



ADVOCATES FOR THE TONGARIRO RIVER

FIRST ANNUAL REPORT
2002-3

ADVOCATES FOR THE TONGARIRO RIVER INCORPORATED

First Annual Report and Financial Statement

Presented to the Annual General Meeting

by

Bob Appleton

Mark Cosgrove President

Bob Duckworth

Helen Elliott

Heather MacDonald Vice President

Bob MacDonnell

Gillian Osborne Secretary

Robin Parish Treasurer

Arthur Parish

Ernie Sharpe

Tuatea Smallman

20 April, 2003

ADVOCATES FOR THE TONGARIRO RIVER INCORPORATED

NOTICE OF ANNUAL GENERAL MEETING and SPECIAL GENERAL MEETING

The First Annual General Meeting of the Advocates for the Tongariro River Incorporated will be held at The Tongariro River Bridge Lodge, State Highway 1, Turangi, on Sunday, 20 April, 2003 at 4.00 pm. A Special General Meeting will be held in conjunction with that meeting.

AGENDA

The business of the Annual General meeting will be to

1. Record those present and to note apologies;
2. Receive the minutes of the Inaugural General Meeting of the Society and to consider any matters arising;
3. Receive the President's Report;
4. Approve the Financial Statement;
5. Consider notices of motion;

Motion 1. That the Constitution be amended to include a statement about subscriptions.

Clause 6.3.f. Subscription. The Annual General Meeting shall set the subscription for the coming year.

Motion 2. That Rule 6.7. be altered to read

President, Vice-President and Immediate Past President.

The Society shall appoint a President and Vice-President at the Annual General Meeting in accordance with Rule 6.3. The Immediate Past President shall ex officio be a member of the Executive Committee. The President shall preside at all meetings of the Society; in her/his absence the Vice-President shall preside. In the absence of the President and the Vice-President the Immediate Past President shall preside. In the event of a vacancy arising in the interim period the vacancy shall be filled by resolution of the Executive Committee so that should the Presidency be vacant the Vice-President shall be appointed President and the Immediate Past President shall fill the vacant Vice-President's position. Should the motion be lost and the Executive Committee be unable to make these appointments a Special General Meeting shall be called by the Secretary to elect a new President.

Motion 3. Should Motion 2 be passed then Rule 4 will need to be amended to read:

Structure of the Society.

The Society shall be administered by an Executive Committee comprising up to eleven (11) members, including the President, Vice President, Immediate Past President, Secretary and Treasurer. The offices of the Secretary and Treasurer may be combined.

Motion 5. If motion 2 is passed then Rule 6.3b will need to be amended to read

.... and up to seven (7) Executive Committee members

Motion 4. That Rule 11.1 be amended to read

True and fair accounts. balance date of 31 December in each year.

6. Appoint an Executive Committee comprising of
A President
A Vice President
A Secretary
A Treasurer (or a Secretary - Treasurer)
Up to eight (seven) Committee Members;
7. Consider any other matters.

Annual Report

The purpose of this Report is to describe the Committee's actions in advancing the Society's aims, to acknowledge contributions to those actions and to continue discussion about the Tongariro River. Accordingly, and with a sense of achievement, I present this summary of the Society's activities since its formal inception in September, 2002 in the hope that, in some way, it reflects the development of ideas that has taken place through many meetings and consultations.

Formation of the Advocates for the Tongariro River

The Advocates arose from recent political events; first, the imposition of a new residential rate (Project Watershed) by Environment Waikato caused many people to ask if that Regional Council had developed plans for Tongariro River protection to go with its new taxes. Property owners formed The Tongariro River Action Group (TRAG) to deal with their worries about the security of their properties as a result of erratic river management especially near the town. Second, the presentation of a petition to Parliament by Virginia Church and 600 others in 2000 deploring the state of the Tongariro River led to an invitation to deliver a formal submission to the Parliamentary Select Committee for Local Government and the Environment. There emerged a group of people with strong views about the river and with the capabilities needed to mount a case for better management of the Tongariro River. Rather than this case being mounted in an *ad hoc* way every time a major challenge occurred or a hydro resource consent application brought the river's management to the public's attention, it was decided to set up a permanent group. And so the Advocates came into being. Public meetings formed a steering committee, a constitution was developed and this Incorporated Society was launched just six months ago.

The wider debate

While some might think that The Advocates has come into existence 40 years too late to do much for the Tongariro, and now with hydro resource consents for the next 35 years all but signed and sealed, members could be excused if they asked 'Realistically, what can be done at this late stage?' But the issue of energy policy and infrastructure is never really far from the public mind; the recent predictions of depleted gas fields, low storage in the major hydro lakes, a fragile cable link between the main Islands and the spectre of the Kyoto protocol responsibilities is propitious and our group is well-placed to take on an advocacy role which looks at twenty-first century problems through twenty-first century thinking, eschewing nineteenth century ideology whereby humans' needs were met by environmental pillage.

Overview of the months since the Advocates' establishment

The Resource Management Act is clear; citizens are by right able to contribute to decisions which impinge on the use of all natural resources and are expected to do so. The Advocates has prepared itself for this role through a campaign involving discussions with, amongst others, the Department of Conservation, Tongariro Taupo Conservation Advisory Board, Environment Waikato, Taupo Fishery Advisory Committee, Fish and game New Zealand, the Federation of Freshwater Anglers, Genesis, Lake and Waterways Action Group, Ngati Tuwharetoa Trust Board, Turangitukua, the Ombudsman's Office, the Parliamentary Commissioner for the Environment, The Mighty River Power Resource Application for Lake Taupo, the Taupo District Council, other Advocacy Groups and Angling Clubs. Throughout this information-gathering stage we have been impressed by the goodwill shown us on the one hand, but often bemused by the primacy of entrenched thought and practices.

Work-in-progress was summarised in the first edition of *The Advocate*, which you all received a few weeks back. That list of 10 points is illustrated throughout this Report and need not be reproduced here.

We will judge much of the success of the second year of endeavour on the progress made in establishing a formal, representative Tongariro River Management Forum. Such a group is essential to ensuring that there is a shared set of guiding principles and co-ordinated action amongst those charged with managing the Tongariro River and its environment. Already the signs are that this will come to pass, for at a meeting with Environment Waikato on 28 March 2003 we were invited to put forward our ideas on a working party to be charged with managing the Tongariro River. The State Owned Enterprise *Genesis* had previously offered its support in this venture. Furthermore, at that meeting we were presented with a plan (for which Environment Waikato is seeking consents) which will go a long way in correcting the neglect of the river over the past 40 years. That these plans are completely in line with our ideas presented in the Church Submission (Appendix 3 of this Report) and in earlier riverbank meetings with Environment Waikato is a particular achievement for this fledgling Advocates group. A brief sketch of this plan is presented in Appendix 6.

The Committee

Your committee brings distinctive capabilities to these tasks. Bob Appleton is experienced in resource management as a participant in the Moawhango regime changes. Bob Duckworth is one of those visionaries who appreciates the important features of the River as they are and who questions why they cannot stay the same. Helen Elliott guides us procedurally. Bob McDonnell brings an angler's quiet passion with his extensive media skill to *The Advocate*. Arthur Parish has a deep memory of events and political promises and the documentary evidence to support it, and Robin Parish is an enthusiastic and energetic Treasurer. Ernie Sharpe has worked in these parts over many years and reminds us how other administrations have dealt with the fishery. In Tuatea Smallman we have as passionate an advocate as you could wish for; his ideas on the spiritual value of the River to the Tangata Whenau are guiding lights in our thinking. I wish especially to acknowledge here the vigour, the clarity of thought and the generosity which the Secretary Gill Osborne and Vice President Heather Macdonald have brought to the establishment of The Advocates; without their energy much less would have been achieved. Close to the Committee we have have enjoyed the ideas and support of Jen Shieff, Sylvia Smith, Ted Elliott and Philip Rossell, and many others who have wished us well. TALTAC permits us to use its members' lounge for our Committee meetings and we are grateful. Finally, but by no means last, we hope that you, the Foundation Members of our The Advocates, are satisfied with our progress and will continue your support.

A personal vision

I exhort the Advocates to stand for restoration of the Tongariro River. Ecological restoration is occurring widely throughout the country - sanctuary islands, mainland havens, tussock reserves, covenants and marine reserves being but a few of the initiatives managed by public and private enterprises which share a vision based in sensitive heritage ethos whereby future generations can applaud our stewardship.

Restoration is unlikely to occur quickly but it can only proceed at all if there is strong political will which values our great rivers and which ensures that these rivers are managed sustainably and for multiple use. That process will involve a vision for a better river; we note with much joy a recent report from Environment Waikato which shows that this regional Council has the same ambition.

I contend that the Tongariro River is a special case; not just for its aesthetic value, not just for its recreational value, not just for its spiritual value to Maori and non-Maori, not just for New Zealanders to enjoy. It is also a special case as a salmonid nursery for two species, the caretaker of genetic stocks of some 40 generations' selection against different environmental pressure from their ancestral stocks. It is also a special case, like the Whanganui River on the western side of the great mountains, as its water is abstracted for hydro purposes and that water is not returned to the river. It is also a victim of political deceit whereby central government's abrogation of responsibility and breaking of promises means that local and regional ratepayers now have to pay for the restoration despite the TPD being a national project.

Conclusion - the bigger picture

It is clear that, for New Zealand, a critical environmental issue over the next decade will be water use. Now that native forest issues have settled down and the Kyoto protocols have become commonplace in our thinking, water use for agriculture and energy generation will present big political challenges. We wish to influence the debates on this issue and in doing so help to bring about a reappraisal of this river, once the jewel in the crown of angling rivers internationally.

Mark Cosgrove
President, 2002-3

Financial Statement

The Treasurer, Robin Parish, writes

'Membership stands at 102 which I feel, for the short time we have been in operation is excellent; we hope to increase this number to 500 in the coming year. We have been fortunate in that several donations have given our bank balance a boost, and we thank those members for their donations.

Advertising and promotion have been the main costs so far, as was expected; as a new group we want to be able to reach as many people as possible. We received a welcome grant of \$6,000 from Huckleberry's Sporting and Charitable Society to cover the cost of our web site and newsletter. We are looking for further grants and sponsorships to cover other projects.

Mr Rex Roberts has audited our accounts and we thank him for that.'

Robin Parish - Treasurer

Auditor's Report

'I have pleasure in confirming that I have reviewed the financial records of your Society as contained in the following STATEMENT OF INCOME AND EXPENDITURE and am satisfied that the Statement shows a true and fair position for the year since your Incorporation. I confirm that all your Society's financial records that background that Statement together with the year's minutes have been provided for my perusal and nothing has come to my notice that has caused me any concern. I must also here express my appreciation to your Treasurer for hew willing help and compliment her on the neatness of her presentation.

