

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 17 Eye Street, Invercargill on Thursday 12th April 2018.

Present:

Graeme Watson (Chair)	Chris Owen
Paul Stenning	Russel Graham (6.30pm-8.30pm)
Dave Harris	Ken Cochrane
Mike Hartstonge	Cyril Gilroy
Ray Waghorn	Bevan McNaughton. (Co-opted).

In attendance:

Z Moss (Manager). J Smyth (RM Officer).

Welcome:

The Chairman opened the meeting at 6.30pm and welcomed those present.

Apologies:

Resolved Waghorn/Hartstonge that apologies be received & sustained from Fred Inder, Chris Frisby, Corey Carston, Len Prentice & Cheryl Mason. Carried.

Conflicts of Interest with items on the agenda:

The Chairman noted to the meeting his possible conflict of interest as a farmer during the Water & Land Plan discussions.

Chris Owen advised a possible conflict of interest due to his work interests with Environment Southland during the Water & Land Plan discussions.

If any further conflicts should arise during the meeting Councillors were to let the Chairman know before any discussion began.

Health & Safety:

The health & safety report for the period 1st February – 31st March 2018 was attached to the agenda for consideration.

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

Resolved Watson/Stenning that the Health & Safety Report to 31st March 2018 be received. Carried.

Minutes of the meeting held 8th February 2018

Resolved Graham/Owen that the minutes of the meeting held 8th February 2018 were a true and accurate record. Carried.

Matters arising from Minutes:

There were no matters arising from the minutes that were not dealt with later in the agenda.

Administration Reports:

The accounts paid, direct credit/debit list & automatic payments since the last meeting, licence sales progress, actual to budget progress, & Correspondence list were attached to the agenda for Council's consideration.

Note was made that licence sales were ahead of the same time last year, probably due to a very good summer.

Correspondence Reports:

Quotation to upgrade Upukerora River access road:

The access road down to the Upukerora had to date only been maintained near the start of the road but not further down towards the river. A contractor had supplied a quote for repair of the road, which Council considered to be reasonable, taking into account, the limited maintenance carried out over many years. Bill Jarvie reported the access to the river was a very popular access for anglers and was used a lot by families as well. Council discussed different options to repair the road, as it was felt that it would be of great benefit for better access and provide good promotion of Fish & Game work.

After discussion Council agreed that the Manager should approach other agencies seeking funding assistance to help repair the road and provide feedback to the next meeting. Other agencies suggested were the Waiau Trust, DoC, & the Southland District Council.

Back Country Angling on the Upper Oreti:

A letter received from an Australian angler who fished the Upper Oreti River was attached to the agenda for Council's information. The Manager had replied to the Australian angler's letter. Council has noted the increased pressure on the Upper Oreti and the concerns regarding etiquette by anglers.

Staff Report:

The staff report was attached to the agenda.

Drift Diving:

The Manager reported that most of the drift diving was now completed with the weather pattern changing & the extremely low river flows receiving more consistent rainfall. Unfortunately, the Mararoa was too low to drift dive with too much didymo in it. Next season the Mararoa will be a priority to dive earlier.

It was pleasing to see fish numbers in the Upper Oreti and Aparima were on a par with previous seasons despite our extremely warm summer temperatures. The upper reaches of the Aparima had very low flows and it had been expected there would be few fish there, however this was not the case.

Lake Poteriteri and Manapouri trout gut analysis:

The Manager reported Cohen had been processing the gut samples from our lake work. The foraging habits of the trout in the lakes do appear to be different. Bullies were found in the gut of Lake Poteriteri trout more frequently than Lake Manapouri trout. This suggested that bullies were a more readily available food source. Beetles and bullies were the most frequently encountered food items in the diet of the Poteriteri trout. The Manapouri trout were found to have cased caddis, beetles and snails in their diet. The work will continue with Lake Te Anau this year.

