

# Ministry for the Environment Consultation on Next Step for Fresh Water 2016

## Submission by Climate Justice Taranaki Inc.

1. Climate Justice Taranaki Inc. (CJT)<sup>1</sup> are a community group dedicated to environmental sustainability and social justice, including inter-generational equity notably in relation to climate change. As such, we are extremely concerned about the health of our waterways and the over-exploitation of our fresh water for agriculture, industry and occasional human waste disposal. This is putting in jeopardy our native biota and the rights of future generations' to adequate, clean water and aquatic species for consumption and other uses.
2. CJT welcome the opportunity to submit on the government's Next Step for Fresh Water.
3. This submission is based on our review of the Ministry for the Environment (MfE) consultation document Next Step for Fresh Water 2016<sup>2</sup>, National Policy Statement for Freshwater Management 2014<sup>3</sup> (NPS-FM) with National Objectives Framework (NOF), Resource Legislation Amendment Bill 2015<sup>4</sup> (RLAB) and the Draft Freshwater and Land Management Plan for Taranaki 2015<sup>5</sup> (FWLMP).

## Fresh Water and Our Environment

### National Bottom Line – Swimmable not wadeable

4. CJT, as many other submitters, request a 'swimmable' standard as the water quality national bottom line. A 'wadeable' standard is simply not acceptable. Notably the NPSFW Policy CA3 allows regional councils to set fresh water objective below the national bottom line, and the RLAB clause 27 allows a regional rule or resource consent to be more lenient than a national environmental standard. Having such a low national bottom line would undoubtedly result in further degradation of our fresh water environment both regionally and nationally which will undoubtedly have an impact on New Zealand's multi-billion dollar tourism economy.
5. More specifically, the NPS-FM has 6.9 mg NO<sub>3</sub>-N/L and 1000 *E. coli* /100 ml as National Bottom Lines. Some of our Taranaki rivers or streams are already below these bottom lines during parts of the year. This may not be apparent however. For example, the Taranaki Regional Council (TRC) use only median values of the year when reporting, ignoring the extremes. Indeed, we have issue with the application of median values as limits by TRC or as national bottom line in the NPS National Objectives Framework. By permitting discharges to water in all Freshwater Management Units (FMUs) that may result in 6.9 mg NO<sub>3</sub>-N/L or 1000 *E. coli* /100 ml after mixing, TRC is allowing our freshwater to be polluted to the limit at the bottom line and of the median value. This as noted above, does not account for extremes that exceed the stated bottom lines. This can jeopardize human health and the life supporting capacity of our fresh water.
6. We are not the only ones worried about our rivers going below the national bottom line and the potential risks on human health. As feedback on the draft FWLMP for Taranaki, the South Taranaki District Council stated that "*they already have direct dairy effluent discharges*

*immediately upstream of their water takes for public water supply. They wish for those to cease as they pose a significant risk to public health.”*

7. You will also be aware of the Choose Clean Water NZ petition calling for swimmable not wadeable water, which was signed by over 12,000 New Zealanders and handed to parliament recently. <sup>6</sup>

