

# Regulations for Fish Passage

## Seventy-six per cent of our indigenous freshwater fish species are threatened or at risk of extinction

Aotearoa New Zealand's native and desirable sports fish need fish passages to gain access to their habitats.

**Structures in waterways can often impair fish passage if not designed or maintained appropriately.**

Central government has implemented policies and regulations for good fish passage via the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F). For more information, see the Ministry for the Environment's fish passage hub:

<https://environment.govt.nz/acts-and-regulations/freshwater-implementation-guidance/fish-passage/>



Image © Angus McIntosh, EcologyLive

## NES-F regulations apply to these structures in rivers/streams and connected areas:



Culverts



Fords



Dams



Aprons & Ramps



Weirs



Flap Gates

## NES-F regulations don't apply:

to any existing structures that were in the river or connected area at the close of 2 September 2020.\* This includes any later alterations or extensions of that structure.

to a customary weir that is used for the purpose of practising tikanga Māori, including customary fishing practices.

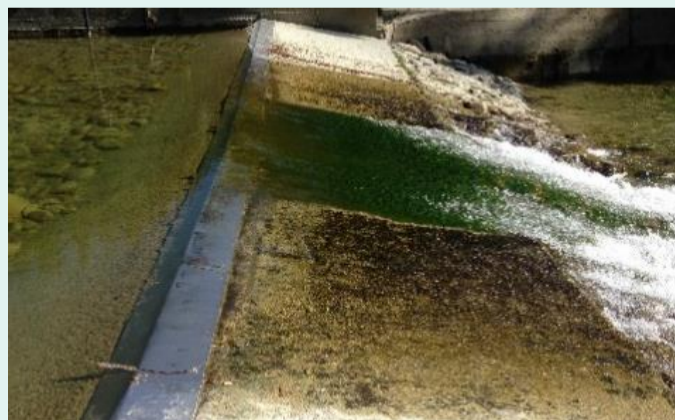
\* Existing structures need to provide for fish passage under the NPS-FM, Resource Management Regulations 2020 and the Freshwater Fisheries Regulations (1983); they must be identified and, if they are barriers to fish passage, they need to be removed, replaced, remedied or exemption approved.

## How do I comply?

Can the placement, use, alteration, extension or reconstruction of a culvert or weir in, on, over, or under the bed of any river or connected area comply with the following?

### Weirs

- Does the weir provide for the same passage of fish upstream and downstream as would exist without the weir? (except as required to carry out the works to place, alter, extend or reconstruct the weir)
- Is the fall height of the weir no more than 0.5 m?
- Is the slope of the weir no steeper than 1:30?
- Does the face of the weir have roughness elements that are mixed grade rocks of 150 to 200 mm diameter and irregularly spaced no more than 90 mm apart to create a hydraulically diverse flow structure across the weir (including any wetted margins)?
- Is the weir's lateral profile V-shaped, sloping up at the banks, and with a low-flow channel in the centre, with the lateral cross-section slope between 5° to 10°?



### Culverts

- Does the culvert provide for the same passage of fish upstream and downstream as would exist without the culvert? (except as required to carry out the works to place, alter, extend, or reconstruct the weir)
- Is the culvert laid parallel to the slope of the bed of the river or connected area?
- Is the mean cross-sectional water velocity in the culvert no greater than that in all immediately adjoining river reaches?
- Does the culvert's width where it intersects with the bed of the river or connected area (s) and the width of the bed at that location (w), both measured in metres, comply with:
  - (i) where  $w \leq 3$ ,  $s \geq 1.3 \times w$ ; and
  - (ii) where  $w > 3$ ,  $s \geq (1.2 \times w) + 0.6$ ?
- Is the culvert either open-bottomed, or its invert placed so that at least 25% of the culvert's diameter is below the level of the bed?
- Is the bed substrate present over the full length of the culvert and stable at the flow rate at or below which the water flows for 80% of the time?
- Does the culvert provide for continuity of geomorphic processes (such as the movement of sediment and debris)?



If you answered **yes** to all questions above, you are undertaking a **permitted activity** and do not require consent under the NES-F for your culvert/weir.\*\*

**If you answered no to any of the questions above, talk to your regional council about a consent.**

\*\* Specific information on all fish passage structures (such as fords, non-passive flap gates) is required to be provided to regional councils within twenty working days of the completion of structures that apply to the NPS-FM and NES-F. Your regional council can tell you how they want to collect this information, eg, some councils use the [FPAT \(fish passage assessment tool\)](#) that is endorsed and funded by the Ministry for the Environment and the Department of Conservation, and some do not.

Please note: A permit may be required from the Department of Conservation if you are proposing to build a dam or diversion structure, or if a culvert/ford impedes fish passage. See [doc.govt.nz: Fish passage authorisations: Apply for permits](https://doc.govt.nz/fish-passage-authorisations-apply-for-permits). The NPS-FM and regional plans may have additional requirements (separate and additional to the NES-F) for the placement, use, alteration, extension or reconstruction of structures in rivers/streams and connected areas. For example, the regional plan will have rules for disturbances of the bed of a river when the structures are installed, or may require consent for activities that would not require consent under the NES-F.