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Submission on Resource Consent Applications by Meridian Energy for their Mokihiui Hydro proposal. RC07/180 (AtoH)

1. The West Coast Tai Poutini Conservation Board is a statutory body appointed by the Minister of Conservation.
2. It has the power under Section 6N 2(a) under the Conservation Act 1987 to 'advocate its interests at any public forum or in any statutory planning process'.
3. The West Coast (Tai Poutini) Conservation Board opposes this proposal.

Reasons for opposition

For ease of interpretation, Board comment is printed in bold italic script to separate it from background information.

The Mokihiui River is a large river with its whole catchment and flow in a natural state.

Such rivers are rare, both in New Zealand and in the developed world.

The Board's opposition results from its assessment of the affected area as having outstanding value as a natural landscape, and also from the loss of conservation values.

The Board's view is supported in two ways.

1. ***Consideration of regulatory requirements.***

2. *Consideration of Conservation Values Affected*

1.Consideration of Regulatory Requirements.

The Proposed West Coast Te Tai o Poutini Conservation Management Strategy

This document identifies the Mokihinui catchment as having special significance where it discusses the biodiversity of the Kawatiri Place—p368

‘Other rivers and streams in the Kawatiri Place also have high freshwater value. For example, the Mokihinui River is the seventh-highest ranked river in New Zealand by natural heritage value (Chadderton *et al* 2004). This reflects the largely intact nature of its catchment vegetation and its environmental richness, which is a product of its diverse geology. The catchment provides important habitat for blue duck *whio* and contains populations of threatened fish, most notably longfin eel *tuna*’.

Meridian Energy’s application paragraph 6.9.1

states;

‘The Mokihinui Gorge in which the proposed dam and lake will be located, has very high natural character but is not assessed as being an outstanding natural feature or landscape. The Buller District Plan does not consider the Mokihinui Gorge to be an outstanding natural feature or landscape.

The proposed lake will maintain the natural character importance of the waterway, and even though its specific landscape character will change, its generic naturalness will not. The visual relationship of the proposed lake to its surrounds will remain the same as that of the existing river. The lake will display a very high level of visual amenity.’

The Board feels that the issue of whether or not the Mokihinui Gorge and its surroundings may be considered to be an area described as an ‘ Outstanding Natural Feature or Landscape’ (ONFL) is critically and nationally important and requires more scrutiny than the applicant has employed.

The Board contends that replacing a fast-flowing, untamed, gorged river with an artificial, controlled lake is an absolute change of character. To say otherwise is speculative and subjective.

The Resource Management Act 1991

This act states;

‘Section 6.--Matters of national importance—

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a)The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b)The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c)The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d)The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e)The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

[(f)the protection of historic heritage from inappropriate subdivision, use, and development.]’

The Board, in examining how this requirement as regards ONFLs in Sec 6(b) above has been addressed in the Buller District Plan, does not agree with the inference by the applicant that the area is not an ONFL.

The Buller District Plan

This District Plan states;

4.9. Landscapes And Natural Features

4.9.1. Key Issue

4.9.1.1. Protection of the outstanding landscape values and natural features of Buller District from the adverse effects of inappropriate subdivision, use and development.

4.9.2. The Buller District has a distinctive character which owes much to the landscape pattern and outstanding natural features. Rugged mountains grade to forested foothills, river valleys and terraces, down to the coast, with estuaries, rocky outcrops, cliffs and sandy beaches. The climate, topography and soils of the District mean the effects of inappropriate development may be quite pronounced or lack harmony with the surrounding environment. Outstanding natural features and landscapes represent an important tourist attraction and recreation asset and contribute to a sense of District identity. Particular features include karst areas, wetland systems, the Buller Gorge, the Paparoa and Karamea landscapes, the Buller coal measures and coastal dune systems.

4.9.3. Objective

4.9.3.1. To protect the distinctive character and unique values of outstanding landscapes and natural features.

4.9.4. Policies

4.9.4.1. To discourage activities which would significantly alter the character of outstanding landscapes.

4.9.4.2. Character areas shall be identified in the Plan and shall reflect the distinctive landscape elements and natural values held for each region.

4.9.5. Methods of Implementation

4.9.5.1. Rules and performance standards and assessment of resource consent applications.

4.9.5.2. In consultation with the community, develop an inventory of outstanding landscapes and natural features in the District by December 2002.

4.9.6. Explanation/Reasons

4.9.6.1. The Act requires that outstanding natural features and landscapes be protected from the effects of inappropriate subdivision, use and development. This is particularly important in Buller where the value of these features to the tourism industry and to the District's identity is significant.

