

Memorandum

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Attention: FTAA-2507-1089

Date: 10 September 2026

From: Ian Boothroyd

Message Ref: FTAA-2507-1089: Response to Submissions

Project No: BM250590

INTRODUCTION

This memo has been prepared in response to submissions and additional evidential comments on the Fast Track Approvals Act Application FTAA-2507-1089.

Rather than respond to individual points raised, this memo provides thematic responses that address the key issues raised across the submissions to assist the Panel in its understanding of my assessment and opinion and ultimately their decision-making.

My response relates to matters of aquatic ecology, largely the downstream aquatic environment and how it intersects with water quality where relevant, notably the aquatic ecological values assessment and ecological values confirmed.

AQUATIC ECOLOGICAL VALUES ASSESSMENT

A further assessment of the downstream aquatic ecological values has been provided in **BOGP: Lindis River and Bendigo Creek freshwater ecological survey** [prepared by Boffa Miskell, dated 5 August 2026 and provided to the Panel on 17 August as part of the RFI 11 response]. The survey focused on two sites (one site in each of the Lindis River and Bendigo Creek), which have been selected as future performance monitoring locations for the BOGP. This initial survey was necessarily limited to a single season given the timing to respond to the Panel directive. However, the report responds to the matter of seasonal constraints (s.3 of the Boffa Miskell report), noting that the Lindis River flows were such that sampling was unable to be completed at the time of the survey. However, the ecological values assessment of the Lindis River drew more heavily on existing ecological datasets and published information, and sufficient historical and current data was available to provide an appropriate baseline of downstream freshwater ecological values.

The Hanan family submission¹ suggests that historic data is less valuable to the assessment due to recent observations of 'better' flows in the Lindis River. Understanding and drawing on historical data is important in understanding the variability that can occur in an ecosystem and assists in determining its resilience to baseline and more extreme events. The Hanan family submission² goes on to suggest that the aquatic ecology of the Lindis River is likely to further improve from mandated permanent flow and continued connectivity. My consideration of this is that the resilience of the aquatic ecology is enhanced and the ability to respond to the multi-stressors will be improved as losses of flow will be reduced. This adds weight to the

¹ Page 14, Additional comments on the Fast-Track Approval Act 2024 from Hanan family.

² Page 15, Additional comments on the Fast-Track Approval Act 2024 from Hanan family.

assessment of aquatic ecological values as 'fair to good' but does not elevate them; rather it adds strength to the protective and resilience characteristics of the aquatic ecosystem.

The freshwater ecological survey concluded that the lower Lindis River supports freshwater communities typical of Central Otago waterways and contain a range of recognised ecological values. These include diverse macroinvertebrate assemblages with strong representation of pollution-sensitive taxa, indigenous fish species of conservation significance, and, within the Lindis River, habitat that contributes to the wider trout spawning and recruitment values of the Clutha River and Lake Dunstan catchment. The report goes on to conclude that the ecological condition of these waterways is influenced by multiple interacting natural and anthropogenic stressors, including seasonal flow variability, flood events, groundwater-surface water interactions, water abstraction, climatic variability and catchment land-use activities.

This means that variability in ecological values (past, present and future) should be interpreted within the context of these broader catchment drivers as well as any potential project-related influences. Where recent flow characteristics have been observed, these contribute to the patterns in values that occur over time and space within the catchment. Varying flow patterns are a natural part of the historic record and are captured in the assessment of the values as 'fair to good'.

Ecological survey data is commonly collected on an annual basis, especially for assessment of impacts and trends. Annual summer monitoring at these same two downstream sites (Sites SW13 and SW14) is proposed as part of the BOGP.

ECOLOGICAL VALUES CONFIRMED

The confirmation of the ecological values of the lower catchment (Lindis River and Bendigo Creek) as 'fair to good' and being consistent with other Central Otago waterways, and that they contain a range of recognised aquatic ecological values, is an essential finding. These values are not unique to the Lindis and Bendigo river systems. Contrary to the commentary in the submission from Fish and Game³, I consider that the consistency and level of the stated values add weight to the resilience and persistence of these ecosystem in the face of many stressors and does not obscure the fact that natural and human influenced disturbance occurs in these ecosystems. As stated above improvements in flow connectivity in the Lindis River adds strength to the protective and resilience characteristics of the aquatic ecosystem but is not a characteristic that elevates the aquatic ecological values (as they remain the same and are not unique from other Central Otago waterways). In addition, flow connectivity improves the assimilative capacity for water quality of the downstream catchment but does not remove the multi-stressors impacting on the watercourse. Accordingly, expert agreement⁴ confirms the application of instream limits based on 95% species protection, characterising the ecosystems as 'slightly to moderately disturbed'⁵.

Notwithstanding the application of revised protection limits, in some cases the ANZG (2018) 95% species protection limits exceed the baseline concentrations of specific contaminants in the downstream environment⁶. This means that the concentrations of specific contaminants in the watercourse may change and be elevated. However, it is important to emphasise that the established 95% limits are protective, and to suggest that direct degradation of water quality will occur misrepresents the purpose and confidence in the well-established and researched ANZ Guidelines, and such language is unnecessarily alarmist. Degradation infers a deterioration or spoiling (or similar) and the protective limits are applied to prevent that occurring. The fact that the protection limits exceed the baseline concentrations provides headroom for any elevations that are likely to be well below the limits and thus remain protective and not degraded.

³ Statement of Kathryn Jane McArthur on behalf of Otago Fish and Game Council and New Zealand Fish and Game Council, entitled Water Quality and freshwater ecology, dated 7 September 2026.

⁴ Paras 96 to 99, JWS1, dated 8 and 9 June 2026.

⁵ ANZG 2018. Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018.

⁶ Para 43, Statement of Kathryn Jane McArthur on behalf of Otago Fish and Game Council and New Zealand Fish and Game Council, entitled Water Quality and freshwater ecology, dated 7 September 2026.