Mallard Population Monitoring:

Aerial mallard counts had been completed in March across the region. Council were provided with graphs showing mallard counts on cross country transects, river transects and ponds.

The Manager indicated that numbers were down on the last three seasons but ahead of the 2014 season. Staff suspected that was a result of the very dry summer Southland had experienced this year. Most noticeably was the decrease in high mallard presence around the grain producing areas of the region. But fresh stubble was not present where it usually was during the counts and a metric relating to grain harvest was being looked at to add to the population monitoring records. With the more recent rain the province had received there would be plenty of food available to the birds and it would also help move the birds around. It was expected the birds would put on condition quickly and be plump for opening weekend.

Stoat diet study:

The Manager reported that all stoat samples have now been analysed by the University of Otago isotope lab and some interesting preliminary results had emerged. The statistical analysis of the data will be performed by a student, before 30th June 2018.

Council were provided with graphs with different shaped data points representing stoats that were caught during different time periods within the mallard breeding season.

The isotopic signature of stoat liver gave an insight into the diet of the captured stoat 20 days before its death. Early in the mallard breeding season mallards and their eggs were particularly available as a prey item. The isotopic signature of stoats caught earlier in the mallard breeding season were often similar to mallards and their eggs. This would suggest some consumption of mallards and eggs was occurring.

The isotopic signature of stoat muscle gave an insight into the diet of the captured stoat forty days before its death. The isotopic signature of stoat muscle tissue was variable however the isotopic signature of certain stoats was similar to the signature of mallards and mallard eggs indicating some consumption occurred in the leadup to the stoat's death. Once isotope data had been run through a mixing model, we would get approximate proportions of mallards in the diet of each individual stoat.

Cats:

Feral cats used in the pilot study of cat's diet, were caught and killed at the end of November 2017. Results so far indicated a generalist diet.

Suitability of trout for consumption:

The Manager reported that Dr Marion Poore, Medical Officer of Health, was making further enquires with colleagues with respect to the risk of anatoxin accumulation in trout flesh. Fish & Game Councils do not have a direct responsibility to ensure that sports fish were safe to eat, however, as responsible managers if we had concerns it was appropriate that we ensured they were investigated.

The Manager reported that Cohen had a meeting with Landcare research Scientists re a workshop on emerging environmental contaminates. This had outlined a \$20 million research programme they were looking to do on fish in the Southland and Waikato region over the next five years.

They would be looking primarily at bully species and the accumulations of different toxins in those bullies. They would also be looking for groups of environmental chemicals that they could test for, e.g. hormones and pesticides.

Cohen had questioned the lead scientist on anatoxins from blue green algae and would they be included. They thought there would be parallels, so there may be an opportunity to look further at this with them.

Mycoplasma bovis and farm access:

The Manager informed Council that staff had been involved in work to ensure any conflict around transfer of M. bovis during access to farms was minimised. Bill Jarvie had spoken with MPI and also vets who had been involved in the response to M. bovis. MPI's & the vets had been consistent in their opinion that activities carried out by Fish & Game would pose close to nil risk of transferring the organism, which does not survive in the environment and required direct contact between animals or milk to spread.

A proposed cleaning regime for use between properties was being finalised which would be approved by MPI prior to open weekend ranging activities.

Resource Consents:

Cr's Cochrane & Hartstonge expressed concern at the three water take consent applications from the Aparima River. Jacob Smyth explained the background of the consents and that ES had commissioned Cawthron Institute to look at minimum flows and a how new model had been developed. F & G would continue to be vigilant on further applications and further intensification on this river.

National Project – Licence working party:

The Manager had led a project to obtain robust external review of the licence sales and administration contract, subsequently the current contract with Eyede had been reduced to a 20 month rollover agreement.

National Project – Conservation (Infringement System) Bill:

Public submissions have been called for by Government in relation to the Conservation Infringement System Bill, which was significant in relation to Fish & Game's compliance role.

