

# Kai Iwi Lakes Dune Lakes Galaxias Working Group update

**Meeting:** Taharoa Domain Governance Committee  
**Date of meeting:** 10 November 2020  
**Reporting officer:** Mark Schreurs, Policy Analyst

## Purpose/Ngā whāinga

This report provides an update on the establishment of the requested Department of Conservation Recovery Group for the Dune Lakes Galaxias (DLG) and requests direction on the matter of future trout releases in Lakes Taharoa and Waikare (the Lakes) for 2021 and into the future.

## Executive summary/Whakarāpopototanga

The adoption of the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan 2016 (the RMP) included the direction that trout releases into the Lakes would cease from 2018 onwards. After adoption, the Northland Fish and Game Council (Fish and Game) presented Kaipara District Council (Council) with a draft Statement of Claim regarding a judicial review of the RMP in relation to the trout release matter.

A meeting between Fish and Game and the Taharoa Domain Governance Committee (the Committee) in 2017 resulted in an agreement to do more research on the interactions between trout and native fish species, the deferral of the cessation of trout releases until more research had been completed, and an associated deferral of legal action.

A Working Group was established to oversee the necessary research, and trout continued to be released in 2017, 2018 and 2019. Due to budget and capacity constraints, the Working Group had not been able to achieve the desired level of research and recommendations, and the Committee determined in May 2020 that trout would not be released that year. Following this, the Committee further requested the Department of Conservation (DOC) to establish a Recovery Group to undertake further research and advise on this matter.

DOC has recently agreed to establish the Recovery Group, and the Working Group is in the process of completing its research projects with a view to 'handing over' to the Recovery Group as soon as possible.

It is not expected however that the Recovery Group will be able to provide a robust scientific basis for decision-making for at least 12-18 months. This means that direction is being sought on trout releases for both the 2021 year, but also on a framework for a longer term decision-making process, to provide certainty to all parties as well as allowing for operational and financial planning matters.

Four options have been developed, ranging from an annual decision-making process, to the engagement of an independent institution to undertake detailed research and field studies to inform a final decision.

The staff recommended option (**Option B**) is to request the Recovery Group to make a recommendation for the 2021 year, in conjunction with a request for a formal and final recommendation by the Recovery Group for a long-term decision by April 2022.

## Recommendation/Ngā tūtohunga

That the Taharoa Domain Governance Committee approves Option B of this report, which is to:

- a) request the Recovery Group to make a recommendation to the Committee prior to April 2021 on a recommended approach for trout release for the 2021 year; and
- b) request the Recovery Group to make a recommendation on trout releases into Lakes Taharoa and Waikare in perpetuity by April 2022.

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## Context/Horopaki

A population of rainbow trout has been maintained in the Lakes since about 1970. As trout cannot breed in the Lakes, the populating had been stocked annually with young trout to maintain the population.

The RMP adopted in 2016 included the direction that trout releases should cease in the Lakes by 2018, with associated monitoring of effects on native species.

Fish and Game submitted on the draft RMP opposing this direction. After the RMP was adopted, including the above direction, Fish and Game presented Council with a draft Statement of Claim regarding a judicial review of the RMP process and outcome regarding trout releases. However, a Stay was placed on this Claim, and Fish and Game asked to meet, aiming to resolve the matter through negotiation in the first instance.

Before the meeting was held, a literature review (Gee and Franklin, 2017) was completed by NIWA, at the request of Northland Regional Council. It found past studies had failed to identify conclusively whether the exclusion of trout would result in an increase or decrease in the DLG population. The report recommended that the balance that existed between the species should not be altered (i.e. trout releases should continue) until more research had been done. This recommendation recognised that DLG have survived amidst this balance since about 1970 and are still present in reasonable numbers.

A meeting was held in May 2017 between Fish and Game, the Committee and their respective legal advisors. The parties agreed to:

- a) do more research into the interactions between fish species in the Lakes
- b) defer ceasing trout releases due to the new information received in the Gee and Franklin (2017) report and provided the Committee was satisfied with the progress of further research; and
- c) defer taking legal action.

The Working Group was subsequently established to oversee this research and trout were released in 2017, 2018 and 2019.

The Working Group includes representation from the Kaipara District Council, Northland Fish and Game Council, Te Roroa, Te Kuihi, Department of Conservation and Northland Regional Council. NorthTec also attend the meetings and have been the primary research provider.

While the Working Group has been successful in initiating several research programmes, these have largely been restricted to what can be achieved within existing budgets and utilising in-house staff. As a result, the Working Group has been unable to undertake the level of scientific research desired to adequately inform further decisions.

Not satisfied with the progress of the research being undertaken, the Committee decided at their 28 May 2020 meeting not to allow the annual trout release to proceed in 2020. Following this decision, the Committee requested at its 11 August 2020 meeting that the Department of Conservation (DOC) set up a Dune Lakes Galaxias Recovery Group, based on the DOC Threatened Species Recovery Group model, to advise on this matter.

## Discussion/Ngā kōrerorero

DOC has agreed to establish a Threatened Species Recovery Group (the Recovery Group) for the DLG. They are currently confirming membership and drafting terms of reference.