Rex Roberts, 31-Mar-03

Income and Expenditure Account for the year end 31 March

Income

Loans from members	80.00	
Subscriptions	1010.00	
Donations	485.00	
Grants	6000.00	
		7575.00

Expenditure

Postal box rental	125.00
Incorporation	100.00
Petty cash	40.00
Inks for printer	182.95
Stationery	229.05
Web site and hosting	85.44
Common seal	31.55
Advertising and promotion	721.47
Cheque fee	2.50
Balance day adjustment	0.03

1517.99

Excess Income over Expenditure

6057.01

Cash on hand 31 March 2003, Kiwi Bank

6057.01

Appendices

The secondary purpose of this Report is to consolidate the major statements made by Advocates' members recently. These statements are presented as a number of appendices.

- Appendix 1. The Advocates' Certificate of Incorporation and Constitution
- Appendix 2. The Advocates' strategic plan devised to guide us in its second year.
- Appendix 3. The submission made to the Local Government and Environment Committee of the House of Representatives in support of Virginia Church's Petition to Parliament is presented in full.
- Appendix 4. A case for a restricted operating level regime on Lake Taupo delivered to a Environment Waikato Resource Consent Hearing opposing Mighty River Power's application. The Advocates was not in existence when the public was invited to comment on the Lake Taupo consent application, so we are grateful for the opportunity to join with a Tokaanu Residents Group.
- Appendix 5. A position paper written to explain an engineer's opinion on the state of the Tongariro River.
- Appendix 6. Lower Tongariro River flooding, erosion and channel management works.
- Appendix 7. Press statements issued by the Advocates.

The reports chosen represent the early history of The Advocates. Several other reports could have been made here; the Department of Conservation's case to the Environment Court to modify the flow regime on the Tongariro River, the Department's recently developed scientific view on the qualities needed for a successful trout nursery, and especially, the information released by Environment Waikato to the Advocates on 28 March 2003 concerning the plans for river restoration. However, these will be published in some form or another in the near future, most likely, on The Advocates' web site (www.tongariroriver.co.nz). DoC will deal with its ideas in *Target Taupo* we are sure, and The Advocates will publish a special issue of its newsletter, *The Advocate*, on the EW plans to restore the Tongariro River.

Appendix 1

The Constitution of the Advocates for the Tongariro River Incorporated

Ministry of Economic
Development
Manatu Ohanga

3 October 2002

In Reply, Please Quote
INCORPORATION ACT 1908

CERTIFICATE OF INCORPORATION
of
**THE ADVOCATES FOR THE TONGARIRO RIVER SOCIETY
INCORPORATED**
(WN/1245686)

This is to certify that **THE ADVOCATES FOR THE TONGARIRO RIVER SOCIETY
INCORPORATED** was incorporated under the Incorporated Societies Act 1908 on the 3rd day
of October 2002.

Neville Harris

Registrar of Incorporated Societies
Neville Harris
3 October 2002

REGISTRAR OF INCORPORATED SOCIETIES
NEW ZEALAND

This constitution was approved on the 30th day of September, 2002.

1. Name

The name of the Society shall be THE ADVOCATES FOR THE TONGARIRO RIVER SOCIETY INCORPORATED.

2. Registered Office

The registered office of the Society shall be c/- 213 Taupahi Road, Turangi.

3. Purposes

The purposes of the not for profit Society shall be as follows without restriction in any manner:

- 3.1 To actively engage in fostering Tongariro River management strategies , including long-term strategies, and in promoting methods of managing the river with the desired effects of preventing and/or minimising erosion and for the provision of protection to property adjacent to the river;
- 3.2 To take such steps as are appropriate to facilitate the protection and promotion of the Tongariro River and its environment as an effective nursery of both the rainbow and the brown trout;

The purposes 3.1 and 3.2 above being achieved through:

- a. acknowledging the spiritual stewardship of Hapu of Tuwharetoa, Iwi, and enlisting their co-operation and active support;
- b. promoting public awareness of the Tongariro River prior to the inception of hydroelectric schemes and the consequential long-term effects upon the river;
- c. promoting and articulating the Tongariro River's heritage as a wild fishery and as the principal nursery for the Lake Taupo basin;
- d. informing the public of the engineered changes to the river and any associated significant negative environmental impacts;
- e. reviewing the promises central government made to do the least harm through the Tongariro Power Development;
- f. liaising with local and regional authorities and central government and its agencies to both promote and ensure compliance with statutory requirements and encourage an holistic approach to the needs of the river and its environment as they relate to the purposes of the Society (3.1 and 3.2);
- g. promoting and providing opportunities for public participation in river management;
- h. taking action to prevent further exploitation of the river for hydroelectric and other engineering purposes;
- i. calling upon, enlisting and utilising all and any scientific knowledge on ecosystem management and enhancement that is available in the preparation of submissions and public announcements as to the possible effects on proposed engineering interventions;
- j. seeking the establishment of benchmarks so that the state of the river can be determined, described and documented;
- k. providing whatever practical and/or practicable support possible for any organisations lawfully engaged in the pursuit of promoting the Tongariro River or the fishery in such manner as the Society decrees;

4. Structure of the Society

The Society shall be administered by an Executive Committee comprising up to ten (10) members, including the President, Vice-President, Secretary and Treasurer. Offices of the Secretary and Treasurer may be combined.

5. Membership of the Society

- 5.1 Membership shall be open to any member of the public who applies for membership and pays the membership fee as determined from time to time by the Society. Membership shall be undertaken through formal application to the Secretary and the Executive Committee shall determine if the application is successful.
- 5.2 Members shall cease to be members by:
- Resignation.** Any member who gives notice of her/his resignation shall be deemed to have resigned on the date on which that notice is received.
 - Failure to pay membership fee or subscription.** Membership fees or subscriptions shall be paid on or before 31 March in advance. Any member who fails to pay the subscription and does not remedy that within the current financial year shall cease to be a member and shall have her/his name removed from the list of members.
 - Suspension or expulsion.** The Society may suspend or expel a member, whether an officer of the Society or not, in the interim by notifying the member that the member's rights have been suspended pending a special general meeting being called for the purpose of expelling/suspending the member upon grounds specified in the notice to the member. The member at that time shall also be informed of the conduct and the allegations that are the subject of the member's proposed expulsion/suspension and be invited to attend such special meeting and/or to make written submissions to refute the allegations. If two-thirds of the members present and entitled to vote at the said special meeting determine that the member has breached any Rules of the Society and/or has demonstrated conduct unworthy of a member of the Society and which is or might be injurious or prejudicial to the objects of the Society then such member shall be removed from the list of members and s/he will be so advised in writing.
Any member who is so expelled/suspended may within fourteen (14) days give notice to the Society that s/he intends to appeal the expulsion/suspension order and the Society shall forthwith appoint an independent arbitrator to determine the appeal, the cost of such appeal to be borne by the appellant.

6. Proceedings

6.1 Ordinary Meetings

The Executive Committee shall meet at intervals not less than every 6 (six) months, at such time and place as it determines. These regular meetings shall be described as Ordinary Meetings. At least seven (7) clear days' notice shall be given of any ordinary meeting to members of the Committee.

6.2 Special General Meetings

A Special General Meeting (of the Society) may be called by the Secretary upon requisition of the President or not less than three (3) Executive Committee members. At least seven (7) clear days' notice of a special general meeting shall be given by the Secretary to members of the Society, and the notice shall indicate the general nature of business to be considered at the meeting.

All meetings of the Society other than the Annual General Meeting shall be deemed to be special general meetings.

6.3 Annual General Meeting

The Society shall hold an Annual General Meeting on Easter Sunday, at

a time and place to be determined by the Executive Committee.

b. The business to be transacted at the annual general meeting shall include:

- the receipt of the minutes of the annual general meeting and any special general meetings held in the preceding year,
- the approval of the audited financial statements of the Society,
- a report of the President or his/her nominee on the affairs of the Society in the preceding year,
- the appointments of the President, Vice-President and Secretary and Treasurer and up to eight (8) Executive Committee members for the forthcoming year.

c. Notice of Annual General Meeting shall be given 30 days in advance of the meeting.

d. Appointment of President, Vice-President, officers and Executive Committee members shall be subject to a nomination accepted by the Society from any member for the position provided the nominee is nominated and seconded by two (2) Society members of good standing.

e. Notices of motion. Members shall inform the Secretary in writing thirty (30) days prior to the annual general meeting of any matter/s a member wishes to raise at the annual general meeting.

6.4 Notice of Meetings

Each notice of meeting shall specify the place, the date and the hour of the meeting. Notice shall be deemed to have been given to any member if it has been posted, faxed or e-mailed to the last known address of the member and shall be deemed to have been received the day after the notice is sent. An accidental omission to give notice to any member or the non-receipt by any member of a notice shall not invalidate the meeting to be held.

6.5 Quorum

a. At any meeting of the Executive Committee there shall be a quorum if there is a majority of Committee members present and no business shall be transacted unless a quorum is present. In the absence of a quorum for any reason, the meeting shall lapse.

b. At any meeting of the Society the quorum shall be 10 members present and eligible to vote.

6.6 Officers

The Society shall appoint a Secretary and a Treasurer, to be appointed at the Annual General Meeting in accordance with Rule 6.3. These offices may be combined.

In the event of a vacancy arising in the interim period the said vacancy shall be filled at the discretion of the Executive Committee.

6.7 President and Vice-President

The Society shall appoint a President and Vice-President at the Annual General Meeting in accordance with Rule 6.3. The President shall preside at all the meetings of the Society and the Executive Committee at which s/he is present; in his/her absence the Vice-President shall take the chair for the said meetings. In the event of a vacancy arising in the interim period the said vacancy shall be filled at the discretion of the Executive Committee if the vacancy arises within three (3) months of an Annual General Meeting; or by a special general meeting of the Society if the vacancy arises at a greater period, at which meeting the quorum may be reduced at the discretion of the meeting to enable an appointment to be made.

6.8 Voting

All questions before the Society or the Executive Committee shall be decided by a simple majority on a show of hands or ballot, in accordance with the decision of members present as to how the voting is to be conducted and that decision shall be final.

Each member present and eligible to vote, including the President, shall have one vote. If the voting is tied the President shall have a second or casting vote.

6.9 Record of Meetings

The Secretary shall keep minutes of all Society and Executive Committee meetings which shall be available for inspection by members at a reasonable time.

7. Powers

In addition to the powers implied by the general law of New Zealand or contained in the Incorporated Societies Act 1908, the powers which the Executive Committee may exercise in order to carry out its purposes and objectives for which it has been constituted under Rule 3 are as follows:

- a. to control, administer, manage and promote the affairs of the Society; and
- b. to use the funds of the Society as the Committee thinks necessary or proper in the payment of costs and expenses of the Society, including the employment of professional advisers, agents, officers and staff as appears necessary or expedient; and
- c. to purchase, take on lease, exchange or hire or otherwise acquire any land or personal property and any rights or privileges which the Committee thinks necessary or expedient for the purpose of attaining the objects of the Society and to sell, exchange, bail or lease, with or without option of purchase, or in any manner dispose of such property, rights or privileges as aforesaid; and
- d. to carry on any business in connection with the business of the Advocates; and
- e. to invest surplus funds in any way permitted by law for the investment of Society funds and upon such terms as the Committee thinks fit; and
- f. to borrow or raise money from time to time (including by way of donation, sponsorships and community fund raising activities) with or without security and upon such terms as to priority and otherwise as the Committee thinks fit; and
- g. to do all things as may from time to time appear desirable to enable the Committee to give effect to and to attain the purposes of the Society and to comply with the provisions of the Incorporated Societies Act 1908; and
- h. to open and operate such bank accounts as may be necessary for the running of the Society's affairs; and

- i. to enter into all negotiations, contracts and agreements in the name and on behalf of the Society as it may consider expedient for its purposes provided that such negotiations, contracts and agreements are not in conflict with the Society's objects; and
- j. to receive and give receipts and execute any discharges for all gifts, legacies, bequests or other monies and to execute any trusts created for any of the objects of the Society or for the purpose of furthering any such objects.

