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MFE South Island Office

Submission on Water Conservation Order - Oreti River (Form 30)

Section 205, Resource Management Act 1991

- In completing your submission include:
  - whether you support or oppose the Order; and the reasons for your views
  - If you support the Order, but prefer to preserve a different but related water body in the same catchment, state this and your reasons
  - If you support the Order, but prefer to preserve different features and qualities of the water body, state this and your reasons.

In giving reasons for these preferences, you must refer, if practicable, to the matters set out in sections 199, 200 and 207 of the Resource Management Act 1991. You must also describe the provisions that you think should be included in the Order and the effects that those provisions would have on the water body.

- If you oppose the Order, you must give reasons why you consider that the Order is not justified in terms of sections 199 and 207 of the Resource Management Act 1991.
- The Special Tribunal may require you to provide further information on your submission.
- You must send a copy of your submission to the applicant as soon as reasonably practicable after you have served your submission on the Special Tribunal.

Submissions must be received by the Special Tribunal at its address stated below by 5pm on Wednesday 15<sup>th</sup> November 2006.

Submission: To the Special Tribunal, Oreti River Water Conservation Order

SUBMITTER'S DETAILS	
Full name: Marc Cohen	
Postal Address: Counter Delivery, Centre Bush Garage, State Highway #6, Limehills 9739, Southland	
Work phone: 03-236-0702	Home phone:
Work fax: 03-236-0909	Home fax:
Mobile:	Email address: <a href="mailto:marc@southnet.co.nz">marc@southnet.co.nz</a>

SUBMISSION DETAILS (use additional pages if required)	
<input checked="" type="checkbox"/> I/We support the application	<input type="checkbox"/> I/we oppose the application
1. * The specific parts of the application that my/our submission relates to are:	
The whole application	
2. * My/our submission is (see notes 1 and 2):	
<p>I support the application for the Oreti River Water Conservation Order because the Oreti River is a unique, pristine, extraordinary wild brown trout fishery. It is considered by many (New Zealanders, North Americans, Australians and British) to be one of the top fly fishing rivers in the world. It is certainly one of New Zealand's world-class natural resource gems.</p> <p>In my 40 years as an angler, I have fished in both North America and in nearly every river in the South Island, New Zealand, some of them from their headwaters to their confluence with the sea. With its exceptionally large and challenging wild brown trout,</p>	

1/5

unaltered riparian habitat and superlative scenery, the Oreti River is my single favorite river and angling experience.

When I fish with local Kiwis and friends who visit from America, Australia and England, we save the upper Oreti River angling option for the days when conditions (sun, wind, water clarity) are at their best. While other rivers can be fished blind, working the water by chance to locate fish, the upper Oreti River is renowned by fly fisher-people as a superlative trout stalking river. On the upper Oreti, the fish are so large and the water so clear that most of us rarely fish blind. Aided by polarized glasses, we are able to spot these 5 – 10 pound trout actively feeding, sometimes as far away as 10 metres upstream from the angler. Upper Oreti River trout are the supreme challenge. The fish often see us before we see them; and, they are unforgiving of the smallest mistake in presentation of the fly. One mistake, and they confidently drift off under a nearby bank. However, with practice, anglers do learn to hook, land and release these upper Oreti River beauties.

A surprising number of anglers have had one or more of their fly-fishing lifetime career best days on the upper Oreti, both for the size of the fish (double digit) and the degree of challenge the river and its inhabitants pose. Six fish spotted, hooked, landed and released on the upper Oreti river in a day is worth dozens of small trout experiences in other rivers. A day out fishing is always good; fishing the upper Oreti is always great.

Many of us consider the upper Oreti River trout the habitat's high country trophy breeding stock; most of us would never kill one of these large upper Oreti fish, even in the zones where one or two trout a day are permissible, either for the table or the wall. Having waited for years for a 2-3 pound trout for the pan, some of our wives have simply given up on trout, as the allure of the upper Oreti seems to win out over the lower reaches where the smaller fish are more readily available.

