

Submission on the Proposed amendments to the National Policy Statement for Freshwater Management 2011 A discussion document

a) Name and address

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b) The subject of my submission

The subject of my submission is the "Proposed amendments to the National Policy Statement for Freshwater Management 2011 A discussion document"

c) My submission and reasons for my views

Questions for section 2: problems

1. No. There are additional problems to be addressed
2. Aquatic environments/ecosystems should be monitored to determine the consequences of water extraction. Over allocation of water for irrigation from rivers such as the Ashburton and Hinds rivers has destroyed the recreational fishery, made the water quality unfit for human contact, and has changed the landscape of the Ashburton river from a braided river to a single channel bordered by macrophytes. Over allocated rivers such as the Ashburton periodically experience toxic algal blooms. Prolonged closure of the river mouth has caused the loss of the Stokell's smelt, once the largest fishery by mass in the Ashburton river.
3. No.
4. **Values cannot not substitute for science.** Even incomplete science is better than no science – decisions based on (subjective) values will be difficult to defend or challenge and will not protect the environment.

National guidelines will reflect government policy.

5. Adaptive management is used in North America in the face of uncertain science. This is preferable because conservative incremental water takes are assessed at each step.

Questions for section 4.1 accounting

6. Of course. How else can compliance with minimum flows be achieved? However I do not agree with the concept of "water management units". Rivers must be considered on a catchment wide basis including its estuary/marine interface.
7. Yes
8. No
9. No

Questions for section 4.2: NOF Values

10. Yes but only if the set of values is comprehensive
11. Landscapes, endangered species, bird nesting/migration areas, threatened water associated flora & fauna.
12. No
13. No
14. No insufficient
15. No. un-aspirational
16. No. % reduction in growth? % species protection level? – 100% rubbish
17. No. where information is inadequate or incomplete water extraction should occur with caution
18. Yes otherwise the NOFs might encourage inappropriate decisions
19. Yes but the values are inadequate measures of the health of aquatic environments
20. No The values, attribute states, and numeric attribute states are inadequate
21. No I cannot make sense of CA(f)
22. No
23. No
24. Yes Is there any evidence that these ecosystem health attributes have any value in monitoring ecosystem health?
25. Yes if this were possible
26. Yes
27. Yes protection of endangered aquatic species and critical habitats (spawning, migration & growth), water temperature limits to protect cold water species.

Questions for 4.4: National bottom lines

28. Only where scientifically defensible attributes are possible eg Public Health water quality limits
29. No I do not believe they are an adequate measure of ecosystem health
30. Yes. Generally accepted science
31. No

- 32. Yes Emergencies such as fire fighting or flood protection
- 33. No However it is reasonable to negotiate time limited corrective action
- 34. No
- 35. N/A
- 36. Yes
- 37. State of Emergency

Proposed amendments to the NPS-FM: Tangata whenua values

- 38. I have no say in tangata whenua values
- 39. Ditto
- 40. Yes

Proposed amendments to the NPS-FM: Monitoring

- 41. Yes so long as the monitoring is relevant

Question for section 4.8

See below paragraphs 1 -6:

1. Recognise that limits must be placed on water extraction

I believe the proposed NPS-FM will do little to arrest the trending decline in water quality especially in Canterbury.

The association between the expansion of dairy farming with increased water harvesting/extraction and declining water quality in the province is unequivocal.

The poor health of the region's lowland aquatic ecosystems can also be explained by this change in farming practice.

The obvious response should be to limit further water extraction rather than adopt the un-aspirational national objectives for freshwater (NOFs) entrenching unacceptable water quality standards.

Declining water quality is clear evidence that water extraction is exceeding the reserves of the "water management units" (a pro irrigation definition for rivers, lakes, and aquifers).

2. The proposed Ecosystem health attributes will not protect aquatic environments

I am especially critical of the NPS's so called "Ecosystem health" attributes – attributes that are no more than simple water chemistry parameters (when the potential attributes are excluded).

The "Numeric Attribute States" suggest the Minister is prepared to accept further declines in water quality.

When expressed as an "Annual Median" the figures become meaningless.

[To reflect aquatic inhabitants' requirements for live-sustaining water quality 24/7, the numeric attribute states should reflect daily median figures. This is why North American and European water

managers use the health of populations of pollution sensitive aquatic organisms such as freshwater mussels or benthic invertebrates as surrogate monitors of water quality].

Ecosystem definition: "system of interacting organisms in a particular habitat".

3. Both the proposed RMA reforms and amendments to the NPS-FWM reduce protection of aquatic ecosystems.

Sir Geoffrey Palmer's paper "Protecting New Zealand's Environment *An Analysis of the Government's proposed Freshwater Management and Resource Management Act 1991 Reforms*" September 2013, states the case very clearly.

4. Water has become an issue of democracy and equity

The Environment Canterbury (Temporary Commissioners and Improved Water Management) 2010 Act has been found to be constitutionally repugnant and not to comply with human rights.

Water a common for all New Zealanders is being allocated free for the private profit of a few (dairy) farmers, with the cost of the irrigation infrastructure and associated harm to aquatic environments passed on the wider public.

Not only are farmers given access to cheap water, but they also benefit from cheap electricity.

"Private profit & public cost" distorts the economic argument for increased irrigation.

5. Freshwater environments must have oversight from the Environment Court

Regional and unitary councils charged with managing water allocations are not neutral.

"Expert Witnesses" employed by applicants at water allocation hearings are allowed to give opinions that cannot be validated nor verified due to the complexity of predicting the effects of reduced flows on aquatic ecosystems.

Substituting science for "values" will not help achieve environmentally sound decisions.

Unitary councils such as the Selwyn District Council appear to avoid their accountabilities to the RMA, evidenced by a history of issuing retrospective consents, and by demonstrating a reluctance to monitor or to prosecute non compliance with the council's own water rules. [SDC relies on members of the public reporting alleged non compliance to a 0800 pollution hotline.]

The retention of the Environment Court for FM should be non-negotiable in the face of these behaviours.

6. Questions

I believe these questions are designed to shape opinion in favour of government policy – policy that promotes intensive agriculture. The proposed amendments to the NPS-FM 2011 support anthropocentric values such as irrigation and public health, not aquatic environments.

The proposed NPS-FM is not worthy of a Ministry that purports to protect the environment.

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Monday, November 25, 2013

Freshwater plan 'meaningless' — scientists

Dunedin
Leading freshwater scientists have panned the Government's proposed amendments to the National Policy Statement for Freshwater Management as meaningless and lacking necessary science.

Massey University Centre for Freshwater Ecosystem Management and Modelling director associate professor

Russell Death said the bottom lines lacked "any appropriate measure to protect rivers" and believed degradation of New Zealand's rivers would continue.

"To protect our rivers there should have been limits for in-stream nitrogen concentration, in-stream phosphorus concentration, MCI (macroinvertebrate community index), IBI (index of biotic

integrity) and deposited sediment," Mr Death said.

"These variables we have known about for at least 20 years as important for assessing river health or that can influence river health and for most of which we have well established limits already."

He believed some of the bottom line values showed the Government was on the right

track, but questioned why other water health measures were "not in the mix".

"I am not sure which scientists have been involved, but I would be surprised if many freshwater scientists in New Zealand would suggest we can protect the environmental bottom line of rivers without considering the parameters listed above," he said.
— Otago Daily Times