8. Power to Delegate

- 8.1 **Delegation.** The Executive Committee may from time to time appoint any committee and may delegate in writing any of its powers and duties to any such committee or person, and the committee or person as the case may be, may without confirmation by the Executive Committee exercise or perform the delegated powers or duties in like manner and with the same effect as the Executive Committee could itself have exercised or performed them.
- 8.2 **Delegate bound.** Any committee or person to whom the Executive Committee has delegated powers or duties shall be bound by the terms of this constitution.
- 8.3 **Delegation revocable.** Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Executive Committee.
- 8.4 **Delegate need not be Executive Committee member.** It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, to be an Executive Committee or a Society member.

9. Employment

Under Rule 7(b) the Executive Committee may employ Society members or any of them.

10. Income, Benefit or Advantage

- 10.1 **Application.** Any income, benefit or advantage shall be applied for the purposes of the Society.
- 10.2 **Influence.** No member or person or related entity associated with a Society member shall derive any income, benefit or advantage from the Society where they can materially influence the payment of the income, benefit or advantage except where that income, benefit or advantage is derived from:
 - services to the Society rendered in the course of business charged at no greater rate than the current market rates; and
 - interest on money lent at no greater rate than current market rates.

11. Accounts

- 11.1 **True and fair accounts.** The Executive Committee shall keep true and fair accounts of all monies received and expended for each financial year with the balance date of the 31 March in each year.
- 11.2 **Audit.** The Executive Committee shall, as soon as practicable after the end of every financial year of the Committee, cause the accounts of the Society for that financial year to be audited by an approved auditor in accordance with the Public Audit Act 2001. The audited accounts shall be available for the Annual General Meeting of the Society.

- 11.3 **Control of funds.** All monies received by the Society shall be paid to the bank account/s of the Society.
All cheques or payments to be drawn upon the bank account/s of the Society shall be signed by at least two members of the Executive Committee approved by the Committee for that purpose or the President and the Treasurer.
The Secretary is authorised to invest any funds that the Executive Committee approves for the purpose in any investment fund that complies with the Trustees Act 1956 and the investment of funds and the status of returns shall be subject of a regular report to the Committee.
12. **No Responsibility for Loss**
No member of the Executive Committee shall be responsible for any loss to the Society unless the same is attributable to his/her /their dishonesty or to the wilful commission or omission by him/her/them of any acts known to be a breach of trust.
13. **Common Seal**
The Society shall have a Common Seal which shall be kept in the custody of the Secretary, or such other officer as shall be appointed by the Executive Committee, and shall be used only as directed by the Executive Committee. It shall be affixed to documents only in the presence of and accompanied by the signature of two Committee members with the prior approval of the Executive Committee.
The use of the Seal shall be entered into a Seal Register and shall be reported to the succeeding meeting of the Executive Committee.
14. **Alteration to Rules**
14.1 The Society may from time to time add to, amend or change any of these Rules at a special general meeting. Any amendment or change to the Rules shall require a resolution to be passed by three-quarters rounded up to the nearest whole number of Society members.
14.2 No addition to, alteration or rescission of the Rules shall be approved if it affects the Influence Rule (10.2), this Rule (14.2) or the Winding up Rule (15) of this document.
15. **Incorporation**
The Executive Committee shall have the right to apply for incorporation under the provisions of the Incorporated Societies Act 1908 under the name of The Advocates for the Tongariro River Society or such other name as shall be approved by the Registrar of Incorporated Societies.
16. **Winding Up**
16.1 The Society may be wound up if at a special general meeting called for that purpose a resolution requiring the Society to be wound up is passed by a majority of not less than three-quarters rounded up to the nearest whole number of the total number of members.
16.2 The resolution must be confirmed at a subsequent special general meeting held not earlier than thirty (30) days after the date on which the resolution so to be confirmed was passed.

16.3 If upon the winding up of the Society there remains after the satisfaction of all its debts and liabilities any property whatever the same shall not be paid or distributed among the members but it shall be disposed of to organisation or organisations in sympathy with the objects and purposes of the Society.

17. Acceptance

Members accept the above terms and conditions on the basis that all future members will also be so bound.

Draft Strategic and Action Plan for the Advocates of the Tongariro River.

Vision statement

That the "Advocates for the Tongariro River" become recognised and respected by national and local politicians, influential stake holders, iwi, and the general population as an informed, balanced and authoritative group seeking to sustain and enhance the Tongariro River for future generations.

Mission statement

To speak out for the Tongariro River and promote desirable management of the Tongariro River from an informed base.

GOAL 1 :- To have widespread public awareness of the Tongariro River's past glories, its present state as effected by the power schemes and neglect and the potential future degradation if remedial action is not taken.

Actions to be taken to achieve this goal.

1. Send 3 newsletters per annum to members by agreed deadlines.
2. Send annual report and/or an information package to members. By 31 March 2002 and annually.
3. Generate frequent press releases and establish smart fax database for these to be sent to relevant media.
4. Promote and stimulate interest for a TV documentary to be screened by April 30th 2003.
5. Prepare and run seminar. By Oct. 31st 2003 and annually.
6. Prepare and manage two short winter forums.
7. Actively seek public speaking opportunities.
8. Maintain and enhance web site.

GOAL 2 :- To ensure the promises made by central and local government and power companies in respect of doing least harm to the Tongariro River are kept.

Action.

1. Summarise in writing the promises made by central and local government and the power companies.
2. Assess performance against these promises and report to committee.
3. Actively lobby against any further exploitation of the river for hydroelectric or engineering purposes and against any failure to keep promises.

GOAL 3 :- To establish effective liaison with central and local government, their relevant agencies and with key players.

Action.

1. Write letters to maintain contact.
2. Arrange meetings with Environment Waikato, Genesis, Mighty River Power. By 30th April.
3. Arrange further meetings with key players.

GOAL 4 :- To gain public involvement and input.

Action.

1. Encourage correspondence and comment from members into newsletter. Ongoing.
2. Recruit voluntary contribution of expertise. Ongoing.
3. Recruit physical labour if working bees are ever contemplated.

GOAL 5 :- To establish a reasonably objective written statement describing the current state of the river including benchmarks where possible as a basis from which to judge change.

Action.

1. Research potential funders and prepare an application for funding for an appropriate environmental student to summarise present knowledge about and describe the present state of the river. 31st May.
2. If funding received select student.
3. If funding not available subcommittee to be appointed to achieve goal.

GOAL 6 :- To establish effective liaison with all groups which have similar interests in the river with the purpose of co-ordinating lobby and action.

Action.

1. Prepare a list in writing of groups.
2. Write letters to all groups not yet contacted informing them of AFTR and its wish to work co-operatively.
3. Arrange common representatives.
4. Arrange meetings as appropriate.

GOAL 7 :- To establish effective dialogue with iwi and establish mutual trust.

Action.

1. Meet with Tuwharetoa.
2. Meet with Turangitukua.

GOAL 8:- To increase AFTR's collective knowledge regarding all aspects of the river and of the findings and effective functioning of other like advocacy bodies.

Action.

1. Establish a list of key players and individuals who have valued information.
2. Establish a list of similar advocacy bodies.
3. Write to all seeking information or where appropriate arrange meetings.

GOAL 9:- To increase membership to 500.

Actions

1. Negotiate with DOC for article and flyer to be include in Target Taupo.
2. Establish list of clubs with interest in distributing flyers and recruiting membership for AFTR.
3. Contact above clubs and send fliers where appropriate.
4. Promote membership on web site and add subscription form.
5. Continue leaflet drop to local businesses.

Parliamentary Select Committee for Local Government and the Environment

A Submission on the State of the Tongariro River

Presented by

Virginia Church and Others

17 June, 2002

Introduction and Overview

Me titiro whakamuri i mua i te haerenga whakamua

You must always look back before going forward

This submission is presented in support of a Petition delivered to the Parliament by Hon. Mark Burton, Member of Parliament for Taupo on 20th May, 2000 on my behalf. The petition was signed by 600 people representing local Maori, land owners, residents, recreational users, tourists and tourism operators, retail owners and the public all of whom are dismayed and angry at the present state of the Tongariro River.

I wish to appear before the Committee to speak to my submission. I can be contacted at 07 386 8796. Should I be unavailable, Mr Tuatea Smallman, 14 Maranui Street, New Plymouth (Phone 07 757 8776) will deputise. I wish that Ms Heather Macdonald of 213 Taupahi Road, Turangi also appear. (Phone 07 386 6501)

This submission, like the original petition, is in two parts. The first part describes the present state of the Tongariro River against its cultural significance and recreational value; this is what we will show you if you can visit this river. The second part of the submission deals with remedial action. I conclude with a proposal which the community believes will help to restore the Tongariro River to its once mighty status.

The principal themes of this submission are that the Tongariro River

- is nationally and internationally important for cultural, recreational and aesthetic reasons,
- is no longer a natural river free to flow as it pleases but a river which has to be managed carefully in order to support the many functions it is now called upon to deliver,
- is nothing like the river it was when it attracted world-wide interest and that its present state while appalling is repairable.

Part 1 – An inspection

Part 1 of my petition requested that government come to Turangi and talk to interested landowners and others affected by the flooding of the Tongariro River.

Here I will try to convey to you a feeling for the concern that led to this petition. Imagine that you are listening to and being shown around by groups of people who value and love this river. First the Maori landowners' perspective is presented. Then the engineering impact is described. Photographs will help to convey the scale of the problems which concern the petitioners and many others.

Impact in terms of Te Tiriti o Waitangi

The Tongariro River is a Taonga and the Hapu of Tuwharetoa believe it is being dishonoured. The Hapu living on the banks of the once mighty Tongariro River were able to discern its moods by the sounds it made and different climatic events would produce changes in the roar of the river. The Tongariro River has lost its friendly roar and its Mauri has disappeared.

Our Turangawaewae is desecrated.

All the Maori land blocks along the Tongariro River belong to the Whanau of some Hapu of Tuwharetoa. Today we are facing an environmental disaster unknown in the history of our Hapu or Iwi. The land has become waterlogged and in parts it is swampy, unusable and unsafe. We the owners must face loss of mana in that we cannot help the river to become safe nor can we return our lands to the pastures which they once were. We have lost our Turangawaewae as we cannot use our land.

Waahi Tapu, such as fields and burial grounds are now under water.

