

Eastern Bay of Plenty Branch
Royal Forest and Bird Protection Society NZ Inc
PO Box 152 Whakatane
easternbayofplenty.branch@forestandbird.org.nz
Contact: Linda Conning



CLEAN WATER

watercomments@submissions.mfe.govt.nz

n.smith@ministers.govt.nz;

n.guy@ministers.govt.nz

Introduction

The Eastern Bay of Plenty Branch of the Royal Forest and Bird Protection Society runs from the Otamarakau River to East Cape where there are many major rivers including heavily modified (lower Tarawera), dammed (Rangitaiki), and almost pristine (Haparapara). Even the Motu, which has a Water Conservation Order, is affected in its upper reaches by stock access. Waterbodies on the lowlands (Galatea, Rangitaiki and Waioeka) have been degraded by dairying, and very few wetlands remain. There is also significant groundwater extraction for horticulture, dairy and municipal supply. The Bay of Plenty Regional Council is currently running a community water management group process for setting limits on the Rangitaiki River. The Rangitaiki River has a joint governance arrangement as part of Treaty of Waitangi settlements.

The Branch endorses the over-arching points made by the national office in its submission but makes this submission from its own experience regionally of water management.

We support high standards for our rivers and lakes to achieve that ensure they are swimmable, and ecologically healthy.

**Swimming Target 90% of rivers and lakes are swimmable by 2040.
80% of our rivers and lakes swimmable by 2030.**

These targets are unambitious. If 72% of waterways are already swimmable, the target of 80% by 2030 is unjustified. However it appears that these percentages are based on an increased level of E. coli being considered 'safe'. Our members consider this a bad joke, and urge the government to drop this new figure. Virtually all of our waterways should be swimmable most of the time, except for a period during and following storm events.

Although safe swimming is not in itself a Forest and Bird strategic goal, nevertheless our members overwhelmingly seek clean water in our natural waterways. We wish to encourage people, especially families and children and young people to recreate in the outdoors, to appreciate and value our natural environment.

The ability to safely swim in our rivers and lakes is part of our national identity. In our experience, people are deterred from swimming in natural rivers e.g. Tarawera and Rangitaiki because they consider them a health risk. Swimming in some lakes where there is high weed coverage e.g. Lake Rotoehu, has also become unpleasant.

We are also astounded that the targets do not apply to smaller waterways. Small streams are more susceptible to pollution, and in any case lead into the larger rivers. We do not support 'dilution of pollution' being acceptable. Some rivers have shallow reaches very popular for swimming e.g. above the Tarawera Falls. The notion of 'deep enough to swim' in is very limited and adult-oriented i.e. invalid.

The case studies cited (Manawatu River and Lake Brunner) show that water quality can and does improve when the land and water is managed differently.

Low E coli levels are an indicator that the land is being managed responsibly and sustainably.

Conclusion:

- Swimmability of 95% of waterways 95% of the time by 2030 should be the target.
- The E coli standard should be retained at the current level and not increased as proposed.
- Councils should be required to achieve a progressive improvement, and to not allow any reduction in swimmability.
- The standards should apply to all natural waterways regardless of size.
- We support the changes to the NPS to delete reference to secondary contact and to include swimmability as a key component of the limit-setting process.

Ecological Health

We support the requirement for regional councils to monitor macroinvertebrates in rivers and streams.

We support a Macroinvertebrate Community Index (MCI) score of 80 as a minimum threshold, and to develop an action plan to improve the MCI score to above this threshold, or when monitoring shows there is a downwards trend in the MCI, to reverse that trend if a waterway's MCI score is low or declining – as recommended by the Land and Water Forum¹.

We support the adoption of all the recommendations made by the Land and Water Forum to assist regional councils to limit two key nutrients, nitrogen and phosphorous, in our rivers and lakes².

Targets and timeframes

The NPS should specifically include in its objectives and policies the requirement for regional councils to meet water quality targets within specified timeframes.

