

Crown Pastoral Land Tenure Review

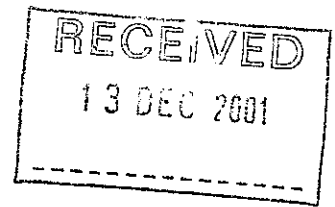
**Lease name: RAINBOW STATION
- Nelson
Lease number: PN 001**

Fish & Game Report

As part of the process of Tenure Review Fish & Game councils may provide advice on significant inherent values within the pastoral lease, and the information may be incorporated in the Conservation Resources Report. The advice is part of the information gathered and assessed for the development of a preliminary consultation document.

The report attached is released under the Official Information Act 1982.

February 06



FISH AND GAME VALUES
OF
RAINBOW PASTORAL LEASE

David Oberdries

Prepared under the provisions of the Crown Pastoral Lands Act 1998, Tenure Review. November 2001.

Rainbow Pastoral Lease Review

PART I INTRODUCTION

Description

Name: Rainbow Run

Holder: Tom Sturgess

Area: 5337 ha

Type of lease: Pastoral lease under section 66 and registered under Section 83 of the land Act 1948.

Location

The Rainbow Pastoral Lease Run encompasses the section of the Upper Wairau from the Wash Bridge to the Surveyors monument (river flats on the true right) and from SH63 (ski field turnoff) to the boundary with Molesworth just through Hells Gate. It includes the grazeable lower sections of the Rainbow River and its tributary the Paske River and the grazeable flats of Judges and Coldwater Creeks. The main run through the Wairau is best described as a long thin section that takes in the grazing on the River flats, where they exist, and takes advantage of the clear grazing that exists under the high voltage power lines.

Catchment System

The entire Pastoral Lease is in the Wairau Catchment, being partially being made up of tributaries.

PART II SPORTS FISH

General

The Wairau River and tributaries are known to hold Brown and Rainbow Trout and Quinnat or Chinook Salmon. Rainbow trout in the Upper Wairau are occasional and can be regarded as a very minor part of the more productive brown trout fishery. The Wairau River is the northern limit of chinook salmon and produces a consistent but small annual run. The Wairau River above the Wash Bridge is closed to salmon angling as this area is regarded as the best spawning reach for the species.

The upper Wairau River fishery is derived from wild stocks, that is, it depends upon the natural spawning and rearing of wild fish rather than by fish stocking. Much of the spawning water for the upper part of the river is in the rivers and streams that run through Rainbow Station. Radiotagging of brown trout in the Wairau River during the late 1990's suggested that the few fish in the upper part of the river move to other parts of the river system, although this was not conclusive (Strickland, Hayes and Barter, 1999). Fish and Game has undertaken a variety of fisheries, spawning and angler surveys of the upper Wairau River over many years, such as the National Angler Surveys of 1980 and 1994-95, periodic spawning surveys and tagging and radiotagging surveys (eg Allen and Cunningham, 1957; Frost, 1985, 1996). An assessment of the Fish and Game interests in Rainbow Station was also undertaken as part of the tenure review process under the previous owner in May 2000.

The Wairau River is the most fished river in Marlborough with estimated usage during the 1994-95 National Anglers' Survey of just over 10 000 angler day visits (Unwin & Brown, 1998). This survey included the full length of the Wairau River rather than just the upper reach, although is being repeated during this financial year for the upper river only. The river upstream of the Wash Bridge is regarded as a world class trophy brown trout fishery. At least 45 km of the upper Wairau River runs through Rainbow Station, all of which is suitable angling water, with an additional 14 km of fishing water in the Rainbow River and its tributaries. There are also minor fishing opportunities in the lower reaches of other tributaries such as the Hamilton, Lee's Creek and the Coldwater Stream. Angler diary schemes in the past have

shown the upper Wairau to have amongst the largest average size of any South Island brown trout fishery (Allen and Cunningham, 1957). The Rainbow Station contains almost all of this backcountry reach of the Wairau River, considered by many experienced anglers as the section that has the most to offer the angler.

A angler survey was undertaken over the 2000-2001 fishing season, with the cooperation of the Rainbow Station. The report has not yet been completed, but the results can be summarised as follows. Not less than 239 anglers fished the upper river, but as the survey was only undertaken on three days each week, the estimated total annual usage was between 350 and 440 angler day visits. Seventy three percent of anglers using the area were highly experienced (11+ years), a quarter of them were guided, a quarter of them were from overseas, 63% purchased their licences in Nelson / Marlborough, and over 50% practised catch and release angling all the time with another 20% releasing fish at least 80% of the time (Fish and Game data). The most popular angling reach was between the 6 Mile and St Ronan's Well, followed by between the old Homestead and Judge's Creek, followed by between Merry Stream and the 6 Mile confluence. All these reaches are wholly within Rainbow Station, although there is a Queen's Chain surrounding access to the river itself.

