

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 159 North Road, Invercargill on Thursday 9th June 2016.

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| Present | Graeme Watson (Chair) | Chris Owen |
| | Dave Harris | Ken Cochrane |
| | Fred Inder | Corey Carston |
| | Russel Graham | Paul Stenning |
| | Michael Hartstonge | Kevin Fiveash |
| | Ray Waghorn | Chris Frisby |

Staff in attendance:

Z Moss, E Garrick
C Mason (Minutes).

Members of the Public: 2 x members of the public attended.

Welcome:

The Chairman opened the meeting at 6.30 pm and welcomed those present, with a special welcome to the members of the public attending.

Apologies:

Resolved Owen/Fiveash that apologies be received and sustained from Cyril Gilroy, Cohen Stewart, Bill Jarvie & Jacob Smyth. Carried.

Conflicts of Interest with items on the agenda:

The Chairman reported that Cr. Ray Waghorn had declared a direct “Conflict of Interest” with the Waituna Resource Consent item, under general business, in the agenda. The Chairman had spoken with Ray on the matter prior to the meeting and Ray had agreed that he would leave the meeting while that item was being discussed.

All Councillors had now made a “Declaration of Interest” for the Councils’ Declaration of Interest Register held in the Office.

There was some confusion as to when a “Conflict of Interest” with any item on the agenda should be notified to the Chairman. Councillors had to inform the Chairman of any conflicts of interest with any item on the agenda before that item was discussed at the meeting.

It would be preferable, once the agenda was out, to contact the Chairman prior to the meeting identifying that there was a conflict. Conflicts of Interest could be financial or non-financial (see Standing Orders, 1.13, page 12 & 13 & Governance Policies page 16).

Health & Safety:

Draft Southland Fish & Game Health & Safety Plan:

On Monday 4th April 2016, the new Health & Safety at Work Act 2015, (HSWA) came into effect.

The Draft Southland Fish & Game, Health & Safety Plan, had been amended to incorporate the Health & Safety at Work Act 2015 and was circulated to Councillors prior to the meeting for their comment. Carmel Veitch from Eastern F&G had prepared the robust H&S Plan template for all regions nationally.

The Southland F&G H&S Plan set out the policies and procedures that would be implemented to ensure that workers and visitors to our workplace were safe. The Plan set out the roles and responsibilities for Council, Management and all workers at the workplace. It also incorporated an annual timetable to ensure that all Risk areas within the workplace were identified and annually audited. Staff meetings would include H&S on the agenda and all staff would be made aware immediately of any new risks identified.

Forms would be used for staff to sign when they were doing work out in the field.

The Council had to have confidence that staff had a good Health & Safety Plan and that all hazards were identified in it and that the processes to assess those hazards were robust, however Councillors did not need more direct involvement with that.

Zane Moss explained one area of the Plan that would be amended concerning Council boardroom meetings and the requirement to have Councillors sign in and out of the site at each meeting. This was thought to be unnecessary from a health & safety perspective with the nature of the visitors (Councillors) to the site and instead the Chairman would simply note all the exits at the start of a meeting.

We would need to purchase or upgrade some staff equipment for field use under the Plan e.g. personal locator beacons (PLB's) etc.

There were some further issues that needed refining e.g. spawning surveys, where staff could potentially access several properties in a day to do this work, as part of our requirements under the Conservation Act. However it was a commercial activity we were undertaking, not recreational, and was not in the landowners/farmers interest, so it was unclear what the H&S liabilities were and this needed clarifying nationally.

Compliance purposes were a different matter and farmers had no liabilities for that.

Health & Safety meeting report:

A new format meeting report was attached to the agenda and would be updated at each meeting. The report covered adherence to the H&S Plan, monitoring & reporting, risk management, training programmes and any H&S incidents that may have occurred.

