% of the spawning salmon sites for the catchment occurred above the Opuha dam. In contrast the majority of salmon spawning (approximately two thirds) for the Hurunui Catchment occurs in the South Branch above the proposed dam site. Much of the remaining salmon spawning occurs in the North Branch above Lake Sumner and above the proposed weir. Rather than enhancing, the proposed scheme has the potential to cause the salmon fishery of the Hurunui to collapse.

17. As only one of the main tributaries of the Opihi is dammed, the remaining two tributaries still offer unimpeded access for fish passage and flow variability. Both of which are important for both the salmon and trout fishery. The proposed scheme on the Hurunui involves dams or weirs on the two main water bodies that make up the majority of flow for the Hurunui. Thereby affecting the flow variability to the whole river and fish passage to the headwaters. Once again this is a threat to the outstanding fishery of the Hurunui.

18. Before the construction of the Opuha dam the Opihi river mouth was closed during much of the fishing season. Since the construction of the dam an increased flow has meant that the river mouth is now open more often during the fishing season promoting the migration of sea run trout and Salmon. In contrast the Hurunui has a much larger base flow being sourced from the main divide. As a result the river mouth is open the majority of the time. The most important trigger for trout and salmon migration at the mouth of the Hurunui is the flushing flows which are a result of Northwest rain occurring in the headwaters. Dams or structures designed to hold back these flows for storage will of course have a detrimental effect to the fish migrations that are triggered by these events.

19. The "win, win" situation that is a result of the Opuha dam simply cannot be applied to another river such as the Hurunui which is a completely different river in terms of where it is sourced, flows, naturalness and the self sustaining outstanding brown trout fishery.

Bruce Norrie, evidence dated 23 March 2009

20. At paragraph 13 Mr Norrie states:

> The North and South river branches would have a more stable flow also providing for better fishing and other river sports.

21. As I have already mentioned the general agreed flow for optimal trout fishing for the mainstem of the Hurunui is 10 to 30 cumecs at the Mandamus recorder. My understanding is that the proposed scheme would release a flow of approximately 40 – 50 cumecs through the irrigation season which is also the fishing season. Rather than providing better fishing, it is therefore likely to exclude the majority of anglers who like myself will wait until the flow is below 30 cumecs. There would also be less exposed river bed meaning that access to the water edge and the ability to progress upstream would be compromised. An increased flow would also make the river vey hard to cross above the Mandamus confluence. This would limit the opportunity to fish the "true left" of the mainstem to two places; the Jollie Brook swing bridge and the Sisters swing bridge. The loss of opportunity and access to parts of the river will put pressure on those parts of the river that will remain fishable. This could lead to greater conflict between anglers and other river users.

22. At paragraph 16 Mr Norrie gives the opinion that salmon numbers in the Hurunui River would not lessen because the salmon can spawn in the South Branch below the dam site.

23. Salmon do not currently spawn at this site. As mentioned earlier Fish & Game staff have observed that two thirds of the salmon spawning that occurs in the Hurunui River is in the South Branch above the proposed dam site. More specifically, Homestead Creek and the mainstem of the South Branch above Homestead Creek. A dam will prevent access to these sites and the inundated area will destroy the spawning grounds of Homestead Creek and some of the South Branch. Mr Martin Unwin will discuss the effects of damming on Salmon spawning in more detail.

24. In paragraph 18 Mr Norrie questions Fish & Game's ability to manage the salmon fishery when anglers are allowed to target salmon in the mainstem and Lake Sumner.

25. The majority of salmon angling occurs at the mouth, however salmon angling is also popular in the middle reaches and occasionally occurs in the Upper Hurunui. There is a certain amount of self regulation when it comes to salmon fishing. Salmon is great eating, so the catch and release method of angling now dominant in trout fishing does not really apply to salmon angling. Anglers generally target salmon lower down in the catchment because they are in better condition and are subsequently better eating. Not many anglers want to target fish in poor condition.

26. It is also worth noting that salmon are capable of travelling hundreds and hundreds of kilometres to spawn. There will be many examples of salmon that are still in very good condition arriving at Lake Sumner. Lake Sumner also supports a lake limited population of salmon that does not migrate out to sea. Anglers trolling in Lake Sumner are often targeting these lake limited salmon.

Maurice Duncan, evidence dated 23 March 2009

27. At paragraph 7.4 Mr Duncan discusses salmon passage through the lower Hurunui and states:

> There is sufficient water depth (0.25m) for adult salmon to traverse the study reach at 10m3s-1 and they could probably traverse the reach when the flow was 5m3s-1 but water depths in some riffles would be less than ideal. When the flow was 13.5m3s-1 all the riffles surveyed over a 17km long reach were at least 0.25 metres deep.

28. I repeat again that Fish and Game are not seeking a flow regime on the lower river in the context of this hearing, but are pursuing that flow regime pursuant to the standard sustainable management test, in the PNRRP process. However, simply to respond to Mr Duncan's evidence I to refer you to a letter dated 19 April 2009 from Dr John Hayes **appended**. Dr Hayes was requested by Fish & Game to review the adequacy of information supporting ECan's Proposed Flow and Allocation Management Regime for the Hurunui River.

29. The last paragraph of the letter specifically addresses the flows quoted above. Fish & Game adopted the opinions of Dr Hayes when preparing submissions for the flow regime on the Hurunui River, and will be arguing for flows in accordance with Dr Hayes' opinion through the NRRP process.

Conclusion

30. There seems to be a lack of understanding from the opposing submitters to the WCO of the values that are important to anglers on the Hurunui. Anglers on the Hurunui need the variability in flow to allow for the opportunity to fish different reaches of the river, to use different techniques and to have flushing flows to trigger fish migration and maintain general stream health.

31. Anglers also visit the Hurunui for its naturalness and scenic surroundings. A natural fishery will always be held in high regard amongst most anglers as opposed to artificially created lakes or rivers with modified flows.

32. The Hurunui happens to be an outstanding fishery that is naturally self sustaining and the natural flows have proved very favourable with anglers. I do not believe that these values can be enhanced by any water harvesting scheme.

T Hawker
April 2009