



18 April 2016.

Hon Dr Nick Smith
Ministry for the Environment
Wellington.

Dear Dr Smith,

Re: Freshwater consultation 2016

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. All members are interested in the high health of upper catchments for their ability to provide drinking water and for amenity value; many (for example, canyoneers and rafters) use water directly recreationally in those places, and for some members there is direct recreational interest in lower catchments.

Next steps for fresh water document

It is pleasing that the Government welcomes feedback on its 'Next steps' document. FMC assumes that, in the spirit of that openness, the Government will accept FMC's somewhat ironic objection to its tight circumscription of the consultation's terms of reference. We would contend that there is best potential to 'do better with this precious resource' by inviting discussion of all matters within the ambit of improving freshwater management.

FMC's responses to questions posed in the document

Fresh water and our environment

1. *Do you agree that overall water quality should be maintained or improved within a freshwater management unit rather than within a region? Why or why not?*

If this would mean transfer of the present situation that allows 'averaging' across a region and consequent degradation of some waterways then there is little to be gained, because that 'averaging' and partial degradation would still take place within a freshwater management unit (FMU). If, on the other hand, water quality would be maintained or improved in all parts of FMU's, including their subterranean components, then FMC would support this proposal.

2. *How should the attributes be applied, or the values protected, in giving effect to the requirement to maintain or improve water quality? Please explain.*

Baseline data are needed; where they are incomplete, they can generally be inferred from existing data on similar waterways. As you have stated, 'we can't manage what we don't measure'; comprehensive data on waterways' biological, physical, and chemical* profiles should be gathered regularly and used to ensure ongoing and/or improved water quality.

*** Data-gathering on the non-naturally-occurring chemical profiles of waterways is presently minimal; there is an urgent need for resourcing of expertise and wherewithal in this area.**

3. *What is an appropriate way to include measures of macroinvertebrates in the National Policy Statement for Freshwater Management? What alternative measures could be used for monitoring ecosystem health?*

This should be worked out by science-focussed, multidisciplinary bodies and implemented the same way, with multidisciplinary scientific foci. Single, simple measures will not suffice. Chemical measures commensurate with other parameters for ecosystem health such as macroinvertebrate populations should be implemented as part of this approach.

4. *What information should be required in a request to include significant infrastructure in Appendix 3 of the National Policy Statement for Freshwater Management, and why would this information be important?*

How to transition from the situation that has led to water quality being below the bottom line to achieving acceptable quality should be necessary. Because if a primary goal of national freshwater management is improvement of freshwater health, and it should be, even for waterways with significant infrastructure, then a plan should be in place to achieve that with measurable milestones.

5. *Do you agree with applying lake attributes and national bottom lines to intermittently closing or opening lakes or lagoons? Why or why not?*

Yes, for the health of those lakes or lagoons and adjacent land and coastal areas. Decisions should be scientifically driven and supported by 'community-based judgement', not the other way around, as proposed.

6. *What information should be required in a request to list a water body in Appendix 4 of the National Policy Statement for Freshwater Management, and why would this information be important?*

Comprehensive scientific backing for the necessity, and plans for ongoing monitoring. Also, detailed proposals of the practicalities of opening/closing.

7. *Do you agree with the proposed requirements and deadlines for excluding livestock from water bodies? Why or why not?*

To some extent. However, dairy, dairy support, beef, and deer should all be excluded by 1 July 2017; cost is a spurious argument for not fencing, as temporary fencing is adequate, effective, affordable, and available on most pastoral farms.

Buffer zones should be part of livestock exclusion; they should be determined by factors such as slope, soil profile, and vegetation cover type and density.

Economic use of fresh water

8. *Should standards for efficient water use be developed? Should standards for good management practices for diffuse nitrogen discharges be developed? Who should be involved in their development? When should they be applied to consents (eg, on consent expiry and/or on limit setting and/or permanent transfer)?*

Standards are good reference points and should be applied as soon as possible.

