



[withheld]

4 February 2014

Hon Amy Adams and Hon Nathan Guy

[withheld]

Regarding: the proposed amendments to the National Policy Statement for Freshwater Management 2011

1. Ngāti Rangī Trust has read and **strongly supports** the submission of the New Zealand Freshwater Sciences Society. That submission adeptly outlines issues with the National Objectives Framework and the proposed changes to the National Policy Statement for Freshwater Management, and, we believe, offers appropriate solutions for those issues. We request that the recommendations in that submission be implemented in full.
2. We **support** the continued work of the Iwi Leaders Group for Freshwater, the engagement of that group with the Crown and Ministry for the Environment Officials, and the proposals the ILG Freshwater are pursuing.
3. We **support** the concept of the National Objectives Framework.
4. Key issues of concern to Ngāti Rangī Trust are outlined below.

Swimmability and fishability.

5. We consider that all waterbodies in Aotearoa must be protected for swimmability and fishability. As Ngāti Rangī, we connect innately to all waterbodies in our rohe. We swim in and fish from all of them (or did when water quality allowed this). These waterbodies may not be considered 'popular' spots in a regional context, as they often consist of small, local streams, usually connected to local marae, whānau and hapū. For each whānau to be forced into a position where they have to fight for recognition of their long-held connection to local waters in a potentially region-wide or catchment-wide collaborative or Schedule One process is unacceptable and will place both people and waters at risk. The most effective way to avoid this is to protect these connections at a national level, by making swimmability and fishability nationally applied bottom lines.

6. Furthermore, to do less than this abdicates Governmental responsibility to provide for the relationship between Ngāti Rangi and our culture and traditions with our ancestral lands, water, sites, waahi tapu, and other taonga. Degradation of our waterways prevents us swimming in, fishing from, and connecting to our local waterbodies. This, in turn, prevents us maintaining and transferring our cultural practices and knowledge.
7. There are no time limitations on when objectives must be met – timeframes for ensuring all waters are swimmable and fishable can be determined by communities to ease any financial costs associated with any necessary clean up. Given there is an unlimited timeframe, this leaves no valid reason as to why all waterbodies should not have a compulsory value of swimmability and fishability applied.

Te Mana o te Wai

8. We **support** the proposal advocated by the Iwi Leaders Group for Freshwater that Te Mana o te Wai be moved from out of the Preamble, where it would hold no legal weighting, into the main body of the NPS. We would support its inclusion either as a National Outcome, or a National Objective. Te Mana o te Wai is crucial in articulating and reflecting the innate mana and mauri of the waterbodies themselves, as well as the wide spectrum of connections, responsibilities and interests the tangata whenua belonging to those waterbodies have in those waters.

Exceptions policy

9. Ngāti Rangi is deeply concerned about the proposed exceptions policy, particularly the use of the words ‘reasonably practicable’. Exceptions should be limited in their nature, and few in number. As such, they should all be able to be dealt with by being specifically listed in an appendix, as is the approach recommended for the hydroelectricity exceptions in Policy CA2(c). We request the emendation of policy CA2(b) to the following or similar:

all of the following apply:

i. impacts of historical activities in the freshwater management unit have caused the existing freshwater quality of the freshwater management unit to be below the national bottom line;

ii. the reversal of those impacts will cause greater ecological damage than allowing the freshwater management unit to remain in its current state; and

iii. the freshwater management unit has met criteria detailed in Appendix X, and is listed in that Appendix.

Criteria listed in the relevant appendix might include ‘acid mine drainage’.

Insufficient time and resourcing

10. We contend that while the NOF is deeply important and could be a major step forward for freshwater management in New Zealand, it has been rushed and under-resourced. While there were a number of prominent scientists and resource managers involved in its creation, these people squeezed the development of the National Objectives Framework into their

already established work schedules for the year. In comparison to the multitude of scientific reports and the years of work that went into developing, for example, the One Plan – a document that in essence provides similar limits, albeit at a smaller geographical scale, to the NOF – it is easy to see that far more time, resourcing and planning is needed to bring the NOF to a robust state. The submission of the NZFSS attests to this, and highlights the priorities for development of the NOF.

11. We see the resourcing of the development of the NOF to be essential and urgent. Targeted research programmes to fill the gaps in the NOF need to be funded by the Ministry on an urgent basis.

Inadequate attributes

12. As highlighted in the NZFSS submission, many key attributes are either absent from or inadequate in the NOF. We consider that it is crucial in the first instance to rectify the attributes that set low standards or allow degradation, and secondly to develop the absent attributes with urgency.

13. Particularly –

- That oxygen limits need to apply to all waterbodies, not just to reaches of waterbodies below point sources, as of this iteration of the NOF
- Nitrogen and phosphorus attributes need to be added to this iteration to address eutrophication effects (as opposed to only including nitrogen toxicity)
- An MCI attribute needs to be included in this iteration
- Temperature needs to be included in this iteration
- An attribute to manage sediment load needs to be added
- The health of fish needs to be included
- Other matters as raised by NZFSS.

