

Submission of the Waiau Fisheries and Wildlife Habitat Enhancement Trust on APP-20233670

1 Introduction

This submission of the Waiau Fisheries and Wildlife Habitat Enhancement Trust (Waiau Habitat Trust) responds to APP-20233670 by Meridian Energy Limited (Meridian) for activities associated with constructing a new channel to enable a permanent diversion of part of the flow of the Lower Waiau River upstream of the Manapōuri Lake Control Structure (MLC), also referred to as the Waiau Arm.

Thank you for the opportunity to submit on this application. The Waiau Habitat Trust acknowledges Meridian's consultation prior to submitting this application and supports the public notification of this application for resource consent.

The Waiau Habitat Trust was established in 1996. It was one of the community-negotiated outcomes of the Manapōuri Power Scheme resource consent process. The Waiau Habitat Trust has been focused on remediation and mitigation of the significant adverse effects of the power scheme on the fisheries and wildlife of the Waiau River Catchment for 26 years now.

Working with farmers, and in some instances QEII, the Waiau Habitat Trust has protected 3356 ha of stream, wetland and riparian habitats, plus remnant bush habitats associated with tributary headwaters in the Waiau catchment. 223 individual projects have been completed, including several major or flagship wetland restoration and enhancement projects.

The main outcome is enhanced ecosystem health, including reduction in stream and wetland nutrient and sediment loads, expanded or enhanced fish and bird habitats and unimpeded fish access.

The Waiau Habitat Trust understands that APP-20233670 is intended to improve flow conveyance and the reliability of flushing flows through the MLC, and so is anticipated to result in better outcomes for river health in the Lower Waiau River. The Waiau Habitat Trust is generally supportive of this intent.

However, the Waiau Habitat Trust have a number of questions and suggestions it wishes to see addressed prior to consent being granted. The Waiau Habitat Trust wishes to be heard in support of this submission and would like the opportunity to discuss and resolve these issues with ES and Meridian through a pre-hearing meeting.

2 Submission points

The Waiau Habitat Trust is generally supportive of the intent of APP-20233670 to improve flow conveyance and the reliability of flushing flows through the MLC.

The Waiau Habitat Trust notes that the construction timeframe falls outside the normal seasonal water quality monitoring period in the Waiau Arm. Given the increased risk of phytoplankton blooms as set out Dr Kilroy's report, the Waiau Habitat Trust suggests a construction-specific monitoring programme be required through conditions.

The Waiau Habitat Trust supports the Waiau Working Party's (WWP) detailed suggestions on the expansion of the existing water quality monitoring/management regime for the Waiau Arm to persist post-construction, including real time monitoring of dissolved oxygen and fluorometry alongside regular validation monitoring at vulnerable times (low flow, high temperatures and high sunlight hours) and a proactive flushing flow regime to prevent blooms occurring or remove any blooms.

The Waiau Habitat Trust requests a condition requiring any exposed islands created within the Waiau Arm be maintained to provide suitable nesting habitat for black billed gulls (levels, materials, form etc), and that the design of these be discussed and agreed with the Waiau Habitat Trust, and any other interested stakeholders, prior to their construction.

The Waiau Habitat Trust requests a consent expiry of 2031 to align with the key operational consents for the Manapōuri Power Scheme. This will provide ample time for the construction of the new channel and will facilitate a holistic approach to the management of activities and effects associated with the operation of the Manapōuri Power Scheme upon re consenting. Providing a consent time frame for this consent which outlives the operational consents creates a risk that this consent will set the context for what monitoring and mitigation programmes look like following re consenting.

The Waiau Habitat Trust also supports the WWP's suggestion to enable the flushing flow regime to be expanded to address emerging concerns relating to the health of the River. The Waiau Habitat Trust is comfortable with the WWP's suggestion that a financial contribution from Meridian be required when flushing flows are triggered under the flushing flow regime but not provided. Further, the WWP's suggestion that a portion of that financial contribution be received by the Waiau Habitat Trust to support ongoing ecological protection and restoration work in the catchment.

The Waiau Habitat Trust requests that the trap and transfer programme be extended to all migratory fish species rather than the existing focus solely on long fin eels on the basis that the MLC provides a barrier to fish passage for other migratory species as well as long fin eels. The Waiau Habitat Trust also requests a consent condition requiring any fish

disturbed during excavations to be returned to the Waiau River via an established methodology.

The Waiau Habitat Trust requests a consent condition requiring an inspection of areas to be disturbed for freshwater fauna (including kakahi mussels) prior to construction combined with relocation to suitable safe areas.

The Waiau Habitat Trust is not a trade competitor of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

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