## **Exceptions to the National Bottom Line – Significant Infrastructure**

8. CJT strongly object to allowing councils to set freshwater objectives below the national bottom line if an infrastructure listed in Appendix 3 of the NPS-FM contributes to the degraded water quality below the national bottom line.
9. The Parliamentary Commissioner for the Environment (PCE) described such exceptions to the national bottom line as: *“Regardless of the infrastructure that ends up listed in Appendix 3, Policy CA3(b) could be implemented as a ‘get out of jail free card’...”* PCE, June 2015<sup>7</sup>. Such a policy will contribute to the problem, not the solution.
10. The NPS-FM and the consultation document do not provide concrete guidance on the evidence required to allow exceptions to the national bottom line and inclusion of infrastructures into Appendix 3. The list of needed information on p.15-16 of the consultation document is general and open to subjective interpretation. Notably *‘the nature and extent of any benefits derived from infrastructure’* and *‘the level of existing investment and economic impacts of achieving national bottom lines’*, will likely be used by the central government, councils and corporations, such as owners of the many existing oil and gas and petrochemical infrastructures in Taranaki, to argue for exceptions to the national bottom line and listing onto Appendix 3.
11. In the 2014 Drilling for Oil and Gas report<sup>8</sup>, the PCE pointed out the issue of ‘regulatory capture’ in Taranaki, as none of the consent applications associated with drilling for oil and gas are being publicly notified. Indeed, the issue of ‘regulatory capture’ in NZ has been well documented, notably the cases of the Crown Minerals Bill amendment<sup>9</sup> and the new Marine Protected Areas Act<sup>10</sup>. Public consultation, while valuable, rarely results in a change of policy or government decision that is unfavourable to corporate or perceived ‘economic’ interest based on a demonstrably flawed rationale that fails to account for environmental ‘costs’.

## **National Bottom Line – Hydrocarbons as Attributes**

12. Fresh water in Taranaki, and increasingly also in other regions and industrial centres, is impacted by discharge from and abstraction for petroleum exploration, fracking, production and associated petrochemical industries. TRC permit discharges to water in all FMUs that may result in total petroleum hydrocarbons <15 mg/L. There is no bottom line for total petroleum hydrocarbons in the NPS. TRC’s summary of the FWLMP states: *“For other sectors [i.e. not farming or forestry], the Draft Plan largely means ‘business as usual’ in terms of freshwater use and discharges to land.”*
13. CJT propose that additional attributes which reflect impacts from petrochemical and other heavy industries be included in the NOF with specific national bottom line.

## The 'overall' or 'unders and overs' approach

14. CJT have serious concern over the 'overall' approach in Objective A2 of the NPS-FM. The Parliamentary Commissioner for the Environment (PCE) explains clearly our concern:

*"Under this approach water quality could be allowed to degrade in some parts of a region, but be compensated for by improvement elsewhere, in order to maintain or improve water quality "overall". However, the adding up of gains and losses in water quality would require a complex accounting system laden with arbitrary weightings.... The 'unders and overs' approach has recently been tested in the Environment Court and found wanting on several grounds. Ngati Kahungunu Iwi Inc successfully challenged Hawkes Bay Regional Council's proposal to remove a 'no degradation' plan provision. ... The Court also highlighted the practical difficulties with implementing the 'unders and overs' approach, concluding that it would be impossible to know whether overall water quality within a region had been maintained or improved. "...what kinds of contaminant in one water body could be offset against others, in a different waterbody? ...What sort of beneficial effect would counterbalance an adverse effect when those effects are in different water bodies perhaps scores of kilometres apart?"*" PCE, June 2015.

15. Some regional councils, such as the Taranaki Regional Council, have already taken on board this 'overall' approach. Notably the draft FWLMP for Taranaki includes an Objective 7: "Overall freshwater quality in Taranaki is maintained and enhanced through the management of discharges at source and sustainable land use practices"; Objective 10: "Indigenous freshwater biodiversity is maintained and enhanced overall ..."; and Objective 11: "Wetlands identified as having significant indigenous biodiversity values in Taranaki are protected and their overall extent is maintained", etc.
16. New Zealand has already lost 90% of its wetlands<sup>11</sup>. In Taranaki more than 95% are gone<sup>12</sup>. At least 72% of NZ's indigenous freshwater fish species and 25% of freshwater invertebrates are now at risk or threatened with extinction<sup>13,14</sup>. Another quarter of the known 644 freshwater invertebrate taxa listed as Data Deficient could also be threatened. Rather than aiming for an unchanged overall extent which intuitively allows for 'trade-offs', any remaining wetlands should be protected - whether natural or 'man-made'. Others should be restored, particularly in estuaries.