The farmlands, which since persistent flooding started in 1985, are now under water or often flooded, were once a natural kete kai and sustained the families living there. Once, all Whanau used their land blocks for food. They grew potato, kamokamo, other vegetables and various crops. There were orchards all over the area. Sheep and cattle were farmed. Butter, milk and cream came from these farms. No people live alongside the river now; they have moved into town and the old lifestyle has disappeared. Unless the river is fixed up it will never come again. All of our horses have been given away. A letter from Helen Patricia (Pat) Grace (Appendix 1) describes the feelings of an elderly lady unable to see her days out on her family's farm because of flooding.

Some burial grounds are now under water or subject to flooding. One example is the Church Whanau and their Tokaanu blocks (some of which are now owned by the Department of Conservation). That Whanau were using their blocks to bury stillborn children, miscarried foetuses and afterbirths. All of the Waahi Tapu have flooded and are either swamp or mud. In 1998 Douglas Church buried the afterbirth of his first son on their Tokaanu B1K block.



Unfortunately the 1998 flood covered the Waahi Tapu and some months later when his second son was born Douglas had to rebury the afterbirths on higher ground. Yet another flood has caused him to again move the afterbirths which includes that of his third son. If the flood waters come to the next Waahi Tapu he has established then the Sewerage Treatment Plant might well be flooded and Lake Taupo polluted.

1. Showing a pond in a field near the sewerage plant, in dry weather

2. Showing a flooded part of the Grace farm.

Kaitiakitanga. The Church Whanau inherited the Tokaanu BIK block from Ramarihi Manunui, the matriarch of the Whanau. Ramarihi was born on the Tongariro River in 1912, being the youngest daughter of Maria Parekarangi and Tonga Manunui. Their marriage was an arranged one; the Ariki Tautahi and Ariki Tuarua of Ngati



Tuwharetoa were again joined. These were first and second royalty lines, as Sir John Grace described in the whakapapa section of his book, "Tuwharetoa" (pp. 539-546). Te Takinga who is buried further down the river in a submerged Waahi Tapu, was a koro of Ramarihi. Ramarihi had 10 known brothers and sisters who along with their mother Maria were original owners of Tokaanu BIK. Maria's Whanau along with most of the Ngati Tuwharetoa Hapu owned most of the land on the lower Tongariro River and had held the Kaitiakitanga for this land for centuries. The Church Whanau is the only issue from these 12 people from the Ariki line and so are now the Kaitiaki of this block. Our question is, "Where is this land?" For we cannot be Kaitiaki over something that keeps disappearing every time there is a flood and where our ancestors have passed their Kaitiakitanga to us intact we cannot be sure that when our time has gone our mokopuna will have anything left to be Kaitiaki over!

According to "Healing the Past, Building a Future" the Crown acknowledges that negotiations can explore and redress options for specific grievances about lakes and rivers.

Engineering Impacts

In this part of the submission, we wish to show members of the government how bad things are as a result of engineering interventions. We continue this by contrasting the recreational and aesthetic values that the Tongariro River once earned with its present state, and describing the effects of engineering intervention on that status. We will take you on a conducted tour, albeit a virtual one, so that you too can see the problem.

The Tongariro River was recognised as an exceptional fishery shortly after the liberation of rainbow trout about 100 years ago. That it was no ordinary stream is clear from this quotation from O.S.Hintz (1964, "Trout at Taupo", p.41)

.... One sees for the first time the magnificent tumbling spate of the main Taupo tributary, the famous Tongariro ... this Tongariro is a river of heroic proportions. And it is fully aware of the fact. It swaggers and roars and proclaims its vigour with no mock modesty ... It is not a trout stream, it is a salmon river. A small fish hooked in one of its deep pools looks like an insult. Fortunately the rainbow trout has many of the characteristics of the salmon, and fish that choose to run in the swift Tongariro have to be uncommonly strong.

Not any more. This river is little more than a tired, braided stream bearing heavy scars because it can no longer control its own destiny; it is a man-managed river of restricted flow, with settlements on its banks, farms in its lower reaches, and a lake at its mouth which when kept high artificially impedes its flow.



3. Braiding near the Tongariro Lodge. This is a symptom of a raised river bed, the lowered flow and an hydraulic dam effect caused by high levels in Lake Taupo. Braiding like these examples show is occurring in two other parts of the river; some 300

metres downstream of the Breakaway Pool and near the Admiral's Pool.

4. An aerial view of flood damage near Kutai Street, Turangi



5. A closer view of this damage. Removal of trees at the right hand edge of the photograph compounded the damage.



No angler who knows the river is in any doubt about the changes which the Tongariro Power Development scheme initiated. No one is in any doubt about its lowered status. All agree that

- There are less fish here now.
- The catch rates are lower.
- The catch quality is lower.
- The flow rates are lower.
- The gravel needed for spawning has increasingly been covered with silt.

That the last two of these points is the cause of the other three is not in doubt. Older anglers regard the present river as a shadow of its former self; for them the river is no longer mighty.

These are some of the angling recreational facts. There are other effects. The river is no longer a natural river; the flow is managed; rather, it is mismanaged, we contend. The effects of this management have slowly accumulated over some 30 years and now they present a very sorry picture indeed. Significantly, unlike most major rivers with power schemes, there is no river management body for this hydro river.

There is no doubt there have been negative engineering impacts, for according to a National Institute for Water and Atmospheric Research (NIWA) Report in 1999:

Since Lake Taupo levels have been controlled, the Lake has been higher for more of the time than prior to level control. This would have contributed to in-river sediment deposition higher up the delta than would have occurred under natural lake level conditions. The higher lake levels and sediment deposition would have caused longer duration flooding of low-lying areas. (Smart, G. (1999). Lower Tongariro Flooding and Erosion Study).

Sediments in lower reaches cause damage in upstream places as we saw when silting on the Clutha River (November, 1999) caused floods in Alexandra.

The Tongariro River has been Mecca to fly fishermen the world over. In 1966, G. L. O'Halloran, Secretary of the Marine Department, writing to the General Manager of the State Hydro Electric Department, had this to say;

The Tongariro River is undoubtedly the most important fishing river in New Zealand. It is the one river in the country which is recognised internationally.... In view of the interest shown by anglers the world over and because your preliminary plans will isolate the best spawning tributary (of Lake Taupo) every endeavour should be made to avoid using these waters for hydroelectric purposes. This is probably the only river in New Zealand where angling interests should be paramount.

So its status was well-known at the time of the power development and the Government of the day was further warned by one of its own watchdogs, the Nature Conservation Council. On 15 September 1964, the Council

... decided that it had no objection to the government proceeding with the scheme provided every effort was made to preserve the recreational value of the Tongariro River and, in particular, that the building of the new town at Turangi be reviewed with a view to siting it elsewhere. (Evening Post. 22.9.64).

The government created a smokescreen by deflecting this issue to urban development in general, which was not the subject of the Nature Conservation Council's warning at all. For, Alexander (1984), an environmental and planning consultant noted that

It seems that the Council's concern was that urban development would be too close for comfort to the Tongariro River, a major trout fishery Officials quickly sought to limit the damage. The Chairman of the Council (Dr R A Falla) was invited to discuss the matter with Electricity Department officials, and Ministry of Works officials prepared a paper used in the site selection process. This argued that, when the needs of a permanent township and the existing pattern of development in the Taupo County were considered, Turangi West was the best alternative

(amongst four proposed sites). *The urban area would join the Tongariro only in one small area Sewage from the township would be treated to a very high standard and there would be no encroachment on any reserve proposals Following a quick review of the four sites the nature Conservation Council was advised (by the Ministry of Works) that "the advantages of the Turangi site so heavily outweigh its disadvantages that we feel we must recommend to Government that it be retained. You can be sure, however, that due weight will be given to the Council's recommendation that every effort should be made to preserve the recreational value of the Tongariro River* (Evidence of David James Alexander on Turangi Township and the Public Works Act, p.47)

The promises have not been kept; as a result there is widespread consternation and anger. The Tongariro River, the erstwhile jewel in the crown of the Tongariro region and the North Island has been largely neglected for some 30 years and by itself cannot recover from the engineered effects it has suffered.

Further, sweeteners in the form of angling "benefits" were promised; three new ponds and faster recovery from floods. Of the three ponds, one is not available (Moawhango), a second did not eventuate (Rangipo) and only the third (Otomangakau) has the reservoir capacity to be a decent fishery. But a still-water fishery has been substituted for the natural flow of the Tongariro.

Restoration is required.

Public Interest.

This petition coincides with recent events which have raised issues and concerns about the state of the Tongariro River. These include

- the Department of Conservation in 2001 seeking an increase to the flow regime in order to address trout habitat problems (including sediment build-up) at a hearing under the Resource Management Act (1992), the fate of that application and its subsequent appeal to the Environment Court (expected to be heard in 2003).
- recent flood damage to river banks near the Birches suspension bridge (Koura Street, Turangi) and near Hereikeke Street, and the urgent repairs to that damage.
- Project Watershed, a plan by Environment Waikato to levy rates throughout its domain so that there is a war chest to deal with river damage.
- several public meetings in Turangi over the past six months.
- a growing awareness of cumulative and long range effects of engineering as a result of the Tongariro Power Development Project and of continued water extraction. A similar upstream damaging effect of downstream siltation on the Clutha River resulted in severe flooding on November, 1999. We also note the speed with which this problem was dealt.

An Engineer's View.

At one of these public meetings there was much interest in the views of a retired senior engineer on the Tongariro Power Development (TPD) Scheme. This engineer has lived alongside the Tongariro River for 40 years. He pointed out that what has happened to the Mississippi River is occurring here (there, the bed of the river is higher than the surrounding land so that very little extra water is needed to bring about severe flooding). The engineer reported that the bed of our river is rising due to the deposit each year of some 126,000 tonnes of rock, shingle, sand and silt. The river flows at less than half of its former flow; once there were above 50 cubic metres per second (50 cumecs) whereas now there are 20 - 22 cumecs or less, with no guaranteed

minimum. This can be seen clearly in the growth of an island in the River below the Hydro Pool - a pertinent example of a general effect given the recent severe erosion above the Birches suspension bridge (some 10,000 cubic metres), and in many other places along the river. See Photographs 4 and 5.

Further evidence of bed-raising is seen in the many places where the river can be waded comfortably whereas once few would have been foolhardy enough to attempt this.

According to the engineer not only is the 126,000 tonnes per annum bed load addition contributing to the raising of the river bed, but willows in the lower reaches effectively choke the channel with their roots acting as a sieve and a brake to slow the flow thus causing sediments to build up, and so the river bed rises. This is a natural phenomenon, of course, which the greater flow of the natural river would have cleared, washing it in to the lake, where nature intended it to go.

Photographs 6 - 9 show the scope of the willow problem. Willow trees are a major concern in the river. Dead willows are lying in the river, collecting silt and debris and making natural dams impeding the flow of the river.



Live willows in the lower reaches effectively choke the channel with their roots acting as a sieve and a brake to slow the flow thus causing sediments to build up. Willows are an introduced plant species; some are noxious.