It is anticipated the Working Group will next meet after the Recovery Group have had their inaugural meeting, together with the Recovery Group, with the intention of a 'hand-over' between the two groups.

Despite this recent progress, it is unlikely that any decisions on the trout fishery will be able to be made based on the requested scientific advice within the next 12-18 months at the earliest.

Therefore, some further direction is required for the 2021 year, but also for future decisions. This matter is particularly urgent for the 2021 year for the following two connected reasons:

- 1 The future of the trout fishery is at risk due to the cancelled 2020 release. The young trout need to be ordered a year in advance, so the lack of certainty for 2021 and onwards creates financial and operational difficulties.
- 2 This lack of certainty, combined with the cancelled 2020 release, may be putting the survival of the DLG at risk as a result of current and/or future trout releases not being allowed, as there is evidence to suggest that the removal of trout from the lakes ecosystem may result in a boom in the Gambusia (*Gambusia affinis*) population.

Direction is therefore being sought from the Committee ahead of any outcome of the Recovery Group work.

## Options

The following options have been developed:

Option	Advantages	Disadvantages
<p><b>Option A - Status quo</b></p> <p>Recommend annually whether to allow trout releases, based on the best available scientific information at the time and/or recommendations of the Working or Recovery Groups.</p> <p><i>Nb. This option assumes that Fish and Game will be able to source trout each year for release.</i></p>	<p>This option allows the situation to be reassessed every year.</p>	<p>This approach gives no certainty to the community, Fish and Game or DOC.</p> <p>This approach may negatively impact the DLG population and its survival. Potential fluctuations in the trout population caused by this approach will make it difficult to establish trends when researching the DLG.</p> <p>There is no certainty that Fish and Game will be able to provide trout stock at short notice.</p>
<p><b>Option B - recommended option.</b></p> <p><i>Step 1:</i> Ask the Recovery Group to make a recommendation whether trout should be released in 2021 by April 2021, based on the best available scientific information at the time.</p> <p><i>Step 2:</i> Ask the Recovery Group to make a recommendation by April 2022 whether trout should be released in perpetuity or not.</p>	<p>This option allows for an interim informed decision for 2021 based on currently available information.</p> <p>It provides certainty to those managing the trout fishery and the survival of indigenous species by setting a direction for the long term by April 2022.</p>	<p>The April 2021 decision will have to be based on limited information.</p> <p>The timeframe of providing a long term recommendation by April 2022 is unlikely to provide sufficient time to develop a fully researched and thoroughly analysed recommendation.</p>

<p><i>Nb. This option assumes that Fish and Game will be able to source trout each relevant year for release.</i></p>		<p>There is no certainty that Fish and Game will be able to provide trout stock at short notice for the 2021 and 2022 years.</p>
<p><b>Option C</b></p> <p>Ask the Recovery Group to make a recommendation whether trout should be released in perpetuity or not, after an in-depth study and analysis has been completed, which is anticipated to take some years.</p> <p><i>This option would not provide a solution for at least the 2021 and 2022 years so needs to be considered in conjunction with</i></p> <p><b>Option A</b></p> <p>OR</p> <p><b>Option C1</b></p> <p>Recommend allowing annual trout releases in the interim until such time as a final recommendation is available from the Recovery Group.</p>	<p>A longer deadline would allow for a more robust scientific decision to be made, including time for more field research.</p> <p>Option C1 allows for more certainty for the interim period until the report is available and alleviates concerns regarding fluctuating trout populations and the potential impacts of this.</p>	<p>This would extend the period of uncertainty, especially if it is combined with <b>Option A</b>.</p>
<p><b>Option D</b></p> <p>Engage an independent researcher/science institution (e.g. NIWA or the University of Waikato) to undertake a comprehensive study, including field studies, into the effects of trout on the DLG population.</p> <p><i>This option would not provide a solution for at least the 2021 and 2022 years so needs to be considered in conjunction with</i></p> <p><b>Option A</b></p> <p>OR</p> <p><b>Option D1</b></p> <p>Recommend allowing annual trout releases in the interim until such time as a final recommendation is available.</p>	<p>This would be the most scientifically robust option and ensure the best outcome for the DLG.</p> <p>Option D1 allows for more certainty for the interim period until the report is available and alleviates concerns regarding fluctuating trout populations and the potential impacts of this.</p>	<p>This option would incur significant costs, and no budget exists with which to fund it.</p> <p>This option would extend the period of uncertainty, especially if it is combined with <b>Option A</b>.</p>

The recommended option is **Option B**. This allows for an interim decision to be made for 2021 that is informed by the latest scientific understanding, while recognising that a longer time period is needed to make a final, scientifically robust recommendation. While it would be preferable for more scientific research to be completed, this would require a much longer period of uncertainty and greater resourcing.

### Risks and mitigations

While the Fish and Game initiated draft Statement of Claim regarding a judicial review of the RMP process and trout release related outcome has had a Stay placed on it, this Claim can be reactivated at any time.

### **Significance and engagement/Hirahira me ngā whakapāpā**

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

### **Next steps/E whaiake nei**

Based on the decisions of the Committee at this meeting, staff will implement the relevant actions.