## Maintain or improve water quality at catchment rather than regional level

17. CJT support the proposed requirement to maintain or improve water quality at a catchment or sub-catchment level, rather than across a region.
18. CJT caution the use of Freshwater Management Units (FMUs) for the proposed requirement. The NPS-FM defines an FMU as "*the water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes.*" The draft Guide to Identifying Freshwater Management Units<sup>15</sup> under the NPS-FM 2014 has "*no official status...*" and "*does not constitute legal advice.*" The identification and management implications of the different FMUs are therefore left largely for councils to determine.
19. As an example, TRC has divided Taranaki's freshwater bodies into four FMUs<sup>16</sup>. FMU-A for outstanding freshwater bodies consist of just two river catchments and one lake reserve. FMU-B encompasses Egmont National Park and the entire ring plain, the latter being "*subject to relatively high consumption and waste discharge assimilation pressures*". FMU-C

includes the northern and southern coastal terraces while FMU-D refers to the eastern hill country.

20. There is no/little distinction of what activities can occur in each FMU. Notably, outstanding freshwater bodies (FMU-A) are not excluded from dairy discharge or oil and gas activities:
  - Discharge into surface water (Rule 1) is Permitted for all FMUs with *E. coli* <1000 cfu/100 ml after mixing;
  - Collected animal effluent discharges to land where it may enter water (Rule 18) is Controlled for all FMUs without an *E. coli* limit;
  - Intensive pastoral farming (Rule 35) is Permitted in FMUs A, B and C, provided cattle are excluded from river beds and riparian planting completed by 2020;
  - Hydrocarbon well drilling and construction (Rule 54) is Permitted in all FMUs;
- Landfarming, fracking and deepwell injection (Rules 23, 24, 25) are Discretionary in all FMUs.
21. Surely there needs to be some differences in activity rules and management in different FMUs, to achieve different objectives and targets. Fish and Game NZ share similar concern with CJT in regards to the rules for FMUs (TRC, Oct 2015) <sup>17</sup>.
22. Importantly, the Taranaki District Health Board recommends that “*water sources that are known to supply human drinking-water supplies be categorised into FMU A*” (TRC, Oct 2015). But of course, this would only be meaningful if FMU-A receives more protection than other units.

## **Monitoring with Macroinvertebrate Community Index (MCI) and beyond**

23. CJT support the use of the MCI as a mandatory monitoring method. The Parliamentary Commissioner for the Environment described MCI as “*a critical measure of the life-supporting capacity of fresh water, and it should be added to the NOF*” (PCE, June 2015).
24. CJT request that MfE review the current methodologies used by different regional councils, especially the Taranaki Regional Council<sup>18</sup>, in measuring MCI. For accountability and meaningful comparison, it is important that the same protocol, tolerance values for taxa and interpretation of results are being used across the country.
25. CJT recommend MfE to consider making the monitoring of fresh water fish communities mandatory. (See also above point 15)
26. CJT question why there is no specific mention of pesticides or their residues in the consultation document. There is significant application of ecotoxic pesticides in agriculture across New Zealand and some of these will be transported into fresh waters. The impacts of pesticides including endocrine disruptors on fresh water fauna are well known. It is imperative that these are addressed in policy and legislation.

## **Stock exclusion from water bodies good but not enough**

27. CJT strongly support the exclusion of livestock from water bodies through a national regulation.
28. CJT request that stock exclusion be implemented as the proposed deadline or earlier, without delay.
29. CJT wish to point out that fencing off only permanent waterways greater than one metre in width and 30 cm deep is not enough. Detailed technical guidelines need to be provided to farmers and landowners to ensure that effective outcomes are achieved from fencing. Such guidelines should state clearly the required riparian buffer or minimum distances between fence lines and water bodies of different sizes, hydrological, soil and topographic conditions.