The Bill provided for amendment of the Conservation and Wildlife Acts to introduce an infringement system, which was the generally accepted approach for dealing with less serious offending in relation to public resources.

The Manager informed Council that Jacob had drafted a diversion scheme in the interim, until an instant fine system was working, and assuming Fish & Game would be accepted within the infringement system. The diversion scheme would probably start for the 2018 game hunting season.

NZ Council Issues:

Paul Stenning updated Council on the NZ Council meeting held at Greymouth on the 16th & 17th March 2018. Items discussed included:

- Hawkes Bay Ngaruroro WCO application now split into two, not expected or known when F&G agreed to cover legal costs, splitting of the WCO by the tribunal had not occurred before. NZC agreed to the CEO exploring options on the WCO.
- It was agreed the NZ Council hold another strategic planning session at their April meeting to consider the list from the Oct 17 meeting to see if it covered the broad areas the Council wanted to focus on and what should be the priorities. This would be timely for the new CEO.
- NZC Guide Licence revised submission to the Minister of Conservation would be delayed until May, this was still within the timeframe set by the previous Minister – before September 2018.
- Regions dealt with Manager pay scales in various ways. A job sizing report was supplied to Managers and had been provided to NZ Council. A common approach to remuneration would need the support of regions. This would be a discussion for the Governor's forum.
- Release of captive reared mallards was still under active consideration by NZC.
- Media strategy direction was discussed. It was agreed to continue the current media strategy of highlighting the deficiencies of regional and local councils in protecting the environment.
- Forestry practices were resulting in significant impacts on the environment and important spawning fisheries, this raised questions of liability & responsibility. Issues would be raised with relevant Ministers.
- NZC agreed to submit to the contestable fund for a R3 national co-ordinator, for a national participation strategy.
- NZ Council to submit to the contestable fund for the F&G NZ National Salmon Committee. Appointees had been made and the first meeting was held on 11th April 2018.
- The RM/legal commitments & applications were considered. Cr Stenning explained why he had opposed the Otago application for funding of legal costs to \$180,000 for the Lindis minimum flow plan change being taken from their reserves instead of the national legal fund. He thought this was unfair to the Otago Region and would like to see a formal position on the use of reserves as an alternative to the national legal fund addressed. Until that happened it should not be applied on an ad hoc basis.
- The next NZC meeting would be held on 26th & 27th April 2018.

Cr Stenning noted that was his last meeting as the Southland appointee for the NZ Council as he was resigning from that appointment.

He had been looking forward to the rest of the year with the Governor's forum coming up, and the new CEO setting a new direction for Fish & Game and a really positive NZ Council putting in a lot of time & energy into various projects. Unfortunately, he just did not have the time anymore to put into the NZ Council and it was a good time for someone else to take over his role. The next meeting with the Managers for the budget rounds would be an excellent opportunity for the new person to be involved in.

Cr Stenning was thanked by the Chairman for his commitment and positive input to NZC. Southland had appreciated his excellent contribution.

The Chairman called for any nominations of Councillors for appointment to the NZC.

Carston/Waghorn nominated Chris Owen.

There were no further nominations and Chris Owen was declared the new NZC appointee from Southland. Cr Owen would attend the next NZC meeting at the end of April.

Proposed Southland Water & Land Plan:

Jacob Smyth reported that the Proposed Southland Water & Land Plan decision had been received last week. He followed with a presentation to Council on what that decision meant to Fish & Game and where to from here. The decision panel was made up of five people and significant changes had been made to the draft Plan notified.

Fish & Game's mandate was to manage, maintain and enhance the sports fish and game resource in the recreational interest of anglers & hunters. This included undertaking work to maintain fish and game habitat and to maintain angler & hunter interests & aspirations in the statutory planning processes. Realistically we could only achieve habitat protection through advocacy as we didn't have enough resources to advance habitat interests in terms of land acquisition.