14. The issues of appropriate statistics (eg averages versus percentiles, exceedances etc) also need review to ensure the attributes adequately protect Ecosystem Health, Human Health and Te Mana o te Wai.

Trade-offs ('choices')

15. As repeatedly stated through the Land and Water Forum process and engagements with the Crown, Ngāti Rangī Trust does not support the concept of 'trading-off' water quality in one area against that in another. We consider that every waterbody needs to be "maintained and improved" in its own right. The current proposal is not clearly defined enough to prevent this occurring; the terms 'overall' and 'with a region' are ambiguous and can be manipulated. The management unit needs to be defined locally, by community and iwi on the ground, at a geographical scale that is sensible for the local issues and local water quality. The policy needs to be tightened and defined so that it not able to be manipulated to mask low water quality, and doesn't allow degradation of some waterbodies through 'averaging'. In summary, tighter wording and more guidance is needed on the 'maintain and improve' policy.

Hierarchy, and flows

16. The terms 'reliable in supply' and 'suitable and available' in the Wai Maori and Au Putea sections of the NOF leave avenues open for these values to override Ecosystem Health/Te

Hauora o te Wai, and Te Mana o te Wai. The NOF is about protecting *values in water*, not *rights to water*. So for Au Putea, the NOF should be ensuring that the quality of the water remains intact, so that the water *could* be used for what it's valued for. For example, it should be there to ensure the water doesn't become so polluted with bacteria that it's unfit for stock to drink, or so laden with silt that it's unsuitable for use for hydro. The current wording leaves it open for interpretation that the water *should* be used for these things, if the value is assigned to that waterbody. This could end up in a situation where decisions are prejudiced towards granting those rights (ie granting resource consents), despite Ecosystem Health limits, given that the water has already been determined to have an Au Putea or Wai Maori value.

There are two solutions:

- a) Clearly stipulate a hierarchy, whereby no other value can override Ecosystem Health and Te Mana o te Wai.
- b) Add 'quality' to those phrases. For example, change the following:

<i>Current</i>	<i>Change needed</i>
Water can provide for commercial and industrial activities	Water is of a suitable quality that it can provide for commercial and industrial activities.
Water would be suitable for irrigation needs.	Water would be suitable in quality for irrigation needs.
Water is suitable and available for stock to drink	Water is suitable in quality for stock to drink (delete ' <i>and available</i> ')
Reliable in supply	Only leave if denoting hierarchy
Rural communities would be able to access sufficient and suitable water to enable them to produce a range of foods and fibre.	Water would be of a suitable quality to allow use to produce a range of foods and fibre (delete ' <i>sufficient and</i> ' and remove 'able to access').

17. We are aware that there was a decision made to *not* include a value for flows, as it was assumed that issues around flow would be managed through other attributes (eg the amount of slime would dictate a need for some high flows). However, in light of this, it is inappropriate to say that water is 'available' for stock, cultivation, or any other extractive use. There is no mechanism in the NOF as it stands to ensure water is 'available' for fish, eels, kōura, kākahi, aquatic insects, lamprey etc. The NOF, then, is in no position to give water away, without limit, to stock or any other extractive use. The NOF can only speak to the *quality* of this water for these values, not its availability for use for these values.
18. We also note iwi rights and interests remain unresolved, and that the statements highlighted above promise availability of water to other users while this hugely important issue remains outstanding – a highly unsatisfactory and potentially unjust situation. The NOF is neither the mechanism nor the place to resolve issues of allocation, and references to water availability should only be included in so far as they serve to protect the needs of non-human entities – ie the protection of the availability of water for fish, kōura etc and the character of the waterbody itself.

Solutions:

- Include swimmability and fishability as compulsory values, to be achieved over a longer time period.
- Te Mana o Te Wai must be given an appropriate place in the NOF, in line with proposals discussed by the Iwi Leaders Group with the Government and Ministry Officials
- Change the exceptions policy so that only waterbodies:
 - Where there will be more damage done ecologically through remediation than by inaction
 - That meet specified criteria and
 - That are listed in an Appendix to the NPSare eligible for exceptions to the national bottom lines.
- Allow a further six months or more for the NOF to be completed before this iteration is finalised, and resource the necessary research to complete the NOF in full
- Include the key parameters for healthy waters – oxygen limits applicable to all waters, N and P for eutrophication effects, MCI, temperature, sediment, and a fish index.
- Develop the “maintain or improve” policy
- Remove wording that promises supply of water to out-of-stream users
- Develop and include attributes and values for flows, especially as relates to ecosystem health.

Ngā mihi,

[withheld]

Pou taiao