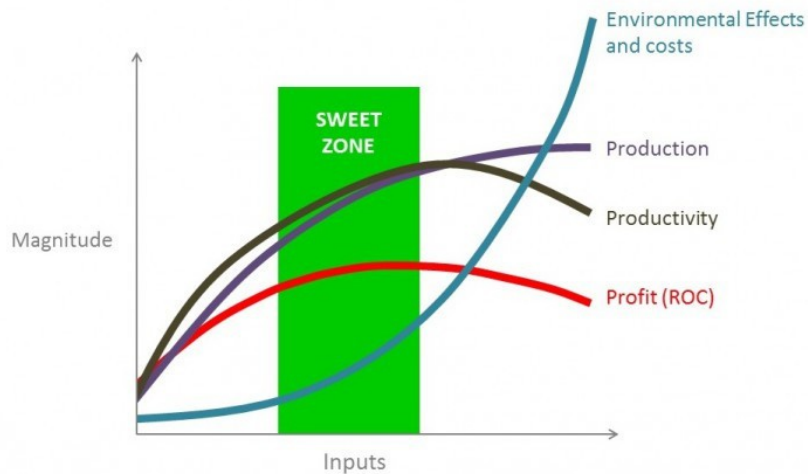
30. CJT seek clarification as to whether stock exclusion from significant wetlands will also become a national regulation? According to the Sustainable Dairying Water Accord launched in 2013<sup>19</sup>, dairy companies were also committed to excluding dairy cattle from significant wetlands identified by regional councils as at 31 May 2012 by 31 May 2014, almost two years ago. The first progress report<sup>20</sup> revealed that this target was yet to be achieved.
31. It is well known that riparian fencing and planting can only address some of the issues related to erosion, fecal (pathogen) contamination and excess nutrients (mainly Phosphorous). Fencing and planting will not help a great deal in terms of water quality without also reducing stock numbers, because Nitrogen loading to surface and groundwater come largely from non-point sources such as urine soak through paddock soils. Livestock urine is the largest source of nitrogen leaching from dairy farms, accounting for 90% of total N leaching (Foote, et al. 2015)<sup>21</sup>.
32. Stocking rate reduction, with the associated reduction of fertilizers (notably urea), supplementary feeds and other costly inputs, has been shown to generate not only environmental benefits and efficiency<sup>22</sup>, but maintain financial returns for farmers (Dewes, 2014<sup>23</sup>; Fraser, et al. 2014<sup>24</sup>; Sulzberger, et al. 2015<sup>25</sup>). Reducing stocking rates is also crucial in addressing the serious issue of soil compaction, as highlighted by the Environment Aotearoa 2015 report<sup>26</sup>.

## A cap on dairy conversion

33. CJT strongly recommend a cap or ban on further dairy conversion across the country, and especially in sensitive ecosystems and marginal areas and regions prone to water and land degradation. The situation in Canterbury is appalling and should not be repeated.
34. The Parliamentary Commissioner for the Environment's (PCE) 2013<sup>27</sup> report revealed a clear correlation between large-scale conversion to dairy farming and increases in the nitrogen stress on waterways. The most conversions between 2008 and 2012 have occurred in Waikato, Canterbury, Otago and Southland. In her 2015 update report<sup>28</sup>, the Commissioner explained, "*The complex nature of hydrological systems means that in some areas at least, the effects of land use change will not be fully seen for many years. The legacy of nitrate in groundwater has been termed 'the load to come'.*"
35. It is clear that the push for further dairy conversion and intensification to achieve ever higher production is not working economically or socially either. This push is reliant on ever increasing application of urea fertiliser, chemicals, imported palm kernel and in many places large-scale irrigation. Many dairy farmers are already hurting badly. The tumbling of milk prices<sup>29</sup>, cumulating debts from increasing inputs to meet production targets<sup>30</sup>, and tightening of environmental rules, make farming ever harder<sup>31</sup>. Farmers are struggling to pay debts<sup>32</sup>, while farm value continues to drop<sup>33</sup>. In Taranaki, the number of people receiving unemployment benefits<sup>34</sup> has risen significantly and the rates of suicide are creeping up too, although seldom reported.
36. It is time to 'pull our eggs out of the one basket' and diversify our agriculture into a range of sustainable products, based on systems that are environmentally friendly, socially responsible and economically resilience.