The Proposed Southland Water & Land Plan was intended to halt any further decline in water quality in Southland until the Freshwater Management Units (FMU's) process took place, which would set interim limits. The incumbent plan had set a goal of a 10% reduction in contaminants (nitrogen, phosphorous, sediments etc) by 2020. It was soon apparent that goal was not going to be achieved and the new 2nd generation Proposed Plan prior to 2020 process began. The second-generation Plan sought to make improvements to water quality through good management practise in relation to rural land use by bringing in land use controls in activities like intensive winter grazing, cultivation and further intensification or establishment of new dairy farms.

New objectives and rules would be applied at a regional level and an additional set of rules for different physiographic zones. (These zones - different characteristics & risks were explained). The Plan was notified, and 900 submissions were received, mainly from farmers. A Hearing was held and the decision from the Hearing panel given last week. The Panel had noted that the science behind the physiographic zones was robust and fit for purpose at a regional scale, but not accurate enough on a farm scale to make land use rules. They did find that water quality had declined in Southland rivers, lakes & estuaries between 2000 -2016. They found that the predominant cause in water quality decline was agricultural land use.

Key issues to the Proposed Water & Land Plan were that it did not set water quality limits or targets in terms of the National Policy Statement (NPS) on freshwater management.

The NPS provided that water quality, at worst, needed to be maintained. Best indications were that interim limit setting would not be available in Southland until at least 2025. The Panel also had recommended a less restrictive regulatory regime than was set out in the notified plan, despite the factual findings in respect to water quality.

In addition, the objectives and policies had been generally weakened or less directed as to what was allowed. Jacob gave examples of those weakened policies and objectives, this included sediment limits & buffer zones. He showed images to the Council that had been presented to the Hearing, showing the issues & impacts of intensive winter grazing and cultivation on various waterways.

Under the decision of the Proposed Plan, dairy farming that was established before June 2016 was a permitted activity and new or extended dairy farms since then did require consent. However, the door would still be open to more applications being made and to applications being made where losses would increase because of that activity. The timeframes for stock exclusion had been extended but did not apply to ephemeral streams. Therefore, farming activities under the Plan e.g. intensive winter grazing, cultivation and stock access in ephemeral waterways were a permitted activity. The Plan did focus on Farm Environmental Management Plans (FEMP's) and all farms over 20 hectares were required to have a Farm Environmental Plan and a nutrient budget by mid-2019. This was to encourage good management practice and minimize contaminant loss. However, F&G Staff were concerned how compliance with the practices would be enforced, there was no certification to be fit for purpose, the only requirement was maybe supplying information to ES if they asked for it. It was questionable whether this would bring a measurable improvement in water quality, as they were not required to comply with any effects-based standards.

If Council wished to contest the decision an appeal would have to be lodged by mid-May. There may be opportunities for a co-operative relationship with other stakeholders who had similar interests to Fish & Game e.g. Iwi and DoC.

Staff concerns with the Plan related to the high-level policies & objectives, principally with regard to water quality in relation to specific rules that governed activities known to have disproportionate effects e.g. winter grazing, cultivation and intensification. At a high-level Fish & Game would be interested in trying to restore the Plan as it was previously notified. The Plan was far more permissive now than the original draft Plan notified.

The Manager added that the Plan, as it currently stood, would not halt the decline in water quality. The Manager & Jacob had met with Maree Baker-Galloway and a Planner involved in the original Plan to discuss the case. If we did not appeal the Plan there would be a roll-on effect with the next phase of limit setting (FMU) in the catchments. We needed to hold the line now, so the next process could help turn things around.

Cr Owen asked if there had been any discussion with other organisations on the decision. The Manager replied that a meeting had been held with Iwi planners and that had been very positive and constructive. Iwi and F&G both wanted improvements in water quality & not to just maintain it, our interests were very similar.

The Chairman noted to Councillors the press release stated if the Plan was appealed it would go to mediation and if differences could not be resolved it would go to the Environment Court.