The Wairau River above the Wash Bridge is open for trout fishing from 1st October to 30th April and can be considered a high use area, especially over the Christmas holidays and weekends. A number of private anglers and guides can be expected to be encountered most fine days.

Spawning areas

Most spawning probably occurs unobserved in the main stem for both brown trout and salmon. Spawning has been observed in the lower ends of Judges, Coldwater, Hamilton's and Lees Creeks, the Rainbow River main stem and side spring stream and in the lower ends of some of the small streams that cross SH63 e.g. Six Mile. An area has been fenced to exclude stock on the Rainbow Side Spring / Stream, as it is an area where salmon and trout concentrate to spawn. With the exception of the Rainbow side stream, most of the spawning waters in the upper river are vulnerable to flooding during or after spawning over the winter period. It is likely that recruitment to the upper river brown trout fishery is variable depending upon the whether there are floods over the winter period.

Juvenile rearing waters

All of the larger, lower gradient, tributaries are inhabited by both juvenile and adult fish (at least in the lower reaches) these include; Judges, Coldwater, Begley, Hamilton's, Lees, Connors, Six Mile and Sione Creek and the Rainbow and Paske Rivers.

PART III GAME BIRDS

Waterfowl

There are low numbers of Paradise Shelduck, Grey duck and Mallard duck spread over the property associated either with rivers, streams, wetlands and ponds or on good pasture. Duck hunting and access to it has never been a significant issue and is unlikely to be given the current populations. Access up most major systems is available via marginal strips.

Canada Geese occur from time to time over most of the property; they especially concentrate up the Rainbow River and on the improved pastures around the homestead paddocks where they can be found in varying numbers throughout the year. Mr. Graham has recognised the problems that large numbers of birds can cause and has been co-operative in allowing hunter access during and outside Fish and Game organised goose shoots on adjacent properties. It is envisaged that if ownership or management changes it would be in the interest of the new owner / manager to reach a similar agreement. It is important that for the purpose of Canada Goose management, in the larger region, that Fish and Game has the ability to be able to gain access to regulate bird numbers in this area. Our preferred management method currently is by use of recreational hunters.

PART IV ACCESS

While most of the bigger streams and rivers have legal access provided for by a marginal strip the biggest problem has been for the public to gain legal access to the road so they can get to either their fishing or hunting areas.

The present system has involved ringing up the house and organising a key to be left out so to gain access through the Six-Mile Gate, or where there has been a gatekeeper at the old homestead to collect access fees. In the past there have been many instances of inconvenience to both Fish and Game staff and our licence holders, although we do acknowledge cooperation from the lessee over access for Fish and Game staff for work purposes and for organized activities such as goose hunts or for angling surveys to be undertaken.

There is normally a fee of \$20 to \$30 charged which in our view is an access charge for the public to use Crown lands. At times this has been justified either as an administrative charge or to assist with road maintenance. Until recently there was little or no evidence of any road maintenance using these funds. Most substantial road maintenance has been undertaken by Transpower for their purposes, which is a Crown owned company. Fishing guides have been able to buy a key for the season, which can give them and their clients' access at times when no alternative is available. Fish and Game at a national level are very concerned about both these two issues. Sections of both the Conservation¹ and Wildlife Acts² refer to offences over the sale of fishing and hunting rights. Comments to the Commissioner of Crown Lands about our concerns resulted in recreational permits being issued, to the leaseholder and to guides and a ruling that the \$ 20 fee was for administration not access. As the statutory managers of the Fish and Game resource we also strongly believe that we should be consulted if recreational permits are being considered.

While much of the road is already legal and hence public there are a number of small sections where formed road does not follow legal road or does not exist. Given the amount of public money that has been invested in the road over the years and the increasingly high recreational value that is placed on this valley it is logical to provide for unimpeded legal public vehicle access through the run.

It is logical that a process be undertaken to ensure that any legal access that might arise from the tenure review process is managed properly. Fish and Game is not seeking any change to the standard of the road, or the times when it is open. Such a process should consider all the issues, including the interests of the farm or access to the public. Given the interest in the sports fish and game bird resources on and adjacent to Rainbow Station, Fish and Game would welcome being involved in such a process on behalf of licenceholders.

