

APPENDIX - UPDATED RBA CONDITIONS

This is a revision of the RBA conditions that were presented in Appendix 2 of my evidence dated 24 January 2008. Changes from the version presented have been underlined.

River Birds (RBA)

RBA1 The consent holder shall prepare and implement a Pre-Scheme Black-fronted Tern and Black-billed Gull Research, Monitoring, and Predator Control Plan. This plan shall be prepared in consultation with the Department of Conservation, Royal Forest and Bird Protection Society and the Ornithological Society of New Zealand, and with input from a biostatistical expert. The purposes of the Pre-scheme Black-fronted Tern and Black-billed Gull Research, Monitoring and Predator Control Plan shall be to build on current knowledge of the ecology of Black-fronted Terns and Black-billed Gulls on the Wairau River to ensure that there is a sound statistical base to enable the implementation of adaptive management in the event of adverse effects arising from the construction and/or operation of the Scheme, and to refine predator control techniques. The Pre-scheme Black-fronted Tern and Black-billed Gull Research, Monitoring, and Predator Control Plan shall be submitted to and approved by the consent authority and shall incorporate, but not be limited to, the following provisions.

- (a) The objective of the Pre-scheme Black-fronted Tern and Black-billed Gull Research, Monitoring, and Predator Control Plan shall be to collect pre-scheme data on Black-fronted Terns and Black-billed Gulls during the breeding season (October to January).
 - (b) The Pre-scheme Black-fronted Tern and Black-billed Gull Research, Monitoring, and Predator Control Plan shall include an investigation of the relationship between breeding success and river flows.
 - (c) Research and monitoring shall be carried out by an appropriate expert to determine breeding success of Black-fronted Terns and
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Black-billed Gulls and predation rates throughout the breeding season for a period of not less than two years prior to the operation of the Scheme.

- (d) Monitoring sites shall include nesting sites within the diversion reach and outside of it and in sufficient numbers to ensure that monitoring is statistically valid and scientifically robust.
- (e) Data for Black-fronted Terns and Black-billed Gulls shall be collected at sufficiently regular intervals to effectively monitor egg and chick survival, but minimising disturbance to the birds, from the establishment of colonies (early October) to the departure of fledglings (December/January).
- (f) The breeding success data collected shall include:
 - (i) Number of nests with eggs;
 - (ii) Number of eggs per nest;
 - (iii) Number of eggs hatched;
 - (iv) Number of failed eggs;
 - (v) Number of fledged chicks; and
 - (vi) Details of the cause of death of eggs, chicks, and adults, as far as practical.
- (g) Pre-scheme data on the abundance and distribution of Black-fronted Terns and Black-billed Gulls on the Wairau River shall be collected.

RBA2 By the 15th of May each year, the consent holder shall submit to the Council a report prepared by an appropriate expert detailing the results of the annual research and monitoring required under condition RBA1. A copy of this report shall also be provided to the Department of Conservation, the Royal Forest and Bird Protection Society and the Ornithological Society of New Zealand.

RBA3 Prior to commencement of operation of the Scheme, the consent holder shall prepare a Post-scheme Predator Management Plan. The purpose of this plan shall be to offset any increase in predation on Black-fronted Terns

or Black-billed Gulls. The Post-scheme Predator Management Plan shall be prepared in consultation with the Department of Conservation, the Royal Forest and Bird Protection Society of New Zealand, the Ornithological Society of New Zealand and the Animal Health Board and with input from a biostatistical expert. This plan shall be submitted to and approved by the consent authority, prior to the commencement of operation of the scheme. The Post-scheme Predator Management Predator Management Plan shall include, but not be limited to, the following measures:

- (a) Details of pest species to be targeted by the plan (this shall include rodents, mustelids, hedgehogs and feral cats) and the methodology to be adopted for each pest species.
- (b) Details about the duration, location, type and frequency of trapping, and other forms of control including the management regime proposed for periodic checking of traps and baits.
- (c) Details about the resources to be employed by the consent holder to successfully implement the predator management plan.
- (d) Details about the method that will be employed to review the success of the predator management plan at the completion of each breeding season and provision for adapting the plan on an annual basis to make any necessary improvements to the success of the plan.
- (e) Information about the trapped animals shall be recorded and submitted to the consent authority and the Department of Conservation, Royal Forest and Bird Protection Society, [Ornithological Society of New Zealand] and the Animal Health Board on an annual basis along with an evaluation as to the effectiveness of the trapping methodologies employed.

RBA4 The consent holder shall be responsible for implementing the Post-scheme Predator Management Plan and shall commence its implementation within the first breeding season following commissioning of the scheme. Implementation of the plan shall continue for five years, at which time a

review of the success of the plan in achieving its purpose shall be undertaken and the need for further implementation shall be reviewed.