Fish & Game NZ, Health & Safety Policy:

Also attached to the agenda was the Fish & Game NZ, Health & Safety Policy, which was part of the Southland H&S Plan. The Policy had to be approved by the Council and would be displayed at the workplace for all to read once approved.

Resolved Inder/Owen

- 1) That the Southland F&G Council Draft "Health & Safety Plan" be received.***
- 2) That the Council receive and accept the meeting Health & Safety Report.***
- 3) That the Council approves the "Health & Safety Policy" attached to the agenda.***

Carried.

Cr Frisby had noted during discussions that some farmers were quite nervous of the H&S liabilities. In regard to that the Chairman said that an App had been released for farmers which identified all the health & safety issues, it may help to make things simpler and more streamlined for everyone.

Zane Moss noted to the meeting that the farm in relation to recreational access was not a workplace, except for the farm buildings and where farm work was actually being conducted at that time. It was important that Councillors help spread that message to farmers.

Federated Farmers were also trying to get the message out to their farmers that there was nothing to fear, and encouraged farmers to make their land available for recreational access.

Minutes of the meeting held 14th April 2016.

Resolved Graham/Harris that the minutes of the meeting held 14th April 2016 were taken as read and were confirmed as a true and correct record. Carried

Matters arising from the minutes:

There were no matter arising from that meeting that were not already covered by the agenda.

Administration Reports:

The accounts paid, direct credit/debit list, automatic payments, licence sales progress to date, budget to actual progress to 31st May 2016 & correspondence reports were attached to the agenda for Council's consideration.

Accounts for payment:

Cr Graham queried the helicopter cost of the mallard population surveys. Zane replied that this was to be reassessed in the medium term to see if it was cost effective or not. It was frustrating to staff that the opening weekend harvest did not necessarily reflect how high the mallard population actually was, due to many different variables. This year was one of the lowest harvests we have had, but the duck population was healthy according to the survey results and general observations. Refinements of methods & techniques would be looked at as well as looking at other methods of surveying e.g. drone usage to see if it was more cost effective.

Licence sales progress:

Southland fish licence sales as at 31st May 2016 were still down compared to last years' sales by 2.3% (\$15,966 GST incl.). Nationally the fish licence sales were also down by 3.8% (\$293,670 GST incl.) on last years sales figures.

Southland Game sales were good and had met the budget target set for 2016.

Correspondence:

Through his lawyer Tony Reiger had requested a meeting with Fish & Game to discuss the issue of lead shot near waterways. Zane Moss had replied to the lawyer advising he was happy to meet with Tony Reiger at any time that suited him, but had received no reply at this stage.

Staff Reports:

The staff report & Hamish Angus' final report for the season were attached to the agenda.

CCD Programme:

Hamish Angus had now completed his 2nd summer's biosecurity public relations work under the MPI funded CCD programme, compliance work for Fish & Game, water sampling for DoC and assistance to ES when requested. Assessment of the CCD programme would be made by MPI before it was known if they would continue funding next year. However expectations were they would continue, as it was very successful for all the agencies involved and the quality of performance was very good.

Noted this summer was the huge growth in the numbers of campers in the Eglinton Valley, reflecting the high number of people moving around throughout the country. These were high risk user groups, so it was important that they received good information regarding the CCD message.

Opening weekend bags:

With the warmest and calmest conditions experienced for years the Game 2016 opening weekend harvest for Southland was down on the medium term average, but on a par with last year, being 10.1 mallards per licence holder, despite the strong evidence of a good regional population of mallards this season.

Otapiri benthic invertebrate sampling:

Cohen Stewart had now finished sorting the invertebrate samples he had taken from the Otapiri, to replicate sampling done in the late 1960's, and sent them to the Cawthron Institute for identification. Cawthron would determine important stream health indices from the samples.

Initial observations showed very few numbers of invertebrate species that lived in good water quality and used to be there in good numbers, and an abundance of the poorer water quality species. This work would feed into the national cumulative effects programme that Cawthron was working on for Fish & Game NZ.

