

**BEFORE THE INDEPENDENT COMMISSIONER
APPOINTED BY THE SOUTHLAND REGIONAL COUNCIL**

Under The Resource Management Act 1991

And

In the matter of a resource consent application by ES Catchment
Management Division to dam and divert coastal
waters and to occupy the coastal marine area with
tide-gates and a weir upstream of the Titiroa River

Application No. Southland Regional Council: APP-20211135

**STATEMENT OF EVIDENCE OF ALAN ROBERT CHRISTIE
ON BEHALF OF THE DIRECTOR-GENERAL OF CONSERVATION
Dated 16 August 2024**

Counsel for the Director-General of Conservation

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Introduction

1. My full name is Alan Robert Christie.
2. I have been asked by the Director-General of Conservation (DGC) to provide evidence relating to my observations, as a compliance officer for the Department of Conservation, relating to whitebait fishing in the Titiroa river.

Qualifications and experience

3. I am employed by the Department of Conservation (DOC), Invercargill as a Community Ranger. I have worked for DOC since December 2002. Before that I was a sworn police officer in the New Zealand Police for 26 years. I attained the rank of Sergeant with the majority of my career undertaking front line policing along with six years as a police prosecutor in the District Court.
4. I have held a “Warrant of Authority” pursuant to Section 59(1) of the Conservation Act 1987 since joining DOC.
5. My DOC compliance experience includes 12 years as a Principal Compliance Officer on DOC’s National Compliance Team. This role included undertaking investigations into serious offending against conservation and wildlife legislation, facilitating compliance training courses to warrant DOC staff, and advice & support to managers on compliance issues.

Scope of evidence

6. I have been asked to provide evidence in relation to the notified consent and the DGC’s submission.
7. My evidence addresses the following issues:
 - a. Whitebaiting season and DOC’s role with compliance;
 - b. Whitebait fishing in the Titiroa River;
 - c. Observations of fishing for whitebait east of the Titiroa Bridge; and
 - d. Current prohibition pursuant to the Whitebait Fishing Regulations.

Whitebaiting season and DOC’s role with compliance

8. Recreational whitebaiting is regulated pursuant to the Whitebait Fishing Regulations 2021. These regulations govern how and when whitebait may be caught throughout New Zealand and the Chatham Islands.
9. The Whitebait Fishing Regulations are formulated pursuant to the provisions of Sections 48 and 48A of the Conservation Act 1987 relating to the taking of freshwater fish species. DOC is the government department tasked with the monitoring and enforcement of the Whitebait Fishing Regulations 2021.
10. Each season DOC's compliance staff conduct compliance patrols around New Zealand rivers undertaking advocacy and enforcement work to ensure the regulations are being complied with.
11. The whitebait fishing season runs for two months commencing on the 1st of September and concluding on the 30th of October each year.

Whitebait fishing in the Titiroa River

12. The Titiroa River is one of the main rivers in Southland where recreational whitebaiting occurs. From the mouth of the river at the Fortrose Estuary, through to the Titiroa Bridge on the Gorge Road to Fortrose Highway, whitebaiters fish from registered stands on both sides of the river.
13. Over the past 22 years I have carried out whitebait compliance on the Titiroa River. I have been involved in dealing with many breaches of the regulations, several of which have resulted in prosecutions.
14. A large number of complaints that we received from individual whitebaiters and the Southland Recreational Whitebaiters Association, as a collective body, concerned the actions of a small group of persons who were seasonal fishing for whitebait upstream of the Titiroa Bridge. These persons would park beside the bridge in house buses and caravans and remain there for the majority of the season.
15. Complaints regarding this group would include allegations of fishing with multiple nets, using non-compliant fishing gear and most seriously leaving nets in the water overnight.

Observations of fishing for whitebait upstream of the Titiroa Bridge

16. An earth bank, a short distance upstream of the bridge, effectively created a “dead end,” (refer to figure 1 below) causing a situation that forced the whitebait to head back down stream towards the channel leading to the floodgates.



Figure 1: Image showing the tidegates, earth bank and bridge (bottom of image)

17. On occasions I witnessed persons fishing upstream of the bridge setting their nets facing upstream to gain maximum benefit of catching these shoals of returning whitebait.
18. Nets would also be set along the narrow channel immediately before the closed floodgates.

Current prohibition pursuant to the Whitebait Fishing Regulations

19. DOC had concerns that the situation outlined above was impacting on the whitebait fishery with whitebaiters in this area gaining an unacceptable advantage and removing significant amounts of whitebait from that location.
20. In 2022 I sought authority to install “Back Pegs” at this location pursuant to Regulation 13 of the Whitebait Regulations. Once installed, no person is

permitted to fish for whitebait upstream from where back pegs have been installed.

21. Prior to the commencement of the 2022 whitebait fishing season the back pegs were installed on the upstream side of the Titiroa Bridge. This is the only site to date where DOC has felt there was a need to install these pegs.
22. Since their installation DOC has received no complaints of persons fishing upstream from the bridge.



Alan Robert Christie

DATED this 16th day of August 2024