## Economic Use of Fresh Water

37. CJT are concerned that this section in the consultation document places overly heavy emphasis on 'economic growth', 'productivity', ways to 'free up resources for new users' and 'high value enterprises'. The document fails to recognize, or indeed emphasize, the natural limits of freshwater for consumption and for assimilation of pollutants, and the need for sustainable management.



38. While it is good to promote greater 'efficiency', the term requires clear definition. CJT argue that 'efficiency' must take into account environmental impacts and costs. See graph (Freshwater for Life, 2016)<sup>35</sup> above which illustrates the relationships between production, productivity, environmental impacts and costs, and profit (return on capital).
39. It is important to recognise that there are limits to productivity and profits despite increasing inputs. The 'sweet zone' represents the optimal business-operating zone where 'efficiency' is at its best.
40. The document states that *"if users become more efficient in their water use and reduce discharges it will create room for new users."* This is extremely concerning if the purpose of promoting 'efficiency' is to *"create room for new users"*. It does nothing to ensure environmental flows and reduce pressure or impacts on fresh water, at a time when many catchments are already beyond, at or approaching the limits of extraction and pollutant loading.

## Nutrient caps

41. CJT do not believe that the so-called 'good management practice standards' would be sufficient in halting or reverting the trend of degradation in our fresh water systems. The document states, *"where councils have chosen to allocate nitrogen and catchments are at or approaching full allocation, or are over-allocated, councils will be required to apply the standards over time."* This does not convey the sense of urgency that is required.
42. In fact, CJT argues that if we wait till a catchment is already approaching full allocation, it is already far too late. The Parliamentary Commissioner for the Environment 2015 report gave the example of Canterbury: *"Research by GNS has shown that nitrate in the groundwaters to the west of Christchurch is 30-to-60 years old and probably dates back to the increased application of fertiliser in the post-World War 2 era. We therefore have another 30-60 years' worth of nitrate still to travel through the groundwater system, affecting drinking water supply and lowland stream quality. It will be very difficult for more intensive irrigation and dairying to occur on the plains without the legacy of nitrate in groundwater increasing for future Cantabrians."*
43. In the case of Canterbury, Waikato and several other regions, an immediate ban or moratorium on dairy conversion and the issuance of new discharge consents would be appropriate. (See also submission points 30-34)

44. CJT question whether there are already clear standards and methodologies for determining whether a catchment is *'at or approaching full allocation, or are over-allocated'*; and if there are, whether councils are applying them?

## **Ban on all discharge of contaminants associated with hydraulic fracturing**

45. In Taranaki, the regional council issue consents for the discharge of contaminants associated with fracking into ground. Consents are also issued for companies to discharge surplus drill water, produced water and other contaminants from oil and gas drilling and production activities, into waterways or on land where contaminants may enter water. Drilling muds, oily wastes and return frack fluids (sometimes included in workover fluids) have also been spread on farmlands (so-called landfarms). CJT has written numerous submissions and other materials on the environmental problems of fracking and other oil and gas activities, as well as regulatory and monitoring issues, which are available on our website<sup>36</sup>.
46. Many nations and jurisdictions (e.g. France, Germany, Scotland, New York State) have now banned fracking, due to its documented and potential risks of ground and surface water contamination, and the associated health and environmental impacts<sup>37,38</sup>.
47. CJT, along with many other community groups including Forest & Bird, Greenpeace, Ora Taiao and ECO, urge that the discharge of all contaminants associated with hydraulic fracturing (fracking) for oil and gas be banned nationwide<sup>39</sup>.
48. CJT also call for a ban on the discharge into water (and land near water) of surplus drill water, produced water and other contaminants generated by the oil and gas industry.
49. There needs to be far more stringent requirements before any industrial contaminant is allowed to be discharged into waterways. There should be no such discharge near water takes / supply or springs.