Pond creation:

A common issue with pond development was erosion protection on the front of the dam face, which could be quite steep in some ponds. This summer staff have trialled planting *Carex secta*, initially protected with bales of straw. This had been very successful in providing greater protection against additional erosion as well as providing a seed source for further *Carex* establishment and food and cover for waterfowl. *Carex secta* have been provided as part of the pond subsidy scheme.

A different approach to creating dams would also be trialled in the future, with a variable height in the wetland when it was first formed and a bench created to receive the wave lap which would be planted with *Carex*. Once the *Carex* was established the water level would then be raised. This would save costs in expensive machine time to create a shallower dam face.

Cycleway Hearing:

The fourth & final week of the Hearing was scheduled for 11th – 15th July 2016. Hopefully that would be the finish. The third week 10-13th May went well, as the hearing so far has from our perspective.

It was hoped that we would be awarded some costs from the Court for the Southland District Council's late amendments to their application, consequently affecting our evidence, which then had to be redrafted causing extra costs. The Judge was aware of our expectations of that.

Game season media:

General media and advertising went well pre-season to give enthusiasm and advertising for opening weekend. The media interest for duck hunting in Southland was pleasing in regards to promoting the sport.

Fish in Schools:

The Fish in Schools programme this year has four schools participating. (Otatarā Primary School, Lochiel Primary School, Te Anau Primary School, and James Hargest Secondary School). Tanks have been set up in the 4 schools and salmon ova were expected to arrive next week. Erin will be organising a facebook page to support the Fish in Schools programme at the local level. Bill would also assist with that.

North Canterbury F&G have been successful in gaining commercial sponsorship for their programme and as it becomes more popular the benefits should filter through to us and other regions taking part.

Compliance:

Opening weekend compliance was disappointing to staff. 20 offences had occurred and was in the process of being dealt with. Staff were pleased to note a genuine shift away from the heavy consumption of alcohol while firearms were being used, many locked away their guns before the celebrations started.

Cr Cochrane asked at what point was there a responsibility for Fish & Game to ensure that hunters had a firearms licence as well as a game hunting licence. The reply was that F&G compliance work was on game hunting licences, under the Wildlife Act. The Arms Act was not under our jurisdiction; that was a police matter. If a hunter was under direct adult supervision he did not need a firearms licence. Our job was to encourage people to go game bird hunting ethically with a game licence, but did encourage hunters to follow all the laws.

NZ Council Issues:

Cr Stenning went over some of the issues discussed at the last NZC meeting held over one day at Wellington Airport on the 20th May 2016.

- ATMCT – Paul was pleased to report on the unanimous support and understanding of the NZ Council in regards to the Upper Oreti cycleway hearing and the funding to Southland. NZC supported Southlands fight for the iconic fishery as many of the regions knew the value of this resource, having lost valuable assets in their own regions in the past.

- Bryce Johnson noted that this was also a landmark case as it was the first case of recreational use versus recreational use. As pressure goes on our finite resources the decisions on the Upper Oreti cycleway would be important.
- It was agreed that Southland would pay for the remaining cycleway hearing costs from their general reserves and NZC would then top up those reserves, if they fell below 30% of expected annual income, at the next contestable fund budget round 2017/18. This would give time for any costs reimbursed by the court to be included in the final costs.
- A large amount of the meeting time was spent on going over the Standing Orders.
- Hunting and Harvest Ethics was out to the regions for consultation. (On Southlands workshop agenda for discussion).
- Guides Licence - needed a simple document to get it through without legislation changes. However held up now with Federation of Guides disputing the MoU.
- Review of Animal Welfare Act – an advisory committee set up, Bryce will talk to them in August. Southland has a historical hunting background but other large urban areas do not and it may be a bigger threat than what we think to our sport.

2016/2017 Licence fee recommendation:

NZC had resolved at its May meeting that for the purpose of consultation with regions the NZ Council recommended a 2016/2017 adult whole season fish licence of \$125 and the adult whole season game licence of \$93. (Inclusive of a \$3 fee for the Game Bird Habitat Trust).

