Minutes of the Rangitāiki River Forum Meeting held in Council Chambers, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne on Friday, 7 June 2019 commencing at 10.00 am

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**Present:**

**Chairman:** Maramena Vercoe - Te Rūnanga o Ngāti Manawa

**Deputy Chairman:** TeWaiti Rangiwai - Te Rūnanga o Ngāti Whare

**Appointees:** Crs Tīpene Marr, Bill Clark, Kevin Winters, David Love - Bay of Plenty Regional Council, Tuwhakairiora O'Brien (Alternate) - Te Rūnanga o Ngāti Awa, Ngapera Rangiaho - Tūhoe, Ivy Kahukiwa Smith, Janice Wall (Alternate) - Hineuru, Clifford Te Riini - Ngāti Tūwharetoa (BOP) Settlement Trust, Cr Alison Silcock (Alternate) - Whakatāne District Council

**In Attendance:** Bay of Plenty Regional Council: Chris Ingle – General Manager Integrated Catchments, Nancy Willems – Team Leader Eastern Catchments, Reuben Fraser – Consents Manager, James Low – Team Leader Policy (Freshwater), Michelle Lee – Planner (Water Policy), Mieke Kapa – Land Management Officer (Eastern), Sandy Hohepa – Māori Policy Advisor, Kay Boreham – Marketing & Communications Advisor, Shari Kameta – Committee Advisor; Nicholas Woodley – Senior Project Planner, Whakatāne District Council; Michal Akurangi – Taiao Manager, Te Rūnanga o Ngāti Awa; Externals: Eimear Egan – Freshwater Fish Ecologist, Dr Kura Paul-Burke, Pou Hononga - Maori & the Marine Environment, NIWA; Chris Fern – Environmental Manager, Trustpower; Beverley Hughes; Brad Bluett – Department of Conservation

**Apologies:** Miro Araroa - Te Rūnanga o Ngāti Awa, Paora Hunia - Ngāti Tūwharetoa (BOP) Settlement Trust, Cr Tangonui Kingi, Cr Rosie Harvey (Alternate) – Taupō District Council, Cr George Johnston - Whakatāne District Council, Cr Matemoana McDonald (Alternate) - Bay of Plenty Regional Council, Te Waiti Rangiwai (early departure)

# Opening Karakia

Provided by Cr Tiipene Marr*.*

# Announcements

Chair Maramema Vercoe advised that Tūwharetoa (BOP) Settlements Trust had provided notice of a recent change in membership. Due to current commitments of Reverend Paora Hunia, Clifford Te Riini had been placed as the appointed member and Reverend Paora Hunia as the alternate.

Alternate Member Tuwhakairiora O’Brien introduced Michal Akurangi who had recently taken up the position of Manager Taiao at Te Rūnanga o Ngāti Awa.

# Apologies

Resolved

That the Rangitāiki River Forum:

1. Accepts the apologies from: Miro Araroa, Cr Tangonui Kingi, Cr Rosie Harvey, Cr Matemoana McDonald, Paora Hunia, Cr George Johnston and Te Waiti Rangiwai for early departure tendered at the meeting.

Vercoe/Rangiwai

CARRIED

# Public Forum

Nil

# Acceptance of Late Items

Nil

# General Business

Nil

# Declaration of Conflicts of Interest

Nil

# Previous Minutes

## Rangitāiki River Forum Minutes - 07 December 2018

Resolved

That the Rangitāiki River Forum:

1. Confirms the Rangitāiki River Forum Minutes - 07 December 2018 as a true and correct record.

**Winter/Clark**

**CARRIED**

Matters Arising:

* Agenda page 19 – an update on the role and relationship of the Tuna Steering Committee and Tuna Forum would be provided under agenda item 11.3, General Operations Update.
* Agenda page 23, fifth bullet point – clarification was sought regarding iwi feedback and perceptions and the Forum’s role in the resource consent process, considering this function was not in alignment with the Forum’s legislative provisions. It was noted that one of the options the Forum may wish to consider in the future could be to discuss the key points raised to decide whether there were any decisions for the Forum to make, such as providing guidelines for Iwi in the resource consent space.