(The Board notes that this district plan consistently refers to outstanding natural features and landscapes and the Board takes this to be synonymous with the outstanding natural landscapes and features for which the Act requires protection.-- ONFLs).

The process of identifying ONFLs for the Buller District Plan has commenced, but has not been completed. The Council stated it would develop this inventory ‘in consultation with the community ... by December 2002.’

The Buller District Council began a Plan Change in November 2003 and 113 changes were publicly notified on 23 June 2004. One of these changes was Plan Change 9 which was to identify and develop an inventory of outstanding landscapes and natural features. The Council identified some landscapes and features which it put out for consultation. These areas and others were then submitted on, both for and against, at which point other sites were proposed, including the Mokihinui Gorge. The Council has never reached a decision on the outcome of the hearings which followed. These were held in July 2005.

The Board therefore suggests that it is inappropriate for the Buller District Council to determine the suitability of the Mokihinui Gorge as a site for a hydro lake, given that this site is still part of a 'live' debate about its value as an outstanding natural feature or landscape.

The Board suggests that to isolate this gorge from the rest of the District and decide whether it is significant enough to be identified as an ONFL or not, would invalidate the wider process which has yet to run its course.

The Board considers that the Mokihinui River from the Forks to the proposed dam site is sufficiently distinctive and unique to be considered as an ONFL. Not only is this river outstanding in its own right; it also is one of a number of fast flowing rivers making a steep descent from the nearby mountains to the sea. These deeply gorged rivers prone to flooding and variable flow absolutely characterise the West Coast, and reflect the climate, livelihoods and character of Coasters. To take one river out of this system and replace it with a lake is an absolute change of character. The Board contends that the public must be engaged on the wider debate about ONFLs before the Council makes decisions on possible individual sites.

The Board invites comparison to be made with the Ahaura River Gorge and the reasons for the protection already offered to that river.

The West Coast Regional Council Proposed Land and Riverbed Management Plan;

This Regional Plan states

Appendix 4

P123 and 124

National Water Conservation (Grey River) Order 1991

‘3. Outstanding characteristic and features

It is hereby declared that the Ahaura River from Hamers Flat (NZMS 260 K31/064616 to NZMS 260 K31/973681) includes and provides—

(a) An outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and (b) Outstanding scenic features.

5. Partial retention of natural waters

Because of the outstanding characteristic and features specified in clause 3 of this order—

(a) No water right under section 21 of the Act shall be granted in respect of the Ahaura River upstream from Hamers Flat for the purposes of hydro-electric power generation or other works if the effect of granting the right would detract from the outstanding characteristic and features specified in clause 3 of this order:

(b) No right to dam the waters of the Ahaura Gorge shall be granted under section 21 of the Act:

(c) No right under section 21 of the Act shall be granted for the purposes of damming the rivers downstream of the Ahaura Gorge if the effect of granting the right would be to change the rate of flow or water levels in that gorge:

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force 28 days after its notification in the Gazette, declares the waters of the Ahaura Gorge downstream of Hamers Flat—

- (a) To be an outstanding natural characteristic in the form of an incised river gorge with a meandering pattern; and
- (b) To have outstanding scenic features.’

The Board believes that in terms of outstanding natural character, the Mohikinui Gorge compares favourably with the Ahaura Gorge and that a similar degree of protection from modification would be appropriate.

The decisions sought by the Meridian Energy resource consent applications currently before the Buller District Council and West Coast Regional Council will interfere with the public debate necessary to determine ONFLs. Such decisions would be ad hoc specifically related to one site, without the full debate being held.

In this Board’s view, the only logical and reasonable course of action to be taken by the Buller District Council and West Coast Regional Council in relation to this application is to put it on hold until the general debate has occurred, decisions made by the Buller District Council, and appeals concluded about all Outstanding Natural Landscapes and Features.

2.Consideration of Conservation Values affected by the Proposed

The Board believes the adverse effects on the following conservation values cannot be appropriately avoided, mitigated or remediated.

Consequences to freshwater ecosystems.

The Board’s view concurs with those expressed in the following extracts from THE WEST COAST TE TAI O POUTINI CONSERVATION MANAGEMENT STRATEGY – DRAFT 2007

P 137

- Hydrological modifications

The values of many rivers and streams are threatened by hydrological modifications associated with land development and energy generation. Flood control, damming ---are activities that may contribute to changes in the ecological character of wetlands, due to hydrological modifications (eg . changes to the duration and frequency of flooding and/or alter levels of fluctuation). One effect of such hydrological modification is that flood water levels tend to be more extreme and the water is flushed out more quickly. As a result of these changes, some creeks with important native fish values are exposed to higher levels of disturbance during floods---

The impacts of such modifications may be exacerbated in the future by climatic change.---

The effects of hydro development range from flooding of land-based ecosystems to disturbing the flow of aquatic ecosystems. Flow variations can reduce habitat and feeding areas, increase water temperatures and silt up gravel spawning areas. Hydro development may also affect sediment loads and provide barriers to fish migration.