It was noted that the extra \$1 on the game licence was for the Game Bird Habitat Trust.(GBHT).

Cr Stenning referred to the increase in funding for the GBHT and said that unfortunately Southland had not seen any benefit of the GBHT funds but had not put any projects forward for funding either. Maybe we should be more proactive with that, he suggested getting Mark Sutton to talk to Council about that as he was a GBHT Board member.

Zane replied that Southland has always done a lot of wetland creation work funded from our game reparation fund. It was timely for reconsideration of the funding for Southland and how we could achieve recognition by using the GBHT fund, which currently was not very well recognised in Southland. Staff had talked today about looking for larger wetlands to create that were better than the average ones we did and applying for GBHT funding for those. We had been reluctant in the past to do that, mainly because of the staff time involved in making applications and because we could usually fund them ourselves.

It was important that licence holders knew what the \$3 went to and how it was used.

After discussion:

Resolved Graham/Harris that the Southland Council approve the 2016/2017 licence fee recommendation from NZ Council of \$125 for the adult whole season fish licence and \$93 for the game licence. Carried.

Game Bird Habitat Trust Board nominations:

The Three year appointments of the Game Bird Habitat Trust Board expired on 31st October 2016. Three members of the Board were nominated by the NZ Fish & Game Council. Regional F&G Councils were asked for nominations by 31st July.

The current members nominated by NZ Fish & Game were Mark Sutton, Ian Hogarth and Andy Tannock. All incumbent members were eligible for reappointment.

Council were happy with Mark's involvement with the GBHT to date and agreed with his re-nomination.

Resolved Waghorn/Graham that Mark Sutton be re-nominated by Southland F&G Council for the Game Bird Habitat Trust Board. Carried.

If Mark Sutton was re-appointed the Council would like him to attend a meeting sometime and give a presentation on the GBHT.

Decisions taken potentially impinging on other Councils:

A memo from NZ Council had recommended that individual Fish & Game Councils should be encouraged to consult before finalising their position on matters that could influence commercial behaviour.

Action taken by one Council had the potential to impinge on another by setting a precedent that may preclude any alternative action.

Cr Stenning said that he had raised the question of captive reared mallards at the NZ Council meeting. This had resulted in a paper being prepared by staff on the possible risks and benefits of captive reared mallards, which was currently dealt with differently in the regions of the North Island that had it.

There was a need for a process or standard operating procedures to be followed that encouraged inter-council consultation that allowed a shared view to influence the outcome.

Council agreed to wait for the staff report to NZC on the issue, NZC would then consult with the regions. At that stage it would be a more appropriate time for Southland to comment on their view to NZC. In the meantime the memo was received & acknowledged by the Southland Council.

Hunting and Harvest Ethics:

Council supported and encouraged the ethical behaviour of hunters and agreed it should be set nationally, as good ethical behaviour in our sport was essential.

Council noted that this topic needed more discussion and it was agreed to add it to the Workshop agenda, scheduled for 23rd June 2016.

Standing Orders & Governance Policies:

Governance Policies & Standing Orders - both documents had been circulated with the agenda of the 14th April 2016 meeting to Councillors for their consideration and any amendments before adoption.

Council had reviewed the policies, and Cr Hartstonge suggested that in a public forum where Council was talking to members of the public, particularly on contentious issues, it should be done more formally through questions. This would be more respectful and would stop any combative comments being made. Other Councils did that and it did give a greater degree of control. Councillors agreed with that.

In general the Council were happy with the policies.

Resolved Fiveash/Owen that the Southland Fish & Game Council adopts the Standing Orders and Governance Policies presented at the April 2016 meeting with the addition mentioned above during public forums. Carried.