These considerations are particularly important in relation to land use in upper catchments. Development of upper catchments gives limited economic reward, yet tussock communities provide plentiful value left in largely natural states. These areas should retain their tussock cover for its significant water sequestration capacity; also, for its regulation of flow and quality.

Supporting land use to match land type is also important in dealing with the issues behind these discussion points. If land users are able to farm viably within their environments' capacities, water flow and quality will improve. This issue is largely outside the bounds of this consultation, but should be acted on.

9. *Do you support easier transfer of consents? Do you think the changes outlined in Proposal 2.4 would better enable transfers? What other changes would better enable transfers?*

No, water flow and quality need improvement; if a consent is no longer used or needed, it should be surrendered with no right of transfer.

10. *How should the Government help councils and communities address over-allocation for water quality and water quantity? Should it provide guidance, rules or something else (please specify)?*

When consents expire and are re-applied for, if consent is granted, it should be for much less than previously. Support should be provided for development of an extended range of land uses so that land users can match viable land use to capable land type (as per FMC's response to Question 8).

11. *Should councils have greater flexibility in how they meet the costs of improving freshwater management? For example, by recovering costs from water users and those who discharge to water? Please provide examples.*

Only to the extent of paying for high quality, multi-disciplinary management. This means, for example, requiring users cover costs of technical support for consenting, thorough monitoring, remediation, prosecutions, etcetera). This should not be able to be construed as paying for ownership of water.

Iwi rights and interests in freshwater

12. *How can the Government help councils and communities to better interpret and apply Te Mana o te Wai in their region?*

Ask iwi/hapu to clarify its meaning, then use it (if its focus on mountains to sea integration is consonant with the concept of 'life-supporting capacity' then it will be in harmony with the Resource Management Act 1991).

13. *Should councils be required to identify and record iwi/hapu relationships with freshwater bodies, and how should they do it?*

Yes - talk with iwi/hapu about how to do it.

14. *What would support councils and iwi/hapu to engage about their values for freshwater bodies?*

For iwi/hapu to see that freshwater health is improving. For iwi/hapu to know that consultation/collaboration/engagement/relationships are more than tokens; that they are meaningful.

15. *What are your views on the proposal for a new rohe-based agreement between iwi and councils for natural resource management? What type of support would be helpful for councils and iwi to implement these to enable better iwi/hapu engagement in natural resource planning and decision/making?*

Superficially, the proposal has appeal, but consultation requirements are already in place and if councils are sincere about understanding and implementing iwi/hapu freshwater values, they can do so already. See responses to former 'Iwi rights and interests' questions.

16. *What are your views of the proposed amendments to water conservation orders? Outline any issues you see with the process and protection afforded by water conservation orders.*

Water conservation orders should be what they claim to be - conservation of unique, high-functioning, complex environments.

Iwi should be consulted meaningfully.

Planning processes should not be able to stall progress of a water conservation order application; 'Next steps' has come about because such flawed prioritisation has led to the poor water flows and quality experienced at present.

17. *If you are involved with a marae or live in a papakainga, does it have access to clean, safe drinking water? What would improve access to clean, safe drinking water for your marae or papakainga?*

Everybody should have access to free, safe, clean (thoroughly, regularly tested) water.

Freshwater funding

18. *Do you agree with the proposed criteria for the Freshwater Improvement Fund? Why or why not?*

Partially. Priority should be given to projects with benefits beyond the local level; they should link to other regional or national projects, or be able to demonstrate some other special significance.

Priority should be given to protection of existing functional ecosystems rather than re-establishment projects.

Where applicants have deliberately/knowingly inflicted environmental harm with a view to gaining funding, their applications should not be considered. Likewise, where damage is threatened should

an application fail to be granted, that application should not be granted and appropriate monitoring should be put in place.

Consideration of public and private benefits and costs should be thorough and include assessment of externalities such as gain or loss of recreational opportunities, mental and physical health benefits and costs, ecosystems services issues, and others.

Yours sincerely,

Jan Finlayson
FMC executive.

Contact: Jamie Stewart
Administrator, Federated Mountain Clubs
P O Box 1604
Wellington 6104
04 9346089
secretary@fmc.org.nz