The Board feels that the unnatural changes in river flow and water levels will result in adverse effects on downstream river habitats.

The measures described to mitigate this cannot avoid unnatural flow patterns which will reflect peaks of demand for electricity rather than be a consequence of natural rainfall.

The natural (and recreational) downstream experience of these river flows will in no way be approximating to normal.

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- Barriers to Native Fish Passage

In order to complete their life-cycles, many native fish species need to migrate from inland freshwater locations out to sea then back inland again. Several types of structures that humans place within waterways block fish passage, literally by creating a physical barrier that fish cannot pass. ---Many native species cannot climb vertical walls or jump waterfalls created by human structures.---Hydro-dams create fatal barriers for fish travelling downstream if there is no alternative for them but to swim through the turbines. Many eels are killed by turbines in this way when they begin their migration to sea in order to breed. The cumulative effects of barriers on native freshwater fish stocks are significant, and may include local extinction and population fragmentation.

The Board's view is that effects on fish migration will be less than minor.

The applicant's 'adaptive' approach in minimizing the effect of the dam as a barrier to safe fish migration, suggests an element of uncertainty which makes the assessment of effects unreliable.

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- Vegetation Clearance

Maintenance of the natural vegetation of waterways and wetlands is crucial to the survival of many freshwater fish species. The threatened blue duck *kōwhiowhio* depends on freshwater rivers and streams whose riparian zones are covered in indigenous forest.

In the Board's view the long hydro-lake will represent a loss of riverbed and its marginal vegetation for which there is no mitigation in conservation terms.

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- Recreational Impacts

The rising number of recreationists visiting the West Coast Tai Poutini Conservancy is resulting in increased pressure for use of and access to freshwater ecosystems from the lowlands to the uplands.

There is a corresponding increase in the demand for toilet facilities, which may pollute nearby freshwater ecosystems. People who transport water craft and other gear between freshwater ecosystems without cleaning them may accidentally introduce new invasive weeds and/or pest fish species, thereby altering near pristine ecosystems. Noise from motorised water craft may disturb wildlife, especially nesting birds. Karst ecosystems are particularly vulnerable to adverse effects caused by recreational activities.

In the Board's view, the recreational experience which will be gained in what will become a greatly modified valley is already available in many other parts of NZ. The easier access suggested by the proposal is likely to increase recreational use of the area. However this predicted increase in recreational use does not mitigate the loss of special unmodified landscape and natural features nor does it mitigate the loss of the existing more challenging (and rarer) recreational experience.

The Board also has concerns about the consequences to the marine environment

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- Marine Biodiversity values

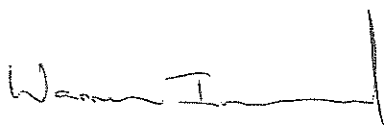
-- the marine environment includes a diverse range of habitats such as stacks and islands, beaches, rocky shores and reefs, the open sea beyond the surf and the bed of the continental shelf and its margins. All of these are dominated by water as currents, swells and tides interact with the prevailing westerly weather and the huge flood flows and sediment loads carried by most West Coast *Te Tai o Poutini* rivers, constantly shifting shorelines yet tending to retain a dynamic balance over time if not disturbed by human activities. The beaches and rocky coasts are scoured by a predominantly northward drift of sediment (Probert and Swanson 1985).

Scientific understanding of the West Coast *Te Tai o Poutini*'s marine and coastal environment is only just beginning to develop. Most marine research on the West Coast *Te Tai o Poutini* has focused on the very significant commercial fisheries and productivity of the continental shelf; only in the last decade or so has scientific interest turned to the inshore coastal waters and the study of the Conservancy's estuaries, seashores and marine mammals.

The combined effects of a number of features of the West Coast *Te Tai o Poutini*'s marine environment distinguish it from other New Zealand coastal areas. The latitudinal location, the marine landforms, the high degree of exposure to waves, the effects of sedimentation and sand scour, the shelf and river hydrology, the dynamic and spectacular landscape, and the rich offshore fisheries all combine to give the West Coast *Te Tai o Poutini* its own natural character.

The Board is concerned that the issue of dam-retained sediments and the effects of this on coastal processes has not been considered.

The Board would wish to be heard at any hearing in connection with these resource consent applications by Meridian Energy.



Warren Inwood
Chairperson (Acting)

22/04/08

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