General Business:

Appointment of Waiiau Trust Trustees:

The terms of office of the Trustees had now expired and the Trust were instigating the re-appointment process. Fish & Game had the right to nominate two Trustees (currently Fred Inder and Peter Sutton). They also had the right to jointly, with DoC, nominate the Chairman and a representative of the rural community (currently Cam McCulloch & Mike O'Brien).

All Trustees were eligible for re-appointment.

After discussion:

Resolved Hartstonge/Waghorn that Southland Fish & Game Council re-appoint Fred Inder and Peter Sutton as Trustees and jointly re-appoint Cam McCulloch as chairman and Mike O'Brien as rural representative. Carried.

Public Awareness & Perception:

This issue had been mentioned before by Councillors, particularly in regards to the cycleway hearing and the possible ramifications of negative comments that have come from the public and how those were being handled through the media. The Chairman did remind Council that this was a management issue and not a governance issue, but asked Zane to give a brief comment on the matter.

Zane noted that although the cycleway was very topical at the moment and being picked up by national & local media, it was still not appropriate for us to make too much comment at this time, because it was still before the Environment Court. He reported that he had been rung by national radio a couple of weeks ago and had made a very small general comment to them on the cycleway. The Southland District Council Mayor, Gary Tong, had given much more comment, implying F&G were responsible for the budget blowout in their plan to build a cycleway down the Upper Oreti. The Mayor had also spoken on Radio Live.

Our lawyer was not happy about us making any comments at all and had also strongly suggested to the Southland District Council lawyer that no comment was made by anyone on the applicant's side, until after the court hearing had finished. Any comments could be seen as "in contempt of Court".

Zane reported he had written to Ministers', Maggie Barry, Bill English, John Key & Jonathon Coleman outlining in detail Fish & Game's position, so they were all well aware that we were

not opposed to the cycleway and why we felt obliged to take the case and that there was a good alternative and that the media comments about the cycleway cost blowout was not Fish & Game's doing.

Once the Court decision was out, a media release would be made and we would work with Don Rood, NZ Council Communications Manager, on that. It was thought the Court decision would not be released until after Xmas.

Councillors if approached by the media needed to speak as one voice on the matter and Council's public persona would be discussed further at the workshop.

Waituna Lagoon opening- Resource Consent renewal:

Ray Waghorn had declared a "Conflict of Interest" on this item and left the meeting room before discussions began (8.07pm).

The Chairman noted this was also a management issue and not a governance one.

Zane gave a brief background on the matter of the R/C renewal application by the Lake Waituna Control Association, to periodically open the lagoon to the sea. The conditions of the consent such as timing of the opening and height levels at different seasons were being discussed. The consent had been notified and submissions made both for and against. Unless agreement could be reached with submitters a hearing would be held.

Fish & Game Southland had expressed concerns along with other submitters that the opening regime was to maintain catchment drainage rather than the ecological functioning of the lagoon and had opposed the consent.

- Monitoring of Waituna Lagoon over the last ten years had shown a rapid decline in lagoon health. It was in an unstable ecological state, exhibiting symptoms of eutrophication.
- An emergency response was initiated by ES who established a Waituna Lagoon Technical Group (LTG) to provide expert scientific advice to ES on the lagoon.
- Recommendations by the LTG identified the macrophyte *Ruppia* as playing a key role in regulating water quality in the lagoon. *Ruppia* bound sediment, and took up nutrients and provided habitat for fish. *Ruppia* seeds germinated and formed seedlings in spring, while flowering and fruiting occurred in summer and autumn. It was struggling to survive in the lagoon.
- The LTG identified that if the lagoon was open during the summer period the *Ruppia* became desiccated in the heat & sun, and was exposed to longer salinity while already being distressed, this had a serious adverse effect on the macrophyte beds. The beds were only at the minimum level recommended by the LTG. (30% cover).
- The existing conditions of the consent, that had been applied for again, allowed opening to the sea during the summer /spring period if the water levels of the lagoon reached 2m.
- Spring summer openings had a high likelihood of staying open through the summer period with consequently large disturbance to the *Ruppia* germination and growth.