RBA5 The consent holder shall place appropriate signs advising of the Black-fronted Tern and Black-billed Gull nesting colonies and importance of avoiding disturbance to birds during the nesting season. This shall be completed in consultation with the Department of Conservation.

RBA6 The consent holder shall prepare and submit a Post-scheme Black-fronted Tern and Black-billed Gull Management and Monitoring Plan to the consent authority for approval at least three months prior to the commencement of the operation of the scheme. The purpose of the Post-scheme Black-fronted Tern and Black-billed Gull Management and Monitoring Plan shall be to enable the implementation of adaptive management and review of the scheme in the event of adverse effects arising from the operation of the scheme. This plan shall be prepared in consultation with the Department of Conservation, Royal Forest and Bird Protection Society and the Ornithological Society of New Zealand, and with input from a biostatistical expert. The Post-scheme Black-fronted Tern and Black-billed Gull Management and Monitoring Plan shall set out, but not be limited to:

- (a) Methods for estimating Black-fronted Tern and Black-billed Gull abundance and distribution on the Wairau River during the breeding season.
 - (b) An appropriate five year monitoring programme, including procedures for reporting monitoring results to the consent authority and appointment of an appropriate expert to carry out the monitoring programme;
 - (c) The type and timing of monitoring of aquatic invertebrates and fish, including monitoring during the breeding season, and the means by which these data shall be incorporated into the analysis of food supplies and feeding by Black-fronted Terns. The details of the aquatic invertebrate and fish monitoring shall be incorporated into the Aquatic Management Plan;
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- (d) Methods for identifying any biologically significant difference between pre-scheme and post-scheme breeding success of Black-fronted Terns, using the parameters set out in RBA 1(f). These methods shall include assessments of the breeding success of Black-fronted Terns within and outside the diversion reach and shall include the use of a biostatistical expert to determine whether there has been a biologically significant change in nesting success;
- (e) Methods for determining whether any biologically significant reduction in breeding success is likely or unlikely to be a result of the Scheme.
- (f) Methods for managing any reduction identified in condition RBA6(e) including but not limited to intensified predator control; shrub weed removal; or a review of the Scheme's operation and the means by which the consent holder shall implement these methods;
- (g) the reporting obligations of the consent holder during operation to detail the monitoring that has been carried out, the effects created by the Scheme and the mitigation measures that were implemented.

RBA7 The consent holder shall be responsible for implementing the Post-scheme Black-fronted Tern and Black-billed Gull Management and Monitoring Plan and shall commence implementation of that plan at the beginning of the first breeding season following commencement of operation of the scheme. The results of monitoring shall be submitted to the consent authority, Department of Conservation, Fish and Game and Ornithological Society of New Zealand as soon as reasonably practicable following the completion of monitoring.

RBA8 In the event that a biologically significant decline in Black-fronted Tern breeding success is reported under condition RBA6(g), the consent holder shall appoint an appropriately qualified independent assessor to advise the consent authority on the reduction in breeding success. A copy of the report prepared under condition RBA6(g) shall be provided to the independent assessor. The independent assessor shall prepare and submit

a report to the consent authority as to whether the decline in fledgling success is likely or unlikely to be a result of the Scheme.

RBA9 In the event that a biologically significant decline is reported under condition RBA6(g), the consent holder shall undertake the following actions, unless in the opinion of the independent assessor that decline is unlikely to have been caused by the Scheme:

- (a) Prepare a report outlining and assessing methods for avoiding further reductions in breeding success in the next breeding season including where appropriate, but not limited to:
 - (i) Reviewing the minimum flows in the diversion reach of the Wairau River;
 - (ii) Implementation of further or amended predator management techniques; and
 - (iii) Implementation of further vegetation control and weed management.
- (b) Submit the report in (a) above to the independent assessor appointed under condition RBA8 for review. The independent assessor shall submit a report to the consent authority on the adequacy of the methods proposed in the report.
- (c) Submit the report in (a) above to the consent authority for approval.
- (d) Implement the actions outlined in the approved report in the following breeding season.

RBA10 Implementation of the Post-Scheme Black-fronted Tern and Black-billed Gull Management and Monitoring Plan shall continue for five years, at which time a review of the success of that plan and the need for further management and monitoring shall be undertaken.

RBA11 The conditions of this consent with respect to river birds may be reviewed in accordance with section 128 of the Act at the following times:

- (a) Immediately upon the receipt of a report under condition RBA8 which concludes that there has been a biologically significant reduction in breeding success.
 - (b) At any time up to two years after the consent holder commences construction of the scheme.
 - (c) At any time up to two years after the consent holder has advised the consent authority that the Scheme is operating; and
 - (d) At five yearly intervals thereafter.
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