



5 March 2019.

## **Press release**

**Federated Mountain Clubs says no further hydro development should be green-lighted for Griffin Creek, a nationally-significant canyoning site in the Westland district's Wanganui-Otira Catchments Conservation Area.**

**Variation of an existing concession granted to Griffin Creek Hydro Limited (later partnered by New Zealand Energy Limited) should not be granted by the Department of Conservation, or should at least be publicly notified because:**

- \* it would have a severe negative impact on Griffin Creek, an exceptional canyoning site, by nearly dewatering it.**
- \* it would more than double the presently-allowed abstraction rate from 1,200 litres per second to 2,500 litres per second and drop the presently-allowed residual flow from 800 litres per second to 456 litres per second.**
- \* it would be abrasive to the Conservation Act, which obliges the Department of Conservation to manage the land for conservation purposes.**
- \* the Conservation Act says the activity shouldn't be allowed if it is already adequately provided elsewhere or could occur elsewhere with fewer negative impacts, which it is, and which it could.**
- \* Griffin Creek is in the Wanganui-Otira Catchments Conservation Area, which is stewardship land, public conservation land whose values have not yet been properly assessed. The land may be of sufficient value for inclusion in the adjacent Arthur's Pass National Park.**
- \* it comes as part of a broader scenario of hydro development on West Coast stewardship land, a trend that FMC sees as ad hoc and opportunistic, largely unnecessary, in varying degrees harmful to conservation and recreation values, and abrasive to conservation law.**

## ***Background***

### **Federated Mountain Clubs**

Federated Mountain Clubs was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of over 22,000 members in more than 80 clubs.

### **Griffin Creek**

Griffin Creek flows into the Taramakau River near Highway 73 in the Westland district.

It is in the 90,249 hectare Wanganui-Otira Catchments Conservation Area, whose natural values, including whio and galaxiid species, are likely similar to those of the adjacent Arthur's Pass National Park (a bureaucratic line separates them).

Griffin Creek canyon is one of the top three high-volume canyoning trips in Aotearoa; due to its rare combination of technical difficulty, high flow, length, and relative accessibility, the guidebook *Canyoning in New Zealand* rates it as a 'Canyon of National Significance'. This significance has been endorsed by Federation Internationale de Canyonisme president Sonny Lawrence.

Any high-take hydro project on Griffin Creek such as that proposed would have a severe impact - on the creek, and so, on the canyoning opportunities it provides.

### **Griffin Creek hydro proposal**

A concession and resource consent were granted to Griffin Creek Hydro Limited in 2011. In 2015, New Zealand Energy Limited partnered with GCHL to further the project.

The original hydro proposal allows a 1,200 litres per second take, leaving a residual flow of 800 litres per second.

NZEL now wants to vary the concession's terms, seeking an abstraction rate of 2,500 litres per second and a residual flow of 456 litres per second.

Our understanding is that it is now for DOC to decide whether the concessionaire's wish for more water should trigger a concession variation or a whole new application. FMC believes that what the concessionaire wants is so drastic, a new concession application process is essential. Regardless of whether the application proceeds by variation or new application, however, it should be publicly-notified.

### ***Broad legal landscape***

#### **Conservation Act 1987**

This Act obliges DOC to manage the land for conservation purposes (section 6(a)). The disruption this high abstraction hydro scheme would cause to Griffin Creek's natural environment would clearly not be sympathetic to its conservation.

The Act also says a concession application should not be granted where the activity - in this case, power generation - is already adequately provided elsewhere or could happen elsewhere with fewer negative impacts (section 17U). With a robust national grid in place, schemes such as Trustpower's Arnold River hydro approved but not built, and the potential for a national power surplus should future-uncertain Tiwai Point aluminium smelter close, it seems plain to FMC that the application doesn't tick these boxes either.

Additionally, the West Coast Conservation Management Strategy, provided for under the Act (section 17D), says: *When assessing applications for any activity on or in the bed of a river or lake, consideration should be given to (but not limited to) the following guidelines:*  
*a) Adverse effects on freshwater and terrestrial species, habitats and ecosystems, historical and cultural heritage values, public access, recreation opportunities and amenity values should be avoided or otherwise minimised.* On the grounds of the CMS' direction, again, FMC believes the application should be either turned down outright, or publicly notified so it can be discussed thoroughly.

## **Stewardship**

Griffin Creek is in the Wanganui-Otira Catchments Conservation Area, which is stewardship land.

Stewardship land is public conservation land awaiting full assessment and specific classification - for example, national park or scientific reserve - by DOC. It can have very high - but largely undocumented - values. In the absence of understanding of its values, a strong precautionary principle should be applied.

The Parliamentary Commissioner for the Environment in 2013 recommended that stewardship lands be reclassified appropriately, as was intended when the Conservation Act came into being in 1987. To date, progress has been very slow.

The Wanganui-Otira Catchments Conservation Area may contain values sufficient to warrant its inclusion in Arthur's Pass National Park. Granting a Griffin Creek hydro concession variation could mean important parts of those values could be wiped out before their existence is known.

## **West Coast stewardship land targetted for hydros**

The Griffin Creek hydro application is just the latest targetting West Coast stewardship land. FMC has recently strenuously opposed hydro proposals for the West Coast's Waitaha River and McCulloughs Creek, both involving stewardship land. There are others, in various stages from proposed to operational.

These projects do not appear to fit into any high-level energy strategy we know of.

Indeed, the schemes appear ad hoc, opportunistic, unnecessary, and in tension with conservation, recreation, and conservation law. There is real perversity here; DOC should apply an especially rigorous precautionary principle when making decisions about stewardship land given the values of the land are largely unknown.

## **FMC's Forgotten Lands campaign**

Since 2014, FMC has been pushing for reclassification of stewardship lands in our Forgotten Lands campaign.

Part of the campaign's rationale is that, when land has been assessed and given appropriate final classification - for example, national park or conservation park - it is more likely to be managed accordingly, including by getting decisions on concessions right.

## ***FMC recommends:***

- \* that no concession variation be granted because of the drastic impacts it would have on Griffin Creek and canyoning opportunities there.**
- \* that if a variation is to be considered or a new concession application lodged, it be publicly-notified.**
- \* that, more broadly, DOC review its decision-making around concessions to ensure it is applying relevant parts of the Conservation Act properly and transparently.**
- \* that DOC reclassify stewardship land appropriately to ensure it receives proper management (including decision-making on concessions).**