- A change in the management of the opening regime was required to protect the lagoon ecology. Regular winter openings would have a more efficient flushing effect and had a higher chance of closing before summer.
- Zane reported he had been advised today by the applicant that DoC had agreed to the revised closing conditions and wanted to meet with Fish & Game to get their agreement as well.
- Science supported us opposing the consent, the applicant had not shown any science to support the opening they wanted. DoC had commissioned a NIWA review of the amount of land inundated at different lagoon heights, but that did not produce the result farmers had anticipated.
- Cr Owen noted that over the last two summers the lagoon had been closed to the sea, in line with the science advice and there had been remarkable growth in young Ruppia in the lagoon, therefore in his view, the science was correct.

Cr Frisby noted that the Consent was only for a five year period, the reply to that was that the lagoon could flip in one year. He said it hadn't flipped under the old opening consent conditions that had been happening for years, why would it now? The reply was that the intensification and change of land use had meant nutrient loads entering the lake were higher and because the Ruppia beds were only at their minimum levels it was only a matter of time. The lagoon was in a degraded state. Cr Frisby also noted that anglers & hunters preferred it when the lagoon was open to the sea. Zane replied that if it did flip the trout population would be seriously damaged.

After discussions, Ray Waghorn re-joined the meeting. (8.30pm).

Congratulations:

Council congratulated Fred Inder on his recent Southland District Council, Community Services Award, recognising the years of service to the community that both he and his wife Alva had made over a long period of time. The award was well deserved.

Council also congratulated Erin Garrick on her MSc result for her thesis on "Duckling survival & habitat selection of brood rearing female mallards". In the words of her Otago supervisor "*She achieved an exceptionally good grade and one of the highest I know of for an MSc at Zoology*". Well done Erin.

Lead shot sub-gauge issue:

Zane Moss commented that the sub gauge exemption issue had not been on the agenda this meeting but would be on the next meeting agenda and gave a brief background on that.

He said that Mr Tony Reiger had written a letter through his lawyer to Zane, the Minister of Conservation and the NZ Fish & Game Council on the issue.

The Minister had since responded by sending a letter to the NZ Council Chairman, inviting Fish & Game to reconsider its decision in maintaining the sub gauge non-toxic shot exemption. This issue was set to be reconsidered next year, 2017, by NZ Council, but she had now suggested bringing that re-consideration forward.

As a region we had not seen the letter to NZC as yet and were waiting for the letter to be formally accepted by NZC. Once that occurred the regions would be consulted for comment, we would receive that for discussion at the August meeting. A response from our Council to NZC in regards to the Minister's letter would be sought. Zane said her prompt to NZC to consider this earlier was seen as a firm steer to Fish & Game to address the issue. Zane suggested we may be able to minimise any effects by managing a transition period and having exemptions e.g. 410 exemptions, if we accepted her prod, versus doing nothing and having no chance at minimising the effects.

Angler Notice:

Fred Inder noted several items he would like discussed in the next Angler Notice review. This included treble hooks v single hooks, boats moored or anchored while fishing the upper Waiau, and a fish pass at TLC. These would be discussed further at the Angler Notice review. The review would begin with discussions next meeting and Zane was asked to provide a report on the use of treble hooks versus single hooks for that discussion.

New Office:

As our current office lease expired in April 2017, both our current and new offices had been put on the market for lease hoping that one would be taken up. The new office premises was leased until 31st July 2016, by EIS Group and would be vacant after that. There had been no interest in taking up the lease in either premises to date.

Items for the next Council meeting Agenda:

- Report on single hooks versus treble hooks for Angler Notice review – Zane Moss

The Council workshop would be held on Thursday 23rd June 2016, commencing at 6.30pm.

There was no further business and the meeting was closed at 8.50pm.

Chairman _____ Date _____ -