¹ Conservation Act 1987 "26ZN. **Fishing rights not to be sold or let-**

(1) Every person commits an offence against this Act who sells or lets the right to fish in any freshwater."

² Wildlife Act 1953 "23 **Sale of game and sale of shooting rights prohibited**

(2) No person shall sell or let for fee or reward any right to hunt or kill game on any land or on any water on or adjoining any land.

(2A) Every person who contravenes subsections (1) or (2) commits an offence against this Act and is liable on conviction to the penalty set out in section 67E(1).

(3) Where any person for rent or other valuable consideration grants a lease or licence of any duration of land on which or on water adjoining which game is usually prevalent, he shall be deemed for the purposes of subsection (2) of this section to have let the right to hunt or kill game on that land or on that water, as the case may be, if the Court, having regard to all the circumstances of the case, is satisfied that the sole or principal purpose of the lease or licence was to confer on the lessee or licensee the right to hunt or kill game on that land or water."

Fishing and hunting license holders require the ability to be able to get from the road to the river or Department of Conservation estate. Given the nature of the lease and proximity to the river a right to walk to the river or Department of Conservation estate and any point seems logical. Alternatively access and parking points could be provided and sign posted so as to avoid any conflict with farming. Access ways to all main recreational areas are certainly asked for. Legalising the existing fishing access points that are currently sign posted with fishing signs could very easily provide for access to the Wairau River, below the homestead. These points were originally negotiated with the landowner and co-inside with fishing beats and practical access that suits farm practices.

PART V CONCLUSION AND RECOMMENDATIONS

- The Wairau River and tributaries as they run through the Rainbow Pastoral Lease contain some of the best fishing waters of an internationally renowned trout fishery.
- The Rainbow Pastoral Lease contains areas that are important for brown trout and salmon spawning, juvenile rearing water and adult holding water.
- Fish and Game seeks that the Rainbow Side Stream and Spring be surveyed out and maintained stock free with the existing fence that is in place.
- The Rainbow Pastoral Lease Run provides access to an increasingly high use trout fishing area.
- The most significant game bird resource on the property is Canada Geese.
- It is important for the regional management of Canada Geese that Fish and Game have ongoing access so as to be able to control birds in accordance with the South Island Canada Goose Management Plan.
- Unimpeded legal road access is sought along the full length of the Pastoral Lease from the 6 Mile Road end to Molesworth Station.
- Access at appropriate locations from the Hydro road to hunting and fishing resources is sought.
- Access to the Wairau River from SH63 through the Pastoral Lease could be addressed by the formalisation of the fishing access points that already exist.

REFERENCES

Allen, KR and BT Cunningham (1957) New Zealand Angling 1947 – 52 Results of the Diary Scheme. New Zealand Marine Department Fisheries Bulletin No 12, Wellington

Frost, R (1985, revised 1996) The upper Wairau Recreational Fishery. Evidence presented to a special tribunal in the matter of an application for a Water Conservation Order in respect of the Wairau River made by the South Island Council of Acclimatisation Societies and the Marlborough Acclimatisation Society. 44 pp