# Presentation

## NIWA Study on larval marine life of shortfin and longfin glass eels

*Refer PowerPoint Presentation: Objective ID A3259348.*

Eimear Egan, NIWA Freshwater Fish Ecologist provided a presentation on her PhD research study of the marine life of glass eels (tuna), which she proposed to undertake within the Rangitāiki River. Dr Kura Paul-Burke attended in support of Ms Egan’s study.

Key points:

* The study was a three year project funded by NIWA and the Ministry of Business, Innovation and Employment Smart Idea Fund.
* Reason for the study was little understanding was known about: inanga and tuna population decline, reproductive and migratory phases, speculative changes to sea temperatures and the marine environment resulting from climate change.
* New Zealand was the only place where glass eels could be found.
* Study aims were to understand: all pressures, stages of early life, reproduction; commercial and climate change effects on spawning and population declines.
* Current understanding was that glass eel larvae reproduced in the Tonga region during October to December and migrated to New Zealand, transforming into glass eels (similar to whitebait) along the coastline.
* Only one monitoring programme on glass eels returning from sea was currently undertaken in New Zealand by Department of Conservation in the Ashley River.
* The study would look at the earbone rings (otoliths) and larvae tissues of glass eels which recorded the: age, birth date, daily growth rates, sea temperatures experienced and chemistry of diet sources, which could trace their origins.
* The trial study was proposed to commence in July, October and November 2019 by capturing glass eels during night time hours as they entered the river.
* With appropriate approvals, studies at three sites were proposed to be carried out at the same time on the Rangitāiki River, Grey River (West Coast, South Island) and Ash River (East Coast, South island).

In Response to Questions:

* Local knowledge of river conditions and safe locations to catch glass eels would be important and useful.
* Local whitebaiters were welcome to assist with study catches.
* Sampling dates were planned around the moon, tides and weather conditions.
* Opportunity to hold wānanga was noted and acknowledged.
* The Department of Conservation had acquired funding this year to undertake some tuna study, which may be able to be utilised to assist with the study.
* Estimated migration time of larvae was between four to seven months, depending on conditions. Migration patterns likely assisted larvae from evading predators.
* Ms Egan would report back to the Forum and provide six-monthly updates.

Members Comments:

* Advised that appropriate engagement would be undertaken by the Rangitāiki Hapū Coalition to ensure hapū and whānau were informed of the study.
* Commended the study and the value it would have to tangata whenua, future work and generations.
* Supported a wānanga for tangata whenua who lived along the river.

Action for Staff Follow-Up:

* Requested that information of Ms Egan’s study be made available to the Regional Council to ensure their awareness and provide assistance where possible.

Resolved

That the Rangitāiki River Forum:

1. Receives the presentation, NIWA Study on larval marine life of shortfin and longfin glass eels.
2. Endorses the study research going forward.

**Winter/Marr**

**CARRIED**

## Trustpower Update on Fish Passage Options

*Refer PowerPoint Presentation: Objective ID A3266652*

Trustpower Environmental Manager Chris Fern provided a presentation on the upstream trap and transfer interim results for the 2018/19 season and the upstream fish prototype and next steps.

Key points:

* Outlined results from the 2006/7-2018/19 trap and transfer seasons:
	+ Approximately 1.2 million elvers (2.6 tonnes) were moved upstream in 2018/19, which was higher than the previous two seasons, but lower than most other seasons.
	+ No clear pattern was experienced over the seasons which was similar to other Trustpower trapping stations across the country.
	+ Samples sent to NIWA had identified the majority of transfers were shortfin tuna, with 15% long fin tuna, which was indicative of other schemes.
	+ Upstream locations recorded one tonne transferred into Lake Matahina,
	740 kg at Aniwhenua at Kopuriki and 840 kg at Aniwhenua Dam.
* Regarding the upstream fish passage prototype:
	+ Trustpower’s resource consent required them to consider new technologies and to assess them against the current approved trap and transfer method.
	+ Invitation to contribute to the Tuna Steering Group’s literature review into fish passage options had found very few tested structures provided for all native fish species over Matahina Dam, which was required by the consent.
	+ Investigation into a concrete ramp over a distance of 2.5 km had been discounted, as there was no guarantee of success for all native fish species.
	+ In collaboration with Trustpower engineers and freshwater ecologists, a small scale upstream fish passage prototype had been investigated and developed and a live trial undertaken using goldfish.
	+ Next steps were to undertake live trials during the 2019/20 season, and gather further information on its potential success.
	+ Proposed using approximately 50-100 elvers and a similar set of native fish.
	+ Suggested location for the prototype was near the Kokopu Trust transfer site and to test the prototype in staged locations.
	+ The trial would require a special permit from Ministry for Primary Industries.
	+ Trustpower were encouraged by the initial live trial results and were keen to engage with Iwi and hapū to seek support for the MPI permit application.
	+ Aspirations were to have the trap and transfer programme and prototype operating alongside each other in 2020/21 in the short-term; and if successful it was proposed that the prototype would eventually replace the trap and transfer programme in the long-term.