The upper Oreti River habitat has other distinctive features which also merit its conservation. The upper Oreti has many of the characteristics of extremely remote and inaccessible inner Fiordland wilderness rivers (water clarity, trout size, native bush), but is easily accessible by almost anyone with a car and an angling license. There are multiple access points on the Oreti from the lower reaches right up to the very top of the high country. In a nutshell, it is a slice of Fiordland wilderness in the heart of northern Southland. Unlike some of its larger South Island and Southland rivers, the Oreti rises very quickly and can clear and return to fish-ability in the upper reaches in a matter of days. Larger rivers, such as the Mataura and Waiau, sometimes remain discoloured and unfishable for weeks after heavy rains.

Personally, I have been regularly fishing the Oreti River for the past 15 years and live right on its bank, just below Centre Bush. So, we see the river nearly every day and know it and its resident well. In addition to the large breeding and trophy brown trout in the upper reaches of the Oreti river, the lower reaches have good populations of resident brown trout and migratory sea-run brown trout. The occasional salmon is also seen and caught. I have watched and read with great apprehension how the river habitats and fish populations have been decimated in North America by dams and water diversion; multi-millions of dollars are now being spent on those rivers in a last ditch effort to save what remains of those fisheries. I believe it is of paramount importance that the pristine Oreti river remain free of dams in order to safe-guard the habitat and the natural migration of wild sea-run trout to the mid and upper reaches of the river.

The Oreti River is an incomparable New Zealand natural resource and the priceless

2/5

value inherent within the Oreti river habitat, as it is now, deserves to be conserved. The Oreti River is prized by local New Zealanders and overseas visitors alike. Several recent anecdotal examples may be useful.

When fishing the upper Oreti with widely traveled anglers, many over the years they have mentioned how similar the upper Oreti river and basin is to the high country in Montana, Idaho and Wyoming, USA.. Simply astounding, expansive and uncommonly beautiful. In a word : spectacular. However, they did note differences between fishing in high-country Montana—Idaho-Wyoming and the upper Oreti. The fish are much larger (and completely wild) on the upper Oreti. And, you have to be very rich to afford to buy or rent access to the fishing in Montana-Idaho-Wyoming. Most of those high-country American angling resources are owned by the super rich. The same situation prevails in England-Scotland and in Australia, where most of the angling resources are in private ownership.

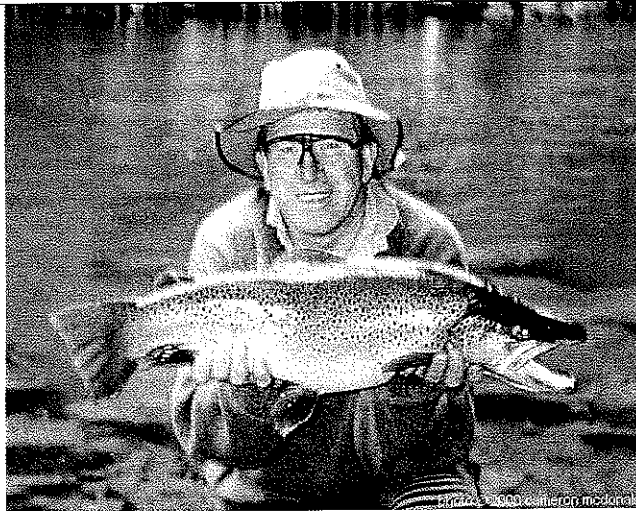
I was chatting with an Invercargill solicitor last week. He told me that he had met two retired English couples who now holiday in Southland for 5 months every year. They were delighted with Kiwis in general, loved the country-side, food and wine and acknowledged the significant value of the fantastic natural angling opportunities here.