6. Willows reduce the channel size by growing in the river.

7. Willows in the river retard the flow, causing early sedimentation.

The engineer considers that the present problem, which is seen as a threat to properties, both rural and urban, can be ameliorated by building levees (stop banks) and/or by excavating the river bed. He pointed out that gravel extraction had occurred during the building of the Power Project and some



1,000,000 tonnes of gravel was taken out over five or six years (1968-73) to make concrete for the Project and for roads. So, if this extraction has occurred before, would a return to this process help the river both in flood protection, and for the fishery in enhanced angling?

Coincidentally and with great significance for our case, NIWA points out that there was no flooding in this River in the period 1968-1985 (Smart, G. (1999). Lower Tongariro Flooding and Erosion Study). This is an easily understood effect. In 1968-73, metal for concrete was extracted from the lower Tongariro by Downers and Wilkins and Davies at the rate of about 16,000 tonnes per year. The removal of that metal meant that the net bed load build-up was



much less than normal. That this resulted in no flooding for some 18 years shows how the river might be improved.

8. Willows cause log jams, restricting access and providing footing for further willow growth.

9. Willows and log jams cause islands to form by raising the river bed.

Extraction would provide income and profits which could be used to offset the rate which Project Watershed will levy, with rights being paid to the riverbed owners. Turangi as a town is well understood to be the domicile of people of limited means and an increase in rates could mean that some people could not afford to live there. Some local politicians favour gravel extraction.



The extraction and sale of metal plus the removal and sale of the willows for firewood might correct past engineering effects.

Land loss

Approximately 80 Ha of arable land at the lower end of the Tongariro River are now under water. Much of the rest of this land is mud. When compensation was paid in 1947 for the raising of the lake there was no thought given to river flooding. Access roads have been destroyed and in many other places access is severely limited. The access road to the oxidation ponds is inaccessible during flooding.

In 1998, some 10,000 cubic metres of soil were washed away at the end of Kutai Street. The gabions placed at this point of the river by the Ministry of Works in 1964 were not maintained.



10. Damage as the result of poor maintenance of flood protection structures.

11. The removal of a quite small volume of shingle from the old river bed, on the left in this photograph might have saved a great deal of money later spent on a stop bank. Yet little, if any, channel training is done now.



Financial Impact

The Taupo fishery generates commercial benefits of \$96M annually (1995 figures) according to the Department of Conservation. (Taupo Sport Fishery Management Plan, no date). As such it represents about \$90M of visitors' money; many small businesses depend upon it for their existence. The cash flows from other recreational uses of

the Tongariro River would add considerably to that sum. Continued damage to the reputation of the River will have serious consequences on tourist operators (fishing guides, accommodation owners, retail outlets, particularly fishing outfitters) and recreational providers in the region as a whole and thus on the ability of Turangi to survive. Bear in mind that Turangi was established as a permanent town at the demand of the Taupo County Council because of its tourism potential, serving both anglers and skiers. We are not assured that much weight at all has been given to the Nature Conservation Council's recommendation that every effort should be made to preserve the recreational value of the Tongariro River.

Part 2 - Immediate action be taken to fix this problem

The petitioners are amongst many who think that cumulative effects of negligence from the time when the Tongariro River ceased being a natural river have now reached a critical stage. For the Tongariro is no longer a natural river nor is it anything like the river it was before the 1960s. An onsite inspection would soon convince the Committee of the truth of this claim and our photographs have shown, graphically, some of the damage to this once mighty river that formerly could be entrusted to look after itself.

The first section of Part 2 will sketch out our position that there is confusion amongst agencies which, had they been co-operating, could have prevented this situation from having occurred in the first place. The second section of Part 2 will remind the Committee that two major Acts empower the Crown immediately to demand that clearly identifiable agencies take immediate action.

We contend that the problem arises from mismanagement as much at the local and regional levels as at the central level. This viewpoint moves the criticism somewhat from Crown agencies, which, according to a statement made by the Taupo District Council to a Hearing of Water Consents in 2001 argued that there was a blurring of responsibilities such that no single body appears to know who is accountable for the repair of the river.

Turangi Township was established to serve in the construction of the TPD (scheme). In the order of 1,000,000 cu yards of river gravel was extracted from the lower Tongariro River for roads and concrete aggregate. Stop banks were placed on the right bank of the river downstream of SH1 Tongariro River Bridge to prevent flood flows into land lowered by quarry pits. Gabions were placed on the left bank near Te Rewha Street, Turangi, to prevent erosion near this section of the river. Adjacent to the metal pit areas the river was confined to the right bank. The Turangi Tongariro Community Board has had difficulty in identifying which Crown Agency has responsibility for the historic action of the previous Crown Agencies such as the NZ Electricity Department, Electricorp, ECNZ and the Ministry of Works and Development. Each in their own phase have come to Turangi, done their thing and left without any remedial responsibility. (Evidence of J.W. Campbell, Taupo District Council Area Manager, at the Application by Genesis Power Ltd for resource consents to operate the Tongariro Power Development, 2001).

It is our view that the Taupo District Council has failed to inform the regional body, Environment Waikato and its predecessor the Waikato Valley Authority, that there is a serious and progressive problem in the risk to residential and rural properties. Perhaps local government had for too long regarded the Ministry of Works as a 'fix-it' organisation and that this dependency removed the Taupo District Council from its responsibility. What we do know

is that several flood protection devices were not maintained and that riverbank damage has occurred after those devices fell in to disrepair. Yet under the Soil Conservation and Rivers Control Act 1941 the Regional Council is responsible for the minimisation and prevention of damage by flood and erosion.

Additionally, trees on the riverbank to the southern end of Turangi have been removed totally, roots and all, and this would have needed local body approval even though the work was carried out by another agency. Within a few months of this removal extensive bank side damage occurred, necessitating expensive repairs (near the Hydro Pool) in 2000-2001. This is illustrated in Photographs 4, 5 and 6.

Next, we submit that the Crown must act if it is to honour its own legislation. We employ two major Acts in reaching this position. These are The State-Owned Enterprises Act (1986) and The Resource Management Act (1991).

While we know that the Committee is as familiar with these Acts as anyone could be, we will point out some features of these Acts which support our contention that at least the spirit of the Acts has not been upheld in the case of the Tongariro River, resulting in mismanagement of that River since the 1960s.

The State-Owned Enterprises Act (1986) requires each enterprise to meet three criteria (which, we noted, the Prime Minister referred to on opening the number two tailrace tunnel at Manapouri in May, 2002). The principal objective of every State enterprise shall be to operate as a successful business and, to this end, to be-

- As profitable and efficient as comparable businesses that are not owned by the Crown; and
- A good employer; and
- An organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so.

It is important to our submission that these criteria have comparable weight and we note a legal opinion by Butterworth who commented:

State Owned Enterprises Act 1986 s4(c). This provision makes it clear that, as long as the state enterprise has the necessary actual resources, it is perfectly entitled to be involved in loss or non-profit making activity: New Zealand Maori Council v Attorney-General (1994) 1 NZLR 513; (1994)1 AC466 at 478; 1994 1 All ER 623 (PC). What can amount to operating as "a successful business" has to be determined in the context of the three requirements of s4(1) and there is nothing to suggest that they are not to be treated as being of the same weight: New Zealand Maori Council v Attorney-General at 478, where Lord Woolf added that the creation of profit is of no greater importance than the other objectives identified in s4(1) Paragraph 94 -5.

Consequently, we ask the Local Government and Environment Committee to invoke these principles of the State Owned Enterprises Act when considering our recommendations.

The Resource Management Act (1991) was enacted "to promote the sustainable management of natural and physical resources". There, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being

and for their health and safety while

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Further the RMA states

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.

- 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:*
- The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

And

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 have particular regard to-

- Kaitiakitanga* (Which we described in detail earlier and noted the grave erosion of Kaitiaki).
- The efficient use and development of natural and physical resources* (which must be read as the efficient use of shared resources such the water in this river).
- The maintenance and enhancement of amenity values* (The Tongariro River was navigable once, now it is only theoretically navigable as there is a bar at the mouth and several other shallows; access is difficult from the river bank as well).
- Intrinsic values of ecosystems* (which an onsite inspection and our photographed examples suggest has not happened at all)
- Recognition and protection of the heritage values of sites, buildings, places, or areas* (which, as the Maori people have shown in this submission and elsewhere, have largely been ignored)
- Maintenance and enhancement of the quality of the environment* (In the absence of benchmarks this has not been attended to).
- Any finite characteristics of natural and physical resources* (including the life of the river)
- The protection of the habitat of trout and salmon* (which, as the Department of Conservation pointed out in its application to increase the Tongariro River flow regime, would lead to a higher quality habitat).

There is nothing novel in our case seeking the restoration of this once great river to its former glory. These problems were foreseen and the Government forewarned. We note these points in a letter from R.W.S. Cavanagh, the Secretary for Internal Affairs (4th April 1968) to the Commissioner of Works.

PRESERVATION OF THE RIVER. Concern has been expressed that with the reduced mean flow of the Tongariro River that the angling value of the Delta will be greatly lowered. Provision should be made following completion of the scheme to ensure that the mouths are kept as separate entities. Reasons for this were fully outlined during discussions regarding the location of the Tokaanu Tailrace.

Sooner or later money will have to be expended in order to create stop banks to confine the lower Tongariro to its present course. There is a strong tendency for this river to break out into Stump Bay in the vicinity of Delatours Pool. Consideration should be given to ensure that the river is confined by stop banks between this area and the Delta.

The dredge constructed for the development of the Tokaanu Tailrace should be left in the area after completion to be used in order to keep the mouths of the Tongariro River open following the reduced flow.

If the provisions of the Resource Management Act 1991 part 2, sections 5, 6, and 7 were applied with the rigour intended in the Act the future of the Tongariro River, its environs and Turangi as a tourism and recreational setting would be assured.

A model for the future of the Tongariro River: The Concept of Guardians.

We note that the electricity generating company, Genesis, accepts no responsibility for the condition of the River before 1992. We must not let that stance dominate our plea for restoration but we think that it would be fruitless to challenge Genesis' position. So, if there is to be any progress at all, we urge the Government to adopt for the Tongariro River a management regime which has already been shown to be highly successful in bringing together conservation values with hydroelectric development, thus helping to resolve a complex controversy. In the case of Lake Manapouri the government established a group known as the Guardians of the Lake. Thereby

"concerned (and inevitably outspoken) members of the general public with relevant knowledge, skills and commitment, are officially involved in collaboration and co-operation with the Government, both politicians and public servants. In an atmosphere of mutual understanding and trust, and with ready access to all relevant information, they can achieve responsible and acceptable objectives, on a modest budget, in collaboration with industry and government in the difficult but important field of multiple resource planning, development and management." (Mark, A.F., K.S.Turner and C.J. West, 2001. p.16) .

This Guardians concept, an innovation of the 1972 Labour Government, reached its fulfilment in 1981 with the revision of legislation regarding the raising of the lakes. Yet its shadow continues to be noticed; in the recent opening (2002) of a second tailrace tunnel for the Lake Manapouri Power Scheme one of the Guardians commented *"Meridian was excellent in its dialogue with all of the stake holders"* (Mark, A. pers.comm.). So this model, in which applied ecology proponents and power scheme developers came together, is, we propose, transferable to the future management of the Tongariro River.