In Response to Questions:

* Downstream transfer of adult tuna was possible by reversing the wind, however Trustpower wished to start with the elvers first and investigate how to attract them to enter the prototype.
* The prototype was the first of its kind to be trialled by a power scheme of this size, so a staged approach was proposed to ensure each prototype worked before continuing to the next section upstream of the dam.
* The concept had been briefly discussed with Mr Bill Kerrison, but he had not seen the prototype plans.
* The project did not have a budget, but funding was made available where needed.
* A special permit from MPI was needed to undertake the trial, as the current permit held by the Kokopu Trust was not authorised for trials.
* Viewed the prototype was a vast improvement to the previous proposed live trials.
* Anticipated the live trial would take approximately three days to complete.

Members Comments:

* Commended Trustpower for the good news and coming up with the prototype.
* Requested that concept plans be shared with Mr Bill Kerrison, which Mr Fern acknowledged and would undertake.
* Wished for the prototype to match the natural migration path as much as possible, i.e. providing for fish shelter and rest areas and for the project to be undertaken for the wellbeing of the environment first and foremost.
* Suggested Trustpower collaborate with Ms Egan’s study research and trial.
* Considered the proposal should be taken to each Iwi and hapū for approval.

Resolved

That the Rangitāiki River Forum:

1. Receives the presentation, Trustpower Update on Fish Passage Options.
2. Supports Trustpower’s application for a special permit to the Ministry for Primary Industries.

**Vercoe/Te Riini**

**CARRIED**

# Chair’s Report

## Rangitāiki River Forum – Haerenga Whakamua - Our journey forward

Chair Maramena Vercoe presented her report which sought discussion on the future direction of the Forum and recommended the Forum adopt Te Mana o Te Wai as its vision, Te Reo o te Wai as its mission and that amendments be made to the Rangitāiki River document to reflect new Forum partners.

Key points:

* Outlined the Forum’s purpose and summary of workshop feedback on the Forum’s roles and functions and three wellbeings for the river.
* Treaty legislation had provided for the completion of the Rangitāiki River document.
* Considered it was time for the Forum to set its own direction.
* Viewed the paramount principle of the Forum clearly fit with Te Mana o Te Wai.
* Sought discussion on proactive approaches for preparing for resource consent renewal of the Aniwhenua Dam.

In Response to Questions:

* General Manager Integrated Catchments Chris Ingle considered the concept of
Te Mana o Te Wai was complementary to the purpose and function of the Forum and did not conflict with statutory legislation.
* The Chair considered it would not change the purpose of the Forum, but would add to the Terms of Reference and complement the Forum’s functions.

Members’ Comments:

* Supported the concept of adopting Te Mana o Te Wai as the Forum’s vision and Te Reo o Te Wai as the Forum’s mission, however considered it prudent to request a legal opinion to ensure there would be no implications in terms of legal statutes.
* Supported Iwi partners sharing workload and resourcing.
* While giving evidence at plan change hearings was a conflict for Regional Council members, support was noted for Iwi partners in that space.
* Supported pursuing Crown funding to support independent legal[[1]](#footnote-1) advice being provided to the Forum on upcoming resource consent processes and other Forum related work where appropriate.

Staff Comments:

* Mr Ingle noted that as the Forum did not have its own budget to obtain independent advice, Council were resourced to support where it could.
* Mr Ingle offered to request Regional Council in-house legal counsel support from Donna Llewell to obtain a legal opinion on implications for including Te Mana o Te Wai as the Forum’s vision and mission, which was supported by the Forum.

