Dear Sir/Madam

Re: Submission on proposed Southland Water and Land Plan

This is a submission from the South Island Eel Industry Association (SIEIA) on the proposed Southland Water and Land Plan (the Plan). The address for service for this submission is:

Attn: Bill Chisholm, Chisholm Associates, 67 Selwyn St, Leeston, Canterbury 7632.
ph (027) 2214739, email bill@chisholm.co.nz.

SIEIA would like to be heard in support of this submission.

SIEIA could not gain an advantage in trade competition through this submission.

SIEIA represents commercial eel fishermen who utilise the eel resource in Southland. Our members comprise the majority of eel permit holders, and take the majority of the shortfin and longfin eel catch in the South Island. While SIEIA is generally supportive of the Plan to improve water quality in Southland, we have a number of specific comments on it. These are listed below:

1. Objective 15 and Ngai Tahu Objective 3

Taonga species, as set out in Appendix M, and related habitats, are recognised and provided for.

SIEIA Response: The term “recognised and provided for” has little meaning. Shortfin and Longfin eels are listed in Appendix M as taonga species. Our concerns are that Council may attempt to get involved in fisheries management issues, such as fisheries closures, harvest settings and mataitai (other Councils have attempted this). This is not advised, as Councils do not have any powers under the Fisheries Act, which solely governs these functions. However, Councils should be involved in eel
habitat maintenance and enhancement, as far as possible, as this is not a function controlled under the Fisheries Act. We suggest that, for clarity, this objective be changed to:

*The maintenance and enhancement of habitats of Taonga species, as set out in Appendix M, is recognised and provided for.*

Similarly, Ngai Tahu Objective 3 needs to be changed as follows:

*To manage activities that adversely affect the habitats of taonga species, identified in Appendix M.*

2. Policy 18 – Stock exclusion from waterbodies

Our earlier comments on this issue stated that all stock should be progressively excluded from waterways, but all dairy cows should be immediately excluded from waterways. The new policy now states:

*requiring progressive exclusion of all stock, except sheep, from all waterbodies, including artificial watercourses, on land with a slope of less than 16° by 2025, and the management of sheep in critical source areas;*

We can accept the exception of sheep, as stated in this Policy. However, the presence of dairy cows and cattle in waterbodies in intensive farming areas is entirely unacceptable under any circumstances, (extensive cattle grazing areas are an exception). We are aware of many areas with a slope of >16° which are intensively grazed. This Policy is therefore unacceptable, and need to be changed to:

*requiring immediate exclusion of all stock, except sheep, from all waterbodies, including artificial watercourses, in intensive grazing areas and on land with a slope of less than 16°, and the management of sheep in critical source areas;*

3. Policy 29 – Provide for the extraction of gravel

We note that this Policy specifically mentions “Taonga species habitat”. This Policy applies Council functions correctly, as it focuses on species habitats, rather than species management. This supports our comments in 1 above.

4. Policy 30 – Drainage maintenance

Change to:

In recognition of the community benefits of maintaining flood capacity and land drainage, ensure that drainage maintenance activities within artificial watercourses and the beds of modified watercourses are managed in a way that either:

1. avoids, remedies or mitigates significant adverse effects on the aquatic environment; or
2. maintains or enhances habitat value, *including taonga species listed in Appendix M.*
5. Policy 32 – Protect significant indigenous vegetation and habitat

We are very concerned about the bioaccumulation of hazardous substances in eels, and how these are managed through the consenting process. We recommend a change of this Policy to:

Protect significant indigenous vegetation and significant habitats of indigenous fauna to improve soil health, water quality, water quantity, harvest values (including bioaccumulation of hazardous substances) and ecosystem health.

6. Policy 33 – Adverse effects on wetlands

Change to:

Prevent the reduction in area, function and quality of wetlands, including through discharges, drainage and vegetation removal.

7. Rule 9 – Discharge of agrichemicals onto or into surface water

We are concerned with subsection (g), where such discharges are not permitted into certain waters. Unfortunately, new incursions of aquatic weed pests do not respect WCO or other boundaries, and this Rule could adversely affect any rapid response, which is normally required to deal with new pest plant incursions (e.g. Lagarosiphon, which is spreading throughout Southland). We recommend that subsection (g) be deleted. Subsection (c) of Rule 10 should be similarly deleted.

8. Rule 11 Discharge of vertebrate pest control poisons

We have had problems with vertebrate pest toxins getting into eel flesh through bioaccumulation, from various non-point discharges during wide-scale vertebrate pest control operations. We oppose this being a permitted activity and request that it be discretionary in all cases, so that our industry can be informed of what is happening, and ensure that the export of eels is not threatened by the wide-scale broadcast of these toxins into the environment.

9. Rule 59 Culverts and Sediment Traps

We recommend a change to Section (a), (x) to:

*Upstream and downstream* fish passage shall not be impeded as a result of the activity;

We object to Section (b) allowing non-compliance with the fish passage condition to remain a Controlled Activity. We require such non-compliance to force this to be a Discretionary Activity, as our industry is threatened by these structures, and Environment Southland does not have the expertise to exercise sole discretion on this matter.

Section (c) also needs a subsection (v) which states:

*Upstream and downstream fish passage shall not be impeded as a result of the activity;*
It is unacceptable to allow any activity to continue, which may impede the upstream/downstream passage of fish.

All other references to fish passage in the Plan should use the same Rule change as we have recommended above (i.e. “upstream and downstream fish passage shall not be impeded as a result of the activity”).

Yours faithfully

Bill Chisholm

For SOUTH ISLAND EEL INDUSTRY ASSOCIATION INC.