Recommendations

Our request to the Select Committee is to provide adequate funds to Environment Waikato and The Taupo District Council to alleviate the problems, repair past damage and maintain the Tongariro River and its environs. Three matters need action:

- The river and its mouth need to have rock, sand and silt removed

- The willows must to be removed
- The water flow regime needs to be adjusted upwards.

Further, we ask that the river be protected in the future. To assist this we ask that benchmarks be established which as near as possible represent the state of the Tongariro River before engineering began in the 1960s so that future discussions about the state of this river can proceed effectively. We also ask that a permanent committee of advice be established along the lines of the Manapouri Guardians of the Lake model.

Further, we urge the Local Government and Environment Committee to bring this matter to the attention of the Parliamentary Commissioner for the Environment.

Conclusion

It is the belief of the petitioners that the evidence and viewpoint presented in this submission leads only to the conclusion that actions of local government and the Crown contravene the spirit of the Treaty of Waitangi, The Resource Management Act 1986 and the State-Owned Enterprises Act 1991. However, attributing blame is likely to be counterproductive and time-consuming. As an alternative, we have proposed mature future governance of this once beautiful river.

HE WHAKATAUKI KO TE PUAWAITANGA O NGA WHAKAARO Dreams become reality when we take action

Addendum

This submission takes the view that the principal problems of the Tongariro River catchment are attributable, at least for their beginnings, to the TPD scheme. This means that the problems started when that scheme was commissioned. Subsequently, the ownership of the Beds of Taupo Waters has reverted to the Tuwharetoa Maori Trust Board (Deed of Agreement signed 28 August, 1992). Notwithstanding this change, the problems are not those of the present owners' making.

This submission was prepared by a group of citizens assisting the petitioner. The group was Virginia Church, Heather Macdonald, Gill Osborne, Loretta Gay, Robin and Arthur Parish, Allan and Bob Appleton, Les Wilson, Dick Truebridge, Jock McNab, Laurie Hobbs, and Mark Cosgrove. Turangi, 15 June, 2002.

Added Note

EXTRACT FROM A LETTER BY HELEN PATRICIA GRACE To Virginia Church dated 9th January 2000

Having read your page in the Chronicle I agree with all you have said about the lower Tongariro waterways and lands.

I have walked down to the Tongariro Homestead (Graces Estate) three times since I left on the 28th October 1998, I would have lived there for the remainder of my life but was forced to leave on account of the abnormal flooding the last few months of 1998.

My home was continually surrounded by flood waters, as every time there was rain the river flooded over, as the river bed had built up so high with silt as was the Delta, and the water was not getting away to the lake.

I was marooned for weeks at a time and even my brother could not get over the flooded road and paddocks in high waders most times. It was a very bad time! Daughter Lorraine coming from Auckland to attend local business meetings could not get to the Homestead to stay and had to make arrangements to stay in Turangi. Also my dog who had diabetes and had to have insulin treatment was of concern to me.

Renati Church and her husband had to leave their farm after a particularly bad flood which left their house partly under water as was their car. Goodness knows how their animals survived, they lived just opposite me over the river. I was very lonely when they left! I had a few sheep that managed to survive on higher ground nearer the house, which I gave away later when I left.

I walked down to the house last week. The road at the end of Graces Road can be used (by four wheel drives) if necessary now, but only for a short distance, now that the road has dried somewhat, but most of the road to the homestead is swamp, and swampy reeds where there should be grass.

The entrance to the home (at the line of Poplars) has a big hole in the roadway. This place is at the lowest point where the flooded river pours through and down and around the house and so flooding the surrounding paddocks and into the swamp, instead of sweeping down to the lake, the house is situated on a rise which saves it during floods but at this rate may not be safe for long.

The house is still in good condition as my husband and I put in a concrete veranda and paths and relined inside and generally improved same. I had grown trees, shrubs and flowers and the garden as blooming but uncared for, as someone has been caring for things generally but could not get there often on account of the road conditions.

The Church family, some of the girls had worked very hard on their farm across the river. They cut hay during the years and the farm had a yearly horse sports day most years. The two sides of the river is a flooded disaster now. The large orchard on the homestead approx., 150 years ago is no more. The trees are standing stark and dead. I planted and renewed this orchard some years ago myself. A very sad and depressing sight! The river has been trying to cut a course through to Stump Bay from end of Grace's Road for many years now. I have lived at Tongariro for fifty five years so have seen the changes of the river. I lived on there for eleven years after my husband died but as I said before I was forced to leave on account of the river flooding. I managed to find a suitable house in Turangi with the help of my daughter Lorraine but I still have a feeling for the old home, the scenery of hills and surrounds and the peacefulness and different bird sounds.

Enclosed are a few photos of Church's house and farm across the river from me. See the long grass on the river banks, that does not grow like that now! I think it is sports day with all the

cars and horses around. These are for you and your families. I think I have already given Renati some photos.

The three photos of my place may be of interest and the one Lorraine and friend was taken after a receding flood in about 1990 or thereabouts. They had been taking a video of the flood two days before. From Grace's road down past the house. This video and photos of flooding I lent to Mr Les. Wilson of Herekiekie Road which he produced for a meeting of council members etc., so many pictures have been shown of the floods there. Arthur Grace has a video copy of the flooding that Lorraine gave him. Perhaps you can return my three photos later if of no interest. I have put my name on the back of each. You may quote anything of interest in this letter. You are very good at your newspaper writings and you can explain situations well. Hoping things are well with you all.

Arohanui

(Pat) Helen Patricia Grace.

Tokaanu Residents and Landowners, and the Mighty River Power Application for Resource Consent

A paper in support of the submission made on behalf of Tokaanu residents and land owners by A. McNab on 3 September, 2002 opposing the Mighty River Power application.

M. M. Cosgrove, A. McNab and R.D.H. Truebridge
Taupo, 27 November, 2002

In our submission of 3 September, 2001, we proposed that Lake Taupo be controlled as naturally as possible and that the maximum level be set at 356.750 metres above sea level. Here, we develop that proposal and suggest that there be a 500 mm oscillation from a median of 356.500 metres: that is, a controlled oscillation of plus or minus 250 mm from a median of 356.500 metres.

Further, we propose that there be time constraints to the control regime so that the oscillation follows the natural order more closely, although we do not define these constraints.

Our reasons for putting forward this model were summarised as flooding fears and sediment build-up. We consider that Tokaanu, an important historic village has been placed at risk and that the risk can be reduced markedly by adopting this new control regime. In addition, we consider that our proposal, itself a compromise, will allow all recreational users to have access to boat ramps and beaches throughout the year. As well, we note that our proposal is not too far removed from present-day practice. What we want is a consent that knocks the peaks out.

Elaboration of our submission

The purpose of this paper is to elaborate on that submission. We will show that Lake Taupo has not been managed by a natural control regime despite claims that it has. We will comment critically on the present regime and will use lake level data from the 1980s to the 1990s to illustrate this criticism.

There have been claims made that the control of Lake Taupo follows closely Nature's way of doing things. In that water flows in and water flows out, this is true. But when the data are examined, this is not the case.

Consider Figure 1. This figure is taken from data presented in an ECNZ publication, 'Lake Taupo Lake Levels' (no date). The period selected here is 1984 to 1986. The graph shows two lines; the upper line (red in the original) shows the controlled level. The lower (blue) line shows the simulated natural lake level. The upper line shows that the lake level was higher than the natural level for many months in 1984, 1985 and 1986.

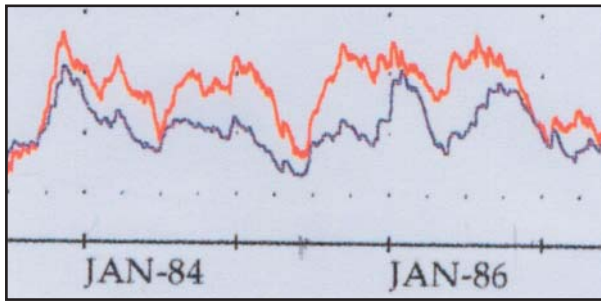


Figure 1: Natural and controlled lake levels, 1984-6 (ECNZ data)

We think that it is a challenge to the imagination to regard the upper line as following the natural order. Nor does ECNZ claim this to be the case as (ibid, p.5) that organisation states ‘... the managed levels have, from time to time, been held higher or lower than the natural levels.’

Now consider Figure 2. Here, the data were supplied by NIWA. This graph displays the recorded lake levels in the period 1994-6. The vertical lines represent the years, and the central horizontal line represents the median natural lake level. The actual median for these three years is above this. It is apparent to all that the lake has been kept at high levels for much of that three-year period. This also is not the natural order. Note also that this was at a time when the Taupo basin was coping with volcanic ash fallout from the Ruapehu eruptions. The abnormal and at times extreme peaks and the extended times for which they existed meant that not only was there general damage done (see our submission, paragraph 4), but the inflowing rivers were unable to discharge this ash overload into the lake because the high lake levels meant that it was an hydraulic dam, impeding river flows, thus causing extra sedimentation upstream. Much of that ash is still in the rivers.

We are sure that these lake levels are not natural nor anything like Nature’s way. It is not surprising that they are result of engineering control because the present control regime was described by the General Manager, Generation Resources, Mighty River Power who wrote (Letter to the Editor, *Taupo Times*, 8 August 2002) that “*At Mighty River Power we will continue to carefully watch the situation to ensure that we find the best balance between meeting the present high winter electricity demand and the stored water available in Lake Taupo. We work hard to find the best balance between present use and storage for future use because for Mighty River Power, as for any hydro company, the worst thing that can happen to us is to run out of water and be unable to generate.*” This letter showed that Mighty River Power’s objective is purely economic, to squeeze the maximum return from the resource. But Mighty River Power is a State-Owned Enterprise, and as such is obliged to follow the State Owned Enterprises Act as well as the Resource Management Act and the Treaty Settlement Act (of course).



Figure 2: A display of median lake levels each month in the period January 1994 to December 1996 (NIWA data).

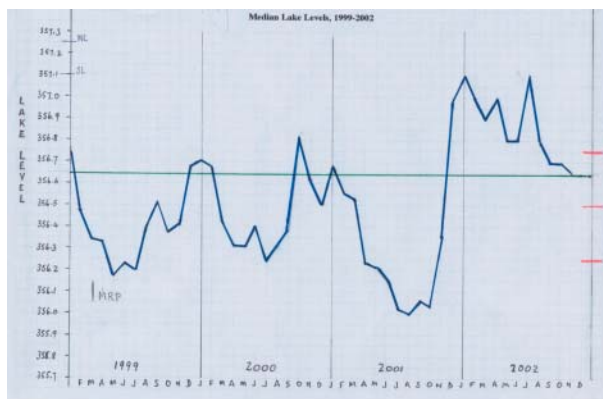


Figure 3: A display of median lake levels each month in the period January 1999 to November 2002 (NIWA data).

The State-Owned Enterprises Act (1986) requires each enterprise to meet three criteria (which, we noted, the Prime Minister referred to when opening the number two tailrace tunnel at Manapouri in May, 2002). The principal objective of every State enterprise shall be to operate as a successful business and, to this end, to be-

- as profitable and efficient as comparable businesses that are not owned by the Crown;
- a good employer; and
- an organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so.