Resolved

That the Rangitāiki River Forum:

1. Receives the report, Rangitāiki River Forum – Haerenga Whakamua - Our journey forward.

Marr/Rangiwai

CARRIED

1. Adopts as its vision ‘Te Mana o Te Wai’.

Kahukiwa-Smith/Marr

CARRIED

1. Adopts as its mission ‘Te Reo o te wai – Te Mana’.

Te Riini/Kahukiwa-Smith

CARRIED

1. Approves amendments to the Rangitāiki River document, Te Ara Whanui o Rangitāiki – Pathways of the Rangitāiki, to include new Rangitāiki River Forum partners, when appropriate as they occur.

**Marr/O’Brien**

**CARRIED**

1. Requests a legal review of resolutions 2 and 3 be conducted and reported to the next Forum meeting.

Rangiwai/Love

CARRIED

1. Agrees that the Forum request funding from the Crown.

Vercoe/Winters

CARRIED

# Order of Business

Due to the early and brief departure of the Deputy Chair, the Chair sought a change to the order of items. Agenda item 10 ‘Update from Forum Members’ would be deferred to later in the meeting and Agenda item 11.1 ‘Effect of Change 3 (Rangitaiki River) to the RPS’ would be received next on the agenda.

# Reports

## Effect of Change 3 (Rangitāiki River) to the RPS

Team Leader Policy (Environmental) Nassah Steed provided a summary of the effect of Change 3 (Rangitāiki River) to the Regional Policy Statement (RPS).

Key points:

* Change 3 to the RPS became operative on 9 October 2018.
* Regional and district plans must give effect to Change 3 provisions, which must be given regard to in resource consent processes that the matters relate.
* Change 3 provisions were a tool to support submissions and positions on consent applications and other plan change provisions.
* Analysis of other legislative acts would require expertise legal advice.
* Recommended the Forum define the scope of any expert legal advice it sought.

In Response to Questions:

* Clarified some of the methods and provisions within the RPS.
* Change 3 provisions were required to be given effect to in upcoming plan changes, such as Plan Change 9 (Region-wide Water Quantity) and Plan Change 12 (Rangitaiki Water Management Area); and would apply to all resource consent applications and renewals in the interim, having full legal weight to be considered.
* Noted that Regional Council was required under the Resource Management Act to consult with all iwi authorities on any plan changes.

12.00 pm – Te Waiti Rangiwai withdrew and the meeting adjourned.

1:05 pm – Te Waiti Rangiwai entered and the meeting reconvened.

Members’ Comments:

* Implementation of Method 23X needed consideration in regard to consultation timing with Forum iwi and hapū.
* The Chair considered Iwi members needed to make themselves and their respective iwi organisations aware of the methods and implementation responsibilities of iwi authorities outlined under section 3.2 of the RPS and to raise for consideration any subsequent support that may be needed.

The Chair advised that the receipt of this and other reports would be taken at the end of the meeting.

## Hydro Schemes Consents overview

Consents Manager Reuben Fraser provided the report overview of the consents and conditions of the three hydro schemes on the Rangitaiki River.

Key points:

* Regarding previous comments raised on the Forum seeking independent expertise and assessment of effects of resource consents, Council’s expectations were that such funding could be covered by the consent applicant.
* To obtain section 124 rights (to carry on operating under existing consents), applicants were required to apply for renewal six months prior to consent expiry, which the timing for the Lake Aniwaniwa Dam consent expired on 1 October 2026.
* Engagement processes with key stakeholders was recommended to the applicant as early as possible.
* Clarity of the Forum’s and iwi authorities’ expectations for timing of engagement in the resource consent process would be useful to provide clear messaging to the applicant.
* Supported iwi collaboration and obtaining guidance and independent expert advice to ensure iwi views were translated effectively in the consent process.
* Clarified that while the 22 June 2016 report (Appendix 1) stated that the Aniwhenua and Wheao consents could not be reviewed before consent expiry, the exception to this would be a change to limit setting that may be set through a regional plan.

Members Comments:

* Iwi authorities were not always privy to consent conditions or provided with completed consent application, which was acknowledged as an issue.