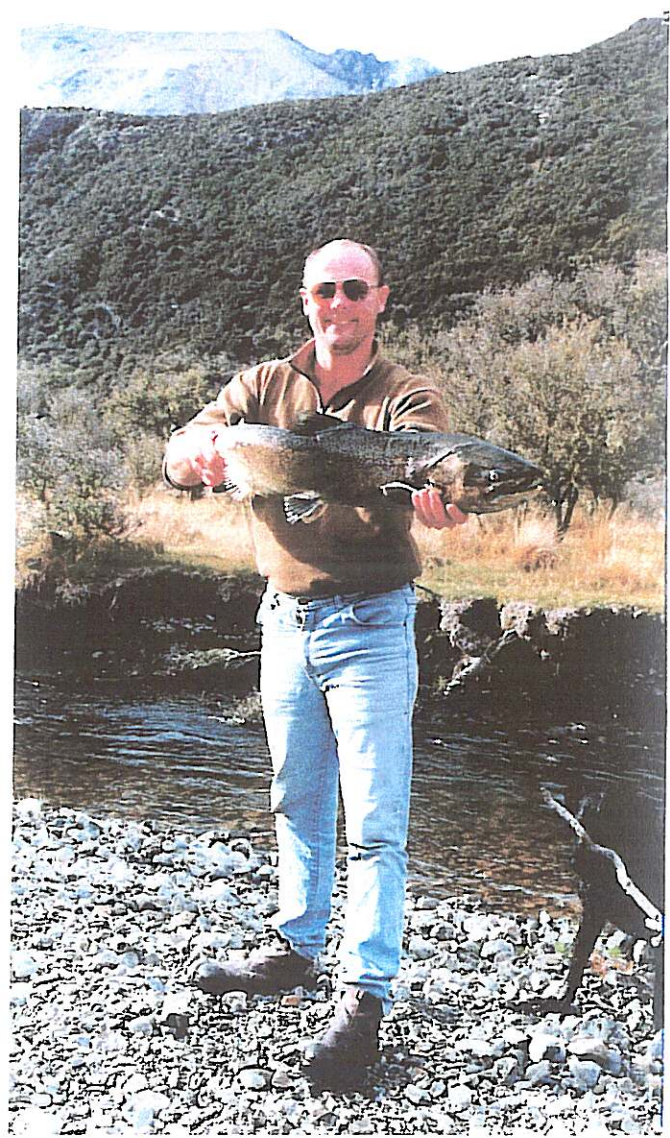
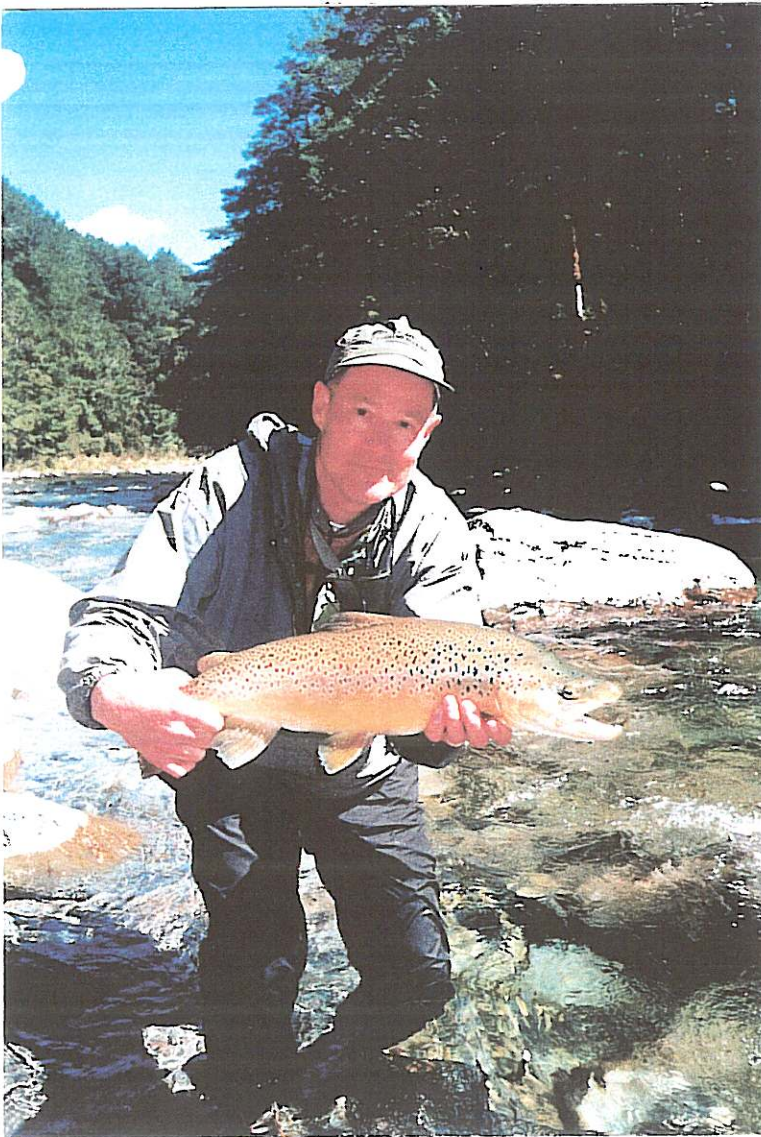
Strickland, R; JW Hayes and P Barter (1999) Wairau River Brown Trout Radio Tracking Study. Cawthron Institute Report No 505, Nelson

Unwin, MJ and S Brown (1998) The Geography of Freshwater Angling in New Zealand – A summary of the 1994/96 National Angler's Survey. National Institute of Water and Atmosphere, Christchurch.

PHOTOGRAPHS



The Rainbow Side Stream is spring fed and hence an important salmon and trout spawning area.



A spent salmon in the Rainbow Side Stream

The Upper Wairau River is considered a world class brown trout trophy river.



The Rainbow Station is the gateway to Molesworth Canada Goose hunting as well as containing its own discrete populations.