## **Cap on water take for large-scaled irrigation and industries**

50. CJT do not believe that the so-called 'technical efficiency standards' would help address over-allocation, especially when the aim is to *"free up water for new users"*. The document states, *"In catchments that are at or approaching full allocation, or are over-allocated, councils will be required to apply the technical efficiency standards over time..."* This does not convey the sense of urgency that is required, as also noted in point 40 above.
51. Large-scale irrigation can be extremely damaging to surface and groundwater resources, ecosystems and natural landscapes, such as in Canterbury<sup>40,41</sup>. The issues are complex, as the rush to large-scale irrigation not only hastens the depletion of water resources but increases the amount and rate of nutrient leaching, resulting in degradation of water quality and heightened health risks. Large-scale irrigation schemes are often economically unsustainable, such as the case of the proposed Ruataniwha dam in Hawke's Bay<sup>42,43</sup>.
52. CJT argue that an immediate ban on new, large-scale irrigation (and phasing out of existing ones) is needed in the case of Canterbury and several other regions. (See also submission point 40)
53. There also need to be a cap on how much major industries (e.g. oil, gas, methanol and urea production in Taranaki) can abstract surface or groundwater, to ensure resource sustainability.
54. CJT is strongly against any water take for the commercial bottled-water industry which is extremely wasteful and unsustainable in terms of the energy and water needed to produce the bottles and the associated 'food miles' to markets. It also has the potential of competing with local access to high

quality water because of its 'high value' economically. The sale of an Ashburton District Council lot to a bottled-water company<sup>44</sup> is a case in point.

## **Users and polluters pay**

55. CJT believe that all commercial users of water (including industries and uses of large-scale irrigation) should pay for their water take locally, and it should only be allowed if the water take does not have adverse effects on domestic supply or the environment. The water fee should be used locally for maintenance of public water infrastructure and freshwater environment protection, monitoring and restoration. It could also contribute to a fund to support local community environmental initiatives.
56. CJT's support for the users-pay principle is in line with that from Forest and Bird, Fish and Game and the Maori Council<sup>45</sup>.
57. CJT also believe that there should also be a fee paid by commercial users, industries and farmers to discharge contaminants into surface or groundwater (including onto and into land where it may enter water bodies) which is proportionate to the quantity of discharge or scale of the operations. This fee should be in addition to the standard resource consent fee, and be used solely for local environmental projects, including community-based initiatives.

## **Iwi rights and interests in fresh water**

### **Te Mana o te Wai in freshwater management**

58. CJT support the two proposals 3.1 and 3.2 as long as iwi and hapu are responsible for wording those statements and checking the regional council policies.
59. Alongside iwi and hapu, the government should also help develop, fund and roll-out a community water monitoring system for marae, hapu and other community groups that fits with monitoring systems used by other iwi, councils, NIWA, MfE and other authorities. This could build on the Stream Health Monitoring and Assessment Kit (SHMAK), Cultural Health Index (CHI) and other systems created by iwi, hapu, scientists and the wider community. By training communities to understand and monitor the health of their waterways it broadens community knowledge, participation and kaitiakitanga, thus actively and practically interpreting and applying Te Mana o te Wai.

### **Iwi and hapū relationships with, and values for, water bodies**

60. CJT agree with the two proposals 3.3 and 3.4 but it is preferred that iwi and hapu are supported to identify and write their own relationships for regional planning documents. 'Engagement' needs to be defined so that it is not just engaging with a token Maori but with the appropriate local Maori authorities chosen by their people, and that engagement is meaningful, fully informed and has agreed upon outcomes.
61. Other particular iwi and hapu values might include access for transport such as on foot or by boat, paa tuna and other areas of use such as for dying clays, rongoa and preparing traditional kai.
62. As mentioned above in point 55, funding iwi and hapu to monitor and protect their waterways would really assist them to engage. As Maori have become more and more disconnected from their whenua and tikanga through confiscation and urban drift for economic reasons, their knowledge and values have in some places changed. Direct and regular connection with their waterways and people will



help to restore the values.