In Response to Questions:

* In accordance with the Resource Management Act, Regional Council encouraged consent holders to seek renewal six months prior to lodgement.
* Matahina Dam consent had review conditions, which Council could review every five years. The next opportunity for review was due in 2024, which the Forum could request via the Regional Council provided a sufficient case was prepared.
* Consent provisions required downstream monitoring of discharges to water, which was public information.
* Mr Fraser would look at how best to provide consent information to the Forum, Iwi, hapū and whanau and would review the consent application forms to ensure all information was provided.
* Another avenue was to include any interested parties on Regional Council’s weekly consent application notice updates via request to Mr Fraser or send an email to consent.queries@boprc.govt.nz where any further queries could be followed up.
* Noted more recent iwi management plans provided applicants with relevant details for consultation with iwi and hapū.

Actions for Staff Follow-up:

* Mr Fraser to review consent forms and how information is provided.
* General Manager Integrated Catchments Chris Ingle to follow-up with the Chair on next steps for re-consenting and to discuss any budget implications for reporting back to the Forum.

The Chair advised that receipt of the report would be taken at the end of the meeting.

# Order of Business

The Chair advised that Agenda item 10, ‘Update from Forum Members’ would be received next on the agenda.

# Update from Forum Members

Members were invited to provide an update on activities or items of relevance or interest to the Forum.

Cr Alison Silcock – Whakatāne District Council

* Cr Silcock noted that she, Mayor Bonne and Chief Executive Stephanie O’Sullivan had enjoyed attending Ngāti Manawa’s Planting Day on 15 May. Noted 650 plants were planted by school students from the various preschools and schools.

Cr Bill Clark – Bay of Plenty Regional Council

* Raised awareness of a significant commercial eeling operation had been carried out at Lake Aniwhenua in May, which had raised concern of the Kokopu Trust.
* Encouraged the respective iwi to come to a decision on commercial eeling on the river.

Cr David Love – Bay of Plenty Regional Council

* Informed of a native planting project being undertaken along Takitimu Drive in Tauranga, which the Rotary Club of Tauranga were involved in diverting existing land into wetlands. Cr Love wished to provide a short presentation of the project at the next Forum meeting.

Cr Kevin Winters – Bay of Plenty Regional Council

* Raised awareness of concerns posted on the ‘Kia Kaha Edgecumbe’ Facebook page leading up to forecasted weather events during the week and Regional Council response and assurance that the event was being monitored.
* Noted that live monitoring stations could be accessed from the Regional Council website at [www.boprc.govt.nz](http://www.boprc.govt.nz) via the following path: [Home](https://www.boprc.govt.nz/) > [Environment](https://www.boprc.govt.nz/environment/) > [Maps and data](https://www.boprc.govt.nz/environment/maps-and-data/) > [Environmental data](https://www.boprc.govt.nz/environment/maps-and-data/environmental-data/) > Live Monitoring.

Tuwhakairiora O’Brien – Te Rūnanga o Ngāti Awa

* Sought clarification on the timeframes of the Rangitaiki Floodway Project.
* General Manager Integrated Catchment Chris Ingle advised the project was anticipated to be completed in two years’ time and would be designed to double its capacity to approximately 185 cumecs.

Ngapera Rangiaho – Tūhoe Te Uru Taumatua

* Te Wai o te Hau who were a collective of 8-9 land trusts were meeting with the Mataatua Māori Council tomorrow to discuss development of Waiohau marae.
* Highlighted great work and progress with planting within the Waiohau rohe.
* Noted that while each Tūhoe tribal authority had different priorities, they supported Ngāti Haka/Patuheuheu in the Rangitaiki River Forum space.

Maramena Vercoe – Te Rūnanga o Ngāti Manawa

* Highlighted Ngāti Manawa’s hosting of Associate Environment Minister Eugenie Sage on 15 May 2019 and her announcement of the Government’s Community Environment Funding received by Ngāti Manawa. The funding would primarily support the clearing of tracks and roadways and planting of native vegetation along the Rangitaiki River. Noted that the planting day held was a great community event.

## General Operations Update

Team Leader Eastern Catchments Nancy Willems provided the report and summary of activity undertaken within the catchment.