¹ <http://www.landandwater.org.nz/Site/Progress.aspx> p2

² <http://www.landandwater.org.nz/Site/Progress.aspx> p4

Economic considerations

The proposed new test requiring environmental and ecological considerations to be weighed against economic one makes the whole NPS ineffective because it undermines the limit-setting process, including for the compulsory values of human and ecosystem health.

The 'balancing' of environmental and economic considerations has already happened during the consensus building process that the Land and Water Forum used to come to its recommendations, and can continue to happen in the way in which timeframes are set.

In any case the notion of 'balancing' is fallacious. The current state of our waterways has occurred because "balancing" has always come out in favour of economics and our natural ecosystems, habitats and species have suffered as a result. More of the same will not produce better outcomes.

Just a quick glance at the swimmability maps reflects the correlation between intensive dairy farming and poor water quality. This together with poor urban water quality signals where change of land and water management practices is urgently needed. These sectors of society need to invest more in environmental capital rather than using it up.

Conclusion:

Do not proceed with any further emphasis on "balancing" economic interests with water quality.

Infrastructure

The amendments should only apply to existing infrastructure. New infrastructure should have to meet the thresholds in the NPS.

Keeping stock out of our waterways

The deadlines that have been proposed for excluding dairy support, deer and beef cattle from waterways over 1 meter wide, lakes and wetlands are unambitious. Waterways are at risk not just from animals urinating and defecating directly in the waterway – they also cause significant erosion of banks, which increases sedimentation, which is having serious adverse effects on our estuaries. All catchments feeding into lakes and estuaries should exclude all stock.

Exclusion should be brought forward as follows:

The 2022 deadlines should be brought forward to 2020;

The 2025 deadlines should be brought forward to 2022,

The 2030 deadlines should be brought forward to 2025 and;

All pigs and dairy herds should be excluded from all streams, lakes and wetlands, not just those over 1 metre wide. In any case this should already have happened under the Fonterra Accord.

All stock should be excluded from all wetlands.

Regulation of stock crossing is supported. However standards/regulation is needed to ensure that culverts in particular are not permitted activities so that their construction and

maintenance can be monitored. These structures can readily become barriers to fish passage which just replaces one environmental problem with another.

It is not clear what is intended by “a stock exclusion plan with their regional council”, and whether this will operate as a rule in regional water and land plans. The Bay of Plenty Regional Water and Land Plan has permitted activity rules for stock in the beds of waterbodies, for which having an environmental plan is a means of compliance. However we are not aware of this being enforced, although the council is pro-active in working with landowners to encourage stock exclusion through the use of a subsidy of fencing costs.

It is also not clear what “active channel” refers to. The area of exclusion should include the banks, not just the flowing water, and indeed requires a meaningful riparian buffer (more below).

The branch supports the use of infringement notices but the fines are so low no farmer will take them seriously. Given that farmers are being provided with extensive phase in time, then requiring councils to give them “a suitable time” to comply before prosecution or further infringement fines, is indeed an unacceptable “soft” approach. The infringement notice regime should be no different to the abatement notice/enforcement order process already in place. Penalties should be at a level commensurate with other RMA penalties for effluent discharges.

Riparian buffers

The exclusion proposed will not be significantly effective if it consists of an electric or two wire fence right on the bank of the waterbody. Fences need to be set back some distance to allow banks to stabilise and develop an effective vegetated buffer. The Nukuhou River which flows into Ohiwa Harbour, is the source of major sedimentation, yet the fences are so close to the bank that no vegetative stabilisation can occur and the banks are seriously eroded.

Funding

We think that the government should transfer the funds being used to promote unsustainable irrigation projects should be used to help clean up the most polluted waterways. Irrigation promotes intensification which leads to more pollution. Much of the intensification is on light/volcanic soils where the nutrients simply filter down into the water table and aquifers. Riparian planting does not address this effect.

It is shameful that New Zealand has aquifers that are polluted and the government should not allow it to continue.