The Manager said that this was a battle we needed to have, we were duty bound to advocate through the statutory planning process for the interests & aspirations of anglers & hunters and it did not get more direct than this.

To oppose the decision, we would need Agricultural expertise, planning expertise and legal representation plus other witnesses. However, witness costs could be shared amongst other organisations with similar interests, we would not be alone in appealing this decision.

The next stage was to draft and lodge an Appeal on F&G's concerns and talk to other stakeholders, DoC, Iwi, Forest & Bird etc. on those concerns. Mitigation talks would follow, and some things we might get agreement on and some things not. This would be a long process, but staff would come back to the Council with recommendations to proceed or not with the Appeal after mitigation talks. Full costs were a bit unknown at this stage.

The first step was to get Council approval to lodge the Appeal, the cost of that would be in the vicinity of \$10,000.

The Chairman asked for Council's comments. After discussions around the table.

Resolved Stenning/Harris that the Council agrees to Southland Fish & Game lodging an Appeal, opposing the Hearing Panel decision on the proposed Southland Water & Land Plan, as a first step. Carried with Cr Owen abstaining from voting.

Jacob Smyth then left the meeting 8.07pm.

Councillors were all in agreement that they really had no choice but to lodge an Appeal in the best interests of Anglers & Hunters.

General Business:

Draft 2018-2019 Budget & Operational Work Plan:

The amended draft budget & operational work plan for 2018/2019 were attached to the agenda for Council to consider. The budget was the amount of our bulk funding, \$660,402.

Cr Cochrane had some questions on the Budget & Operational Work Plan (OWP) particularly the first draft budget in relation to the 2nd amended draft budget and why the first draft was incomplete. He did not like the procedure of the whole process. He had emailed his questions to the Councillors and the Manager would now reply to those questions.

The Manager accepted the point that the process needed to start earlier in the year for Council to give fuller consideration and consequently a draft would be presented at the August meeting annually, so Council could set priorities for the OWP and staff could develop projects from that. He reminded Council that we were statutorily bound to do certain projects as well e.g. population counts, RMA work etc.

He noted that the total external expenditure between Draft 1 & 2 had not changed but had been redistributed across different project codes.

The Manager explained the different projects between the two drafts and why they had changed. In reply to the explanations and in respect to one code, Cr Cochrane queried if Management had the authority to contract out services as they saw fit without the permission of the Council table. This was about direction, a governance issue surely. Lively discussion followed on that.

The Manager noted that it was not his intention to seek further outside contract work. The current contracts, which had been ongoing for many years, encapsulated work we were already doing in the OWP and was consistent with our core work. Contracts were, at the least, cost neutral and added to staff expertise and value. If Council wanted a certain direction, then a Council Policy with respect to external services and the provision of those should be drafted. Around the table two Councillors would like to see a Policy drafted, while other Councillors were happy with the status quo.

Game Hunter Survey 2018: The Council was asked if they wanted to complete the opening weekend game hunter survey this year and if they wished to carry on with the full 7 surveys of the season. It was agreed that Council would do the first survey and staff the rest. If any Councillor wanted to do the full 7 surveys, please let management know.

Questions Council needed to ask during the opening weekend survey would be emailed to them and would include whether hunters wanted a point system or not.

After discussions:

Resolved Hartstonge/Stenning that the 2018/2019 amended draft OWP & Budget were approved. Carried with Cr Cochrane against.

Change of meeting dates:

Due to the Council elections being held on 12th October 2018, and elected members taking office on the 31st October, we were required under the Act to have a meeting of the new Council and appoint a new NZC appointee by 21st November 2018.

With this in mind it was agreed to cancel the October meeting and transfer that meeting to the 8th November 2018.

Resolved Stenning/Owen that the date for the October meeting be changed to the 8th November 2018 to accommodate the new Council meeting required under the Act. Carried.

There were no items for requested for the next Council meeting.

There was no further business and the meeting was closed at 9.15pm

Chairman_____Date_____