



**THE PACIFIC INSTITUTE OF RESOURCE MANAGEMENT,
Publishers of Pacific Ecologist**

PO Box 12-125, Wellington, New Zealand.

Phone: +64 4 9394553 E-mail: pirmeditor@paradise.net.nz

www.pacificecologist.org ; www.pirm.org.nz

4 February 2014

To Ministry for the Environment

SUBMISSION ON DISCUSSION DOCUMENT

Proposed amendments to the National Policy Statement for Freshwater Management 2011

Submitter: Dr Cliff Mason, on behalf of The Pacific Institute for Resource Management

Address: 21 Voelas Road, LYTTTELTON 8082

Telephone: (03) 328 8538

This Submission has been prepared by the Submitter and authorised by the Pacific Institute for Resource Management (PIRM).

The Pacific Institute of Resource Management was established 30 years ago, in 1984, dedicated to promoting the preservation and sustainable use of the Earth's resources. It publishes the journal "*Pacific Ecologist*". The Institute has made frequent submissions to government on environmental and social issues including submissions on the Resource Management Act (Simplifying and Streamlining) Amendment Bill 2009 and on the Discussion Paper "Freshwater Reforms 2013 and Beyond". These submissions and others are available on the Institute's website.

This Submission maintains and extends the views presented in the Submission of 8th April 2013 on the Freshwater Reforms discussion paper. The Institute wishes to participate in any hearings or further public discussions that may be held on the matter of freshwater resource management. PIRM strongly supports the development of effective means for freshwater management.

There are some valuable items among the proposals for the National Policy Statement but also several areas of concern. The latter are detailed in the major points of this Submission, enumerated below:

- 1) The view in the previous Submission (8/4/2013) that the intrinsic value of water independent of human utility or amenity value had been significantly underemphasised in plans for freshwater management has been ameliorated to some degree by the outline of possibilities for recognising Te Mana o te Wai. While this concept has not been fully explained nor its consequences explored in the present Discussion Document, it seems to have the potential to embody intrinsic value in a broader way than the proposed quantitative schedule of attribute states. We urge the incorporation of Te Mana o te Wai into the National Policy Statement (NPS), fully recognising that this introduces aspects that are at odds with the aim of quantitative specification that is an important part of the proposed approach to freshwater management. It also must introduce aspects that are more site and context specific than is the general intent of National Policy Statements but this fact is also regarded with approval.

2) The previously expressed reservation about the introduction of a novel administrative structure into freshwater management in the form of a National Objectives Framework (NOF) remains. While the intent to establish a more deliberative process for freshwater management is applauded, the introduction of an entirely new structure with extensive new terminology seems an unnecessary risk when there are well established processes and terminology under the Resource Management Act capable of supporting deliberation. The apparent intent to replace the list of National Values specified in the present NPS with a small number of broader values is a very significant change that risks the loss of important items on the present list during the transition. While the attribute state schedule is only partly completed, some of these values may essentially disappear with no guarantee of reappearance. This appears particularly the case with items in the second list of values in the present NPS; those “that relate to recognising and respecting freshwater’s intrinsic values..”.

Although it is in the nature of resource management to involve values that are abstract and often subjective together with quantitative measures that are objective and scientifically validated, the Values-Attributes-Attribute State structure of the NOF may accentuate rather than reconcile the disparity of these elements.

3) There remains concern that the emphasis on accurate accounting together with the Discussion Document’s expressed intent to avoid unnecessary constraints on water use represents a strategy to explore the upper bounds of exploitation of the freshwater resource and the receiving capacity of freshwater systems. The intentional erosion of a margin of safety for ecosystem health (which allows for the fact that uncertainty cannot be eliminated) is unacceptable.

4) The attribute state chosen as a bottom line for ecosystem health that allows for compromise of 20% of the constituent organisms seems much too lax to provide real protection for freshwater environments or to promote their recovery from past and present damage.

5) The intention to allow the “most efficient” means of achieving bottom line standards that is implicit in the report of the situation in Hinds (page 26) is also of concern. While details are unclear, the intended use of ‘nutrient trading’ and allowances for dilution ‘by the release of water from alpine rivers into the catchment’ seem to signal the intent to legitimise breaches of contamination limits by questionable accounting practices. This is alarming.

Given this, the conclusions of the Southland Study quoted on page 26, which seem implausible on first principles, must be further questioned and certainly not used as a reason not to take any action to mitigate contamination.

6) The definition of the NPS requirement to maintain or improve water quality in a region, by including the qualifier ‘overall’, implies the intention to allow offsetting of pollution in one area by improvement in another. Given the freedom accorded regional authorities to choose the geographical borders of a ‘freshwater management unit’ there is obvious potential to manipulate units in such a way that ‘overall’ water quality is maintained while that in selected units can deteriorate. This would be contrary to the wishes of most New Zealanders to see instances and severity of water pollution decrease. Water quality is not an aggregate measure but is site specific, as perceived by human observers and in relation to ecosystem health and Te

Mana o te Wai.

- 7) There is a need for a circumscribed definition of 'historical activities' under Section 4.5 regarding exceptions to national bottom lines. Without this, any existing activity could be used to justify exception. Although it is made clear that such exceptions would be subject to the usual "checks and balances of the planning process", these are being progressively modified during the ongoing revision of the RMA and it is difficult to feel certain that they will remain adequate to ensure that exceptions will be rare and broadly accepted by society.
- 8) The national bottom lines are not sufficiently stringent. The 20% compromise of ecosystem constituents has already been mentioned and the secondary contact level for human health is also inadequate. It is not in agreement with sound stewardship of the natural environment as a whole for limits to in only "**some** cases (be) set at a safe distance above where you might expect to see irreversible damage to the ecosystem" (emphasis added). The aspirational quality that should characterise all legislation and regulation pertaining to the environment is absent from the NPS proposals. The proposal that the baselines will not direct the setting of standards and that they will only "inform long term freshwater objectives" suggests that they will not be employed in the corrective fashion that the present situation already demands and that is likely to become still more pressing if current trends continue into the future. New Zealanders want rivers and lakes that they can swim in; the baselines should ensure this is delivered.
- 9) The gaps in populating the attribute state tables (especially for ecosystem health) are lamentable for lakes and rivers but glaring for wetlands and groundwater. This is particularly worrying given the critical ecological importance of wetlands (added to their greatly depleted number and area) and the importance of groundwater for agricultural production and drinking water supplies. That these remain unfilled substantiates the concern expressed in Point 7 of the previous submission by PIRM (8th April 2013) that "the time required to develop robust accounting systems may seriously delay urgently needed action to arrest ongoing damage to regional hydrology...". There remains a place for promulgating and standardising some practical rules of thumb that can guide restorative freshwater management even in the absence of complete data or completed analysis.

Thank you for the opportunity to make this Submission. The Institute wishes to participate in any hearings or further public discussions on freshwater resource management.

Yours sincerely,

Dr Cliff Mason, Lyttelton
For the Pacific Institute of Resource Management,
Wellington.