We met an angling couple from West Virginia a dozen years ago on their first fishing trip to New Zealand. They have fished the world; angling throughout North America, exotic tropical fly-fishing and trout fishing in South America. They have returned to Southland New Zealand every year since their first trip. Over the years, Te Anau became their New Zealand home-base for their annual fishing treks down under. They purchased a small townhouse in Te Anau and now holiday here three months annually. Our upper Oreti River adventures are legendary and memorable.

Several years ago, having arrived early in the morning on a favorite stretch of the Oreti, we walked down-stream about 40 minutes, then slowly worked our way upstream, waiting for the sun to appear, a crucial ingredient in the upper Oreti trout-stalking equation on this particular beat. Then our stars aligned at 1pm, the clouds disappeared and it seemed as though there were large wild brown trout everywhere they should have been. We hooked, landed and released 15 fish in two and a half-hours. It was extraordinary. A Top 5 Lifetime Fishing Day for both of us. I have visited that upper Oreti run many times; sometimes boom, others bust, wild winds, spooky, wily trout. Last season we visited that run one time: we saw few fish that day, but did have a double hook-up. We each had a large fish on line at the same time on the same run: another upper Oreti / large-trout rarity.

Such natural resource riparian adventures are extremely rare and inaccessible to all but the very wealthy in North America and England. I believe we should remind ourselves of how very lucky we are in New Zealand that New Zealand's valuable angling and riparian resources are owned by the government, and made available to all of us, both New Zealanders and overseas visitors. We should take care to learn from the riparian management mistakes made in North America and that every effort should be made to conserve the unique New Zealand Oreti River for current and future generations.

3/5



This is a photograph of our friend Alistair McD. He is a local college teacher in Winton. Several years ago he took his young son Cameron for a week-end camping trip on the upper Oreti River, about 45 minutes drive northwest of Winton.

Alistair hooked and landed this trophy 13 pound wild brown trout on a small, native bush-clad river that feeds into the upper Oreti. Cameron has been a keen outdoorsman and angler since that week-end. We believe that the Oreti River should be conserved in its current pristine natural state so that Alistair's son Cameron can teach his future son how to fly-fish in the same spot, with the opportunity to achieve a similar result twenty years from now.

Please feel free to contact me if I may be of assistance.

Sincerely,

Marc Cohen

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3. \* I/we seek the following decision from the special tribunal  
(give precise details, including the general nature of any changes sought to the Order)

I want the tribunal to grant the order in the form it has been applied for.

Tick if applicable

I/We want to be heard in support of this submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of submitter

*Marc Cohen*

Date:

*NOV. 6, 2006*

*4/5*

\*Use additional pages if required

**Return by 15 November to:**

The Special Tribunal ✓  
Councils  
Oreti River Water Conservation Order  
Ministry for the Environment  
Te Waipounamu House  
Level 7, 158 Hereford Street  
PO Box 1345  
Christchurch

**And as soon as practicable to:**

NZ and Southland Fish & Game ✓  
C/- Anderson Lloyd Caudwell  
Otago House  
10<sup>th</sup> Floor  
Moray Place/Princes Street corner  
Private Bag 1959  
Dunedin

**Summary of application**

The applicant seeks protection of:

- the main stem of the Oreti River upstream of Mossburn
- Weydon Burn, Windley River and all other tributaries upstream of Lincoln Hill
- Groundwater connected to the surface water of the river from Mossburn upstream to the headwaters

In recognition of the following outstanding features and characteristics

- Natural state, wild and scenic
- Fishery and angling amenity
- Habitat for trout and wildlife
- Value in accordance with tikanga Maori,

The outstanding features and characteristics are to be protected by prohibiting damming; restricting the taking of surface water and groundwater, restricting alteration of river flow, form or water quality; and the maintenance of fish passage.

The applicant also seeks protection of the main stem of the Oreti between Mossburn and the bridge at Wallacetown, for:

- Its necessary contribution to the outstanding angling and fishery values upstream.
- This necessary contribution is to be protected in this stretch by a prohibition on damming, which will enable fish passage to be maintained.

The application is supplemented by further information provided to the Minister in July and August 2005.

5/5