Key points:

* The Tuna Harvest Strategy (Forum) was at a stage of considering establishment of a Rohe Awa to enable tangata whenua to sustainably manage their fishery.
* The dashboard provided the Councils’ annual work programme in the catchment.
* Wetland restoration project managers were preparing for the upcoming season of work and were talking to respective landowners.
* Te Hekenga o Te Tuna actions had been successful in remediation of 28 culvert structures along public roads in the catchment. Next steps were to look at surveying private land to maximise movement of fish throughout the catchment.
* Regarding gravel build-up upstream of Lake Aniwaniwa at Kopuriki Road:
	+ Discussion was taking place between the River Scheme Advisory Group (RSAG) and the Aniwhenua Dam owners
	+ Suggestion had been made that the RSAG obtain a resource consent for commercial extraction of gravel.
	+ Any potential consent process would involve consultation with affected iwi, stakeholders and the Forum.

Members Comments:

* Viewed a lack of consideration given to long-term solutions at the time the dam was built to be inadequate.
* Noted there would be opportunity at the time of consent renewal to put in place the necessary conditions for the clearing of gravel build-up.
* Noted that the expert advice given to the original dam owners considered there would be no impacts from gravel build-up.

In Response to Questions:

* Proposed channel deepening outlined in Appendix 2 maps were considered sufficient to clear the gravel build-up.
* Gravel issues weren’t unique to the Rangitaiki River with similar issues found on other rivers.
* Information on river bed aggradation could made available once complete.
* Rohe Awa kaimoana regulations referred to the Fisheries Act regulations.
* The stage for nomination of kaitiaki to implement the Rohe Awa had not yet been reached.
* The presentation requested by the Forum on the Tuna Harvest Strategy had been deferred while discussions with the Tuna Forum and respective Iwi partners were still progressing.

Chris Ingle advised that Nancy Willems had resigned from Council and commended her contribution and efforts.

The Chair advised that receipt of the report would be deferred to later in the meeting.

## Freshwater Futures Update

Michelle Lee and Team Leader Policy (Freshwater) James Low provided the report on Freshwater Futures progress. Ms Lee thanked Forum members that attended the Forum’s Freshwater Workshops in February and May; and the recent Freshwater Futures Community Group (FWCG) Workshop on 27 May 2019.

In Response to Questions:

* Confirmed the presentation provided to the FWCG on 27 May 2019 was more extensive than the Forum’s Workshop on 21 May due to more time being available.

Members Comments:

Provided the following feedback on the FWCG Workshop:

* Found the presentation was good, however queried the high level of technical content and whether it had been pitched at the right level.
* Encouraged to see members of both the Rangitaiki-Tarawera River Scheme Advisory Group and the Forum coming together at the FWCG Workshop.
* Workshop material was interesting and identified current knowledge gaps and understanding of the work that was required.
* Participants were open to discussion and addressing the hard questions, which was testament to Council staff and their facilitation at the hui.
* Acknowledged the challenge of the technical information, however noted that the workshops offered opportunities to seek clarification and ask questions.
* Ngāti Manawa’s key concern was that work was progressing while the issues of water proprietary remained unresolved, however considered the issue was for Iwi to address.
* Queried the Plan Change 9 and 12 processes and potential implications of setting precedent for the future water management areas.

Staff Response to Questions:

* Acknowledged concerns regarding the complexity of the plan change processes and the pending changes to the NPS-Freshwater Management. Staff were focused on capturing the values and interests of Iwi and tangata whenua to drive the plan change process.
* Acknowledged the challenges in understanding technical material, noting that the Freshwater Team’s current focus was to develop and simplify the key messages.

Resolved

That the Rangitaiki River Forum:

1. Receives the report, *“Freshwater Futures Update”*.
2. Receives the report, Effect of Change 3 (Rangitaiki River) to the RPS.
3. Receives the report, Hydro Schemes Consents overview.
4. Receives the report, General Operations Update.

**Vercoe/Love**

**CARRIED**

# Closing Karakia

Provided by Cr Tiipene Marr.

**The meeting closed at 2:10 pm.**

CONFIRMED 6 September 2019 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                        Maramena Vercoe - Chairperson Rangatāiki River Forum

1. *Refer amendment – Item 7.1 Rangatāiki River Forum Meeting Minutes 6 September 2019* [↑](#footnote-ref-1)