It is important that these criteria have comparable weight (and we note that there is legal support for this view). If the interests of landowners are to be met then this State Owned Enterprise might have to rethink its sense of purpose, or mission statement, as expressed by MRP's Generation Resources Manager in that letter to the Taupo Times.

Consider Figure 3. This graph portrays the lake levels in the very recent past, from 1999 to the present day. The MRP take-over is noted (April, 1999).

The graph shows that the lake has been controlled within a more restricted range than Mighty River Power asks for it its application. The three equally-spaced marks on the right hand axis represent the lake levels we propose. The graph in fact shows that the applicant can manage the lake within the framework that we propose. So what we suggest here is that these levels become the legally binding levels. The outcomes would be of benefit to a wide cross-section of citizens and, especially, to other creatures whose ecosystems are stressed by high peak levels and prolonged raising.

The permitted operating level regimes are ad hoc and we think rough and as such they point out the unscientific nature of the theoretical bases on which they operate. As such they represent poor engineering.

The great theoretical physicist, Albert Einstein, was fond of saying that, 'A theory should be as simple as possible but no simpler.' The theory driving the present regimes is clearly too simple, for many reasons, including these embedded assumptions:

1. that Lake Taupo is a static body of water and that it is not wind-affected,
2. that effects on entering rivers are not important,
3. that there needs to be little account of seasonal affect within the Taupo basin,
4. that it meets the needs of other users, including recreational users,
5. that scientific knowledge about wetland operation and food webs is not important.

The control of the level of Lake Taupo takes place independently of these factors; MRP's Generation Resources Manager has told us so.

Yet residents know that the water table is affected by the present regime (and we contend that it would be less affected by our counter proposal). And residents know that high lake levels subject to strong westerly winds cause havoc and damage. Residents know that high lake levels cause problems with septic tanks. Residents know that wetlands become saturated and that the State Highway near Korohe will flood in Spring/Summer rains because of high artificial lake levels. People know that some beaches become unusable if the lake is too high and some boat ramps are unusable if the lake level is too low. And residents know that high lake levels cause a damming effect at the river mouths, so that agrading occurs and sediments form much further upstream that they would otherwise.

These facts are well known; NIWA documents have pointed them out and yet Mighty River Power is asking for your permission to increase its capacity from the winter maximum up to the compensation level (a further 140 mm) for its own purposes. This would increase the hydraulic dam's effect and thus further damage will occur to rivers, wetlands, farms and residential properties especially those at the southern end of the Lake. And residents know that floods in rivers are sometimes caused by downstream changes; (such effects have been noted elsewhere, for example in the Clutha River where downstream deposits caused flooding in Alexandra in 1999, a case where considerable insurance is being claimed). Similar effects are noticeable in the Tokaanu Stream and would be expected to get worse as more sediments accumulate.

There is a well-known saying in engineering circles which applies in these circumstances; it is, 'Nature sides with the hidden flaw.' In the Taupo basin, Nature has found many flaws brought about by engineered interventions. And a major concern with these already known flaws is that they will continue to get worse and will lead to new and more serious outcomes.

In our submission that the lake level oscillation be + or - 250 mm from a new median, 356.500 metres, we are advocating that the lake be restored as nearly as possible to its natural state by reducing the operating range to 500 mm and by reducing the holding times. In other words, 'the less interference with Nature the better' until such time as there is robust and reliable theory to drive the practice; a theory which on the one hand is sustainable and ecologically sound and on the other which recognises recreational interests and tourism as well as power generation.

As everybody knows, the present regime has its origins in the emergency regulations of World War Two, when the gates were installed in 1941 to provide an assured supply to the Arapuni and Horahora power stations. As wartime measures perhaps this was the way things were done then but this regime is not defensible in any long-term, sustainable way.

It is worth pointing out again that this is the first time since the gates were installed that the public has been allowed to comment on the control of their operation. And there is widespread belief that had these projects been planned in modern times with the Resource Management Act and the Treaty of Waitangi Settlement Act in place, they would not get past the first step. It behoves regulatory bodies such as Environment Waikato to recognise that much that has been viewed as customary practice is indefensible under present laws and to make decisions that respect these new laws.

Citizens and the consent application process

We are concerned at the adversarial stance we are forced to take in crucial environmental matters like this application. We note that it is unsophisticated as is likely to result in a winner-loser outcome. Further, adversarial approaches are divisive, time-consuming, even wearisome.

Citizens nowadays respect the right to take part - democratic government is still perceived as being by the people for the people despite technocratic imperatives.

Citizens now are somewhat better educated about their places in the environment than previously, such as 50 years ago when the spin doctors of that time treated us to jingles and mantras about, for example, 'clean, green, renewable hydroelectricity.' A country such as ours with its rainfall and gradients would be foolish not to obtain much of its power in this way. But while the benefits of hydroelectricity were presented, the costs and risks were seriously understated by those propagandists. Now, we think we are not so naive; we recognise the down sides and we ought to think about what will be left when the engineers walk away from the rivers when they can no longer provide the flow to operate the generators.

We remind you that an alternative approach using the highly regarded Guardians of Lake Manapouri is a more sophisticated, indeed an elegant way for State owned Enterprises and Regional Councils to follow in their dealings with citizens. Further, we contend that processes such as these hearings ought to place all of the facts on the table, including what is known of the likely effects of consents after the 35 year period is up. There are environmental changes caused by damming the Waikato River, for example. Below the confluence of the Waipa and Waikato Rivers at Ngaruawahia the riverbank trees are rampant. Once the Waikato used to bring pumice and sand which mixed with the mud from the Waipa. Now, the Waikato water does not bear as much material so that there is a fertile Waipa mud slick on which willows and elders thrive and choke the river.

Further, there is great concern over the consent period - we think that a 35 year consent is far too long. We recognise that situation is the way the law stands but we are unimpressed by this. Given that this consent is based upon existing practices which were not challenged nor challengeable when they commenced, we urge the most cautious approach in this consent; hence our proposal for a 500 mm range.

Ideally there should be more frequent reviews. We are heartened to note, in the case of Whanganui River Iwi and Genesis, that senior Government Ministers think that the 35 year consent period might be able to be challenged. We watch with great interest the case which Whanganui River Iwi has raised with the Government.

Guidelines for a more sensitive stance on the control of lake levels are available. The Resource Management Act (1991) was enacted "to promote the sustainable management of natural and physical resources". There, "sustainable management" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Further the RMA states

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 wetlands and lakes and rivers and their margins, and the protection of them from inappropriate use, and development:*
- b. *The protection of outstanding natural features and landscapes from inappropriate ... 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 lakes*
- e. *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

And

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 have particular regard to-

- a. *Kaitiakitanga*
- b. *The efficient use and development of natural and physical resources*
- c. *The maintenance and enhancement of amenity values*
- d. *Intrinsic values of ecosystems*
- e. *Recognition and protection of the heritage values of sites, buildings, places, or areas*
- f. *Maintenance and enhancement of the quality of the environment*
- g. *Any finite characteristics of natural and physical resources*
- h. *The protection of the habitat of trout and salmon*

The Resource Management Act makes it clear how Lake Taupo should be managed. We hope that these guidelines will be followed as a result of this, the first opportunity citizens have had to state a case for the better management of the lake's levels. For too long we have had the feeling that the politicians and managers of the Waikato Valley think that their world starts by looking north from the control gates, despite the catchment extending to the slopes of Ruapehu.

We, residents of the villages at the head of the Lake, urge the Commissioners to consider the total picture for we want our communities to provide economic benefits and recreational opportunities for our people, for the enjoyment of the citizens of New Zealand and their international visitors.

Appendix 5

Developing a Position on the State of the Tongariro River A Discussion Paper Presented to The Tongariro and Lake Taupo Anglers' Club (Inc) by

Mark Cosgrove

The situation

Recent events have helped to raise issues and concerns about the state and status of the Tongariro River. These include

1. The Department of Conservation in 2001 seeking a change to the flow regime at a hearing under the Resource Management Act (1992), the failure of that application and the subsequent appeal to the Environment Court (expected to be heard in 2003).
2. Flood damage to river banks near the Birches swing bridge and near Hereikeke Street, and the repairs to that damage.
3. Project Watershed, a plan by Environment Waikato to levy rates throughout its domain so that there is a war chest to deal with river damage.
4. An appreciation of cumulative and long range effects of engineering as a result of the Tongariro Power Development Project and of continued water extraction, and similar upstream damaging effects of downstream siltation on the Clutha.

The TALTAC Committee has asked that a briefing paper be prepared. Two sets of views have been obtained and liaison with a local action group established by the writer in order to clarify the issues.

Viewpoint 1. Here the ideas of Mr Kerry Scott, formerly a senior engineer on the Tongariro Power Development Scheme and later Deputy Director General of the Ministry of Works are reported. Mr Scott has lived alongside the Tongariro River for 40 years. Mr Scott spoke at a recent public meeting in Turangi (28 March 2002), when he pointed out that an effect like that which has happened to the Mississippi River is occurring here. The bed of our river is rising due to the deposit each year of some 126000 tonnes of rock, shingle, sand and silt. This can be seen clearly in the growth of an island in the River below the Hydro Pool - a pertinent example of a general effect given the erosion above the Birches swing bridge. Further evidence is in the many places where the river can be waded comfortably whereas once few would have

attempted this. However the river does not deposit its bed load evenly; under the main highway bridge the bed is much the same as it has been for years, but note that the river there uses only two of the nine spans width available to it so a strong flow keeps it clear. However, **aggrading** due to lake level being raised in the early 1940s is not thought to be a major contributing factor to this effect; the lake still operates within its natural levels of 1171 to 1177.35 feet. What the control gates might have caused is aggrading owing to the lake being kept higher within that range.

According to Mr Scott not only is the 126000 tonnes per annum bed load addition contributing to the raising of the river bed, but willows in the lower reaches effectively choke the channel with their roots acting as a sieve and a brake to slow the flow thus causing sediments to build up, and so the river bed rises. This is a natural phenomenon, of course, which the river would eventually correct by going somewhere else thus broadening its flood plain.

Mr Scott considers that the present problem, which is seen as a threat to properties, both rural and town, can be ameliorated by building levees (stop banks) and/or by excavating the river bed. Mr Scott pointed out that metal extraction had occurred during the Project and some 1000000 tonnes of metal was taken out over five or six years to make concrete for the Project (And good concrete it is too as it has held together for about 40 years now!). So, if metal extraction has occurred before would a return to this process help the river both in flood protection, and for the fishery in enhanced angling?

The extraction and sale of metal plus the removal and sale of the willows for firewood might correct past engineering effects. Note though that if the TPD scheme had not been built using some of the water from this river the river bed raising might have occurred at a faster rate and the lower river could well have moved to a completely new course by now, as rivers do. On the other hand, the river flowing at its old rate of 55 cumecs might well have been enough for it to keep its own channels clear.

Extraction would provide income and profits which could be used to offset the rate which Project Watershed will levy, with rights being paid to the riverbed owners. Turangi as a town is well understood to be the domicile of people of limited means and an increase in rates could mean that some people could not afford to live there.

Some local politicians favour metal extraction. The views of the owners of the river bed are not known. A similar situation occurs further down the Waikato River; at Mercer the 'Mississippi River Effect' is even more noticeable, yet proposals to extract and sell the sand have been dismissed by a speaker for the Tainui (Morning Report, RNZ, 29 April 2002).

Viewpoint 2. The Department of Conservation is required to manage the Taupo Fishery for anglers. To DoC, participation in the management of the Tongariro River seems to be less clear nowadays given the number of interested parties and sectional interests involved with it. In its submissions to a hearing for water rights under the Resource Management Act (1991) DoC asserted that the Tongariro River is no longer the mighty river that earned it a world wide reputation amongst anglers and others who recognised its grandeur.

Four core facts about the fishery are presented as trends.

1. There are less fish here now.
2. The catch rates are lower.
3. The catch quality is lower.

4. The flow rates are lower and are manipulated.

The last of these statements seems to be the pivotal one: the Tongariro River as a nursery for young trout and as a habitat generally is poorer and getting poorer still. According to the fishery managers the only answer is to increase the flow, and the managers have written extensively on their position in their submissions to that hearing (listed below) and in various articles in *Target Taupo*.

On the extraction of metal the fishery managers are not sure that this would be a fruitful approach; it might help but it might be too late.

The fishery managers think about the Tongariro River as if it is a natural waterway doing what rivers do and that it would do this better if more water was allowed to flow through its course. They consider that other geological effects might be causal in sedimentation such as the lake tilting so that the south end became higher than it used to be.

It is said that the electricity interest group considers that the River is a good-enough trout stream; they are probably relying on the memories of anglers who fished the once mighty Tongariro to fade as the years roll by.

Conclusion. The Tongariro Power Development proponents, the Government and the Ministry of Works, promised that there would be minimal change or damage to the Tongariro River as a result of the Project. Further, angling benefits were promised in the form of three new ponds and faster recovery from floods. Also, the Nature Conservation Council at the time did not want the town of Turangi to be built where it is because of its environmental impact, no doubt. But what seems clear now is that slow change has inexorably had profound effects.

Sources

Statements of Evidence on Michel Dedual, Henry Hudson, Glenn Maclean, and John Gibbs in the Matter of the Resource Management Act (1991) and the matter of an application by Genesis Power Limited for resource consents to operate the Tongariro Power Development.
Perspective of Eddie Bosomworth, Tongariro River Angler.
Kerry Scott, personal communication.

Lower Tongariro River Flooding, Erosion and Channel Management Works

A summary of a report prepared for Environment Waikato by Tonkin and Taylor Ltd., Civil Engineers

In summary, the flooding and erosion risk management scheme for the Lower Tongariro River comprises

Protection Works

Left Bank. Stop bank extensions downstream from Poto Street and top up of the existing bank from Te Aho Reserve (Judges Pool) to the SH1 bridge; new stop bank across lower areas from The Bridge Lodge to Waipapa Road, and channel controls at the Crescent Reserve downstream to the Te Rewha Street bluff (near the Swirl Pool).

Right Bank. Local raising of existing stop bank from SH1 to Herekietie Street; erosion controls (permeable groynes) from Herekietie Street to the Tongariro Lodge; road upgrading and erosion control at the end of Grace's Road, and infilling of low spots (overflow channels) in a natural levee at Grace's Road.

Channel Management

Clearance of stranded logs and trees between river channels from the SH1 bridge to de Latours Bend; extraction and relocation of gravel from elevated shoals in the river channel below SH1 bridge for use in river works; control of bank vegetation (willows) along the river channel from the constriction (Grace's Road) to the river mouth, and sediment extraction at local shoals in the lower river and the closure of local overflow channels (e.g. Church's property on the left bank and shown in Photograph 1, Appendix 3 of this Report).

It should be noted that there are other initiatives aimed at clearing the River. The electricity company, Genesis, is providing funds for both the Tuwharetoa Maori Trust Board and Turangitukua to bring about improvements.

PRESS STATEMENT

October, 2002

Advocates of the Tongariro River formed to safeguard world-renowned river

Preservation and enhancement of the Tongariro River are the key objectives of a newly formed action group dedicated to ensuring the well being of New Zealand's most prestigious wild trout fishery.

Based in Turangi, but canvassing for support throughout New Zealand, the Advocates of the Tongariro River has the primary goal of addressing and promoting conservation issues relating to the management and health of the river and its surrounds.

Acting Chairman, Dr Mark Cosgrove believes it's important the river has a "voice" in the face of increasingly complex management issues, which have arisen in recent years.

"We were concerned that New Zealand's most famous trout river appeared to have had no dedicated group committed to its long term sustainability. Other rivers throughout New Zealand have guardians working to preserve habitats and surrounding environments, but in reality, none of these rivers have the stature of the Tongariro, which is a vitally important wild fishery and economic resource of national importance. We felt it was time to act," says Dr Cosgrove.

Action will be in the form of promoting management strategies and proposals for the river, in association with local iwi, central and local government, Environment Waikato and local interest groups. Environmental concerns such as river flow, water quality, river diversion, silt build up, erosion, tree removal, the impact of lake Taupo water levels, willow infestation and flooding in the Delta area will be addressed, along with all other matters to do with maintaining the fishery habitat and river environment over the long term.

Acting committee member and local fishing guide Heather Macdonald sees one of the functions of Advocates group being the development of a database of scientists and others who have the expertise needed to inform decision making.

"We need to do more research into issues affecting the river and raise relevant questions about its future well being. The Tongariro is a fantastic asset with a unique heritage, attracting visitors and fisherman from all around the world. Preserving what we have must be a priority for all of us, but the problems and issues need to be faced now rather than later when they will be much harder to resolve.

"While central government has largely abdicated responsibility for river management to local authorities, we believe the government is still a key participant in this river's future. The government's State Owned Enterprise, Genesis, is directly involved in water diversion from the Tongariro for power generation and the river generates millions of dollars in tourism earnings and fishing licence revenue to the benefit of the region and the country. Ultimately, proper management of the river is likely to be beyond the resources of local authorities and rate payers, so we believe government needs to be involved," says Ms Macdonald

The Advocates of the Tongariro River believe collaboration with interest groups, central and local government is fundamental to achieving the group's objectives.

"One problematic issue has been who has responsibility for action to safeguard Tongariro River, as there are now a number of parties directly involved. It's a complex issue and one of the tasks of the Advocates will be to try and facilitate these parties to come together to sort out problems. We think the one thing we all have in common is the desire to preserve and enhance the Tongariro River and its surrounds, " says Dr Cosgrove.

The group will be involved in liaising with relevant government agencies, as it sees responsibility for world heritage assets like the Tongariro requiring government support and involvement.

The group intends to operate as an information source, identifying, with interested parties, gaps in research and information. It will seek the best scientific knowledge on river management and bring this to the attention of members and local interest groups through seminars and publications. A seminar series is being planned for Easter 2003 and a newsletter has been proposed. The group also wishes to act as an archive and forum for issues affecting the river and will welcome the involvement of all interested parties.

To become a member of the Advocates for the Tongariro River (Inc) please contact the Treasurer, PO Box 335, Turangi. The membership fee is \$10 and donations are welcome. The Advocates are a non-profit organisation and all fees and donations will be used to offset administration costs, for the production of a newsletter and the funding of seminars. For further information, please contact Dr Mark Cosgrove on 0800 386 783.

PRESS STATEMENT

November 2002

THE TONGARIRO RIVER WATER CONSENT A STATEMENT FROM THE ADVOCATES FOR THE TONGARIRO RIVER

The Advocates for the Tongariro River Society Incorporated, a recently established body for the promotion and protection of the interests of the Tongariro River, welcomes the announcement that a settlement has been reached between the Department of Conservation and Genesis, a State-owned enterprise operating the Tongariro Power Scheme.

The settlement means that there will be some increased flow of water in the Tongariro River and most river users will see that as useful, in a number of ways:

- This is a first step in habitat restoration and it should result in this wild trout fishery being more stable than it has been for a number of years since the inception of the power scheme,
- It shows that DoC and Genesis are listening to each other and are willing to make decisions in the national interest,
- It avoids lengthy and resource-consuming litigation.

The Advocates Society recognises that this outcome may not please all of the river's users as there will be very little change to the flow from the Poutu Intake to the Poutu Pool, but there are indications that the present stance on behalf of Genesis may result in further developments. While still deeply saddened by what has been lost to date, the Society in principle applauds the flexible stance currently demonstrated by the SOE and looks forward to further positive outcomes.

In face of the competing interests of power, recreational and environmental groups, the Society is heartened by the current event and takes this opportunity to urge the Ngati TuWharetoa, Department of Conservation, Genesis, Mighty River Power, Environment Waikato, the Taupo District Council and recreational users to come together and establish a body which will manage wisely the Tongariro River - a nation's taonga, a priceless asset - for the benefit of the nation and its people.

PRESS STATEMENT

December 2002

ADVOCATES FOR THE TONGARIRO RIVER INCORPORATED AND THE WHANGANUI RIVER PROTEST

As a result of the Whanganui River Iwi protest about their river's water extraction, political opportunity now exists to review flow regimes on both the Whanganui and Tongariro Rivers. The Dominion Post (on 28.11.2002, p.3) stated that Whanganui River Iwi had caused the Government to bring about a rethink on river waters that have been diverted under the Tongariro Power Development Scheme (TPD). The Tongariro River has suffered a similar indignity by being taken from its own river bed at the Poutu Intake and mixed with Whanganui River water in Lake Rotoaira.

We too share Ken Mair's 'good mood' at the decision of the Environment Court to delay hearing the Genesis consent application not only out of solidarity with the Whanganui Iwi but also out of concern at the whole TPD consent process. For, as far as we can tell, the extraction of water from the Tongariro River (about a half of its normal or pre-TPD flow) was not subject to a resource consent hearing at the outset. The extraction of water at that rate has caused the river to age prematurely, and combined with equally unfortunate lake level raising (a wartime measure that has never been reviewed), much has happened that the river could have dealt with by itself if it had been a normal river. For example, much of the ash from Ruapehu's 1995-6 eruptions is still in the river, whereas under normal conditions it would have been cleared into the lake by now. The adoption of unfavourable, arbitrary and unscientific benchmarks many years ago should not mean that they become sanitised by the law now. In fact, we would go so far as to venture the idea that under current laws such as the Resource Management Act and the Treaty of Waitangi Settlement Act, the TPD would not have happened. So the river (and the lake) should now be managed in a way which embodies the principles and spirit of the RMA. These provisions are there, use them. Use them conservatively. Use them wisely.

We exhort the Tuwharetoa to follow the lead of their Whanganui cousins now that the Government has opened the barn door by seeking a fast-track for the Tuwharetoa Treaty Claim. The Treaty of Waitangi Settlement Act may offer the best hope for achieving more sensible flow regimes for both of these great rivers. And, better to do this now, rather than in say 50 years' time when Treaty claims can next be reviewed.