## **Participation in freshwater decision-making**

63. While CJT support proposal 3.5, there needs to be space for hapu or other large groupings such as at Parihaka to directly engage with council. There also needs to be bare minimums laid out for how the two parties will work together to provide at least some direction and 'safety net' for hapu and iwi who may not yet fully understand the policies, procedures and informal workings of councils and central government.
64. Funding for hapu/iwi to do their own research and to fully participate with council needs to be provided. While it is a good idea for Maori organisations to be able to self-identify it should also not be left up to them to do so and initiate this work. Government and Councils should actively notify known Maori groups of these opportunities utilising the services of Maori organisations like Te Puni Kokiri to find other groups.

## **Water conservation orders**

65. CJT suggest changes to Proposal 3.6:
  - consultation needs to be defined as being meaningful and fully informed with any outcomes recorded and agreed upon by the two parties. 'At *least* one person nominated' would be better than just one.
  - the needs and rights of iwi/tangata whenua should be considered and their taonga eg. tuna vs trout.
  - The protection of native riparian and wetland species needs to be greater emphasised in the RMA to actually protect them. Almost three quarters of our native fish species are threatened, vulnerable or endangered. Many birds and plants are also under threat. WCOs could be placed on water bodies for this reason alone.
  - while WCOs should be required to consider council planning, councils should equally be required to consider WCO planning and not hinder progress to protect these important areas.
  - again delays to council planning should equally be allowed if there is conflict with WCO planning. A genuine reason must be given so it cannot be abused to gain advantage. Any delays should have a specified time limit with a minimum and maximum limit for both parties.

## **Implementation support**

66. Proposal 3.7 should also include funding relevant research.

## **Clean, safe drinking water for marae and papakainga**

67. CJT agree that the government should provide any necessary funding to ensure adequate water supply and waste water treatment for marae and papakainga.
68. Consents for water takes need to consider marae and papakainga users are not adversely affected. Consents for discharges in, near or onto land near water take sites need to end. Consents to discharge into or near springs or disturb land near springs need to end.
69. Assistance with repairs and maintenance to water supply and treatment infrastructure need to be made available to marae and papakainga and considered when upgrading systems.
70. The rights of people to use water for drinking and for riparian flora, fauna and health need to be placed over the rights of water use for commercial reasons, eg. petroleum exploration, washing down cowsheds. Restrictions need to be put in place before impending droughts, and during droughts, such as no water use for cow shed wash downs or irrigation.

## Implementation of NPS-FM and NOF at regional level

71. CJT are concerned about the implementation of the NPS-FM and NOF at regional level. For example, Fish and Game *“does not believe the current draft Plan [Fresh Water and Land Management Plan for Taranaki] gives effect to the RMA NPSFWM”* (TRC, Oct 2015).
72. Re consultation or engagement with Maori in regional fresh water management, the draft Plan has only one mention of the word ‘consult’, in their guide to consent applicants: *“You are encouraged to consult with any people likely to be affected by your activity, including tangata whenua if their interests are affected.”* Of the 97 rules, 15 of them specify that consent applications will NOT be publicly notified while none specify the contrary.
73. What kind of support or incentives are there to ensure that regional councils implement the NPS-FM and NOF effectively so that freshwater is indeed managed within limits and its quality is maintained or improved over time? What are the deterrents or consequences if councils do not abide by the NOF and other standards that MfE has set?

## Climate Change

74. The NPS Policy A1 and B1 require regional councils to have regard to *“the reasonably foreseeable impacts of climate change”* when establishing freshwater objectives, quality limits and environmental flows or levels. Yet the draft FWLMP for Taranaki has only one mention of climate change – a footnote which relates to the installation of culverts and bridges.
75. CJT ask that the subject of climate change be further elaborated in the consultation document, to ensure that councils implement fresh water planning and management with regards to the impact from and on (e.g. the flooding of vegetation for dams or conversion of forests into pastures) climate change.
76. CJT have submitted on the Resource Legislation Amendment Bill<sup>46</sup>, calling for changes in the Resource Management Act which would allow councils to consider the impact of activities on climate change.

## Freshwater Funding

77. CJT applaud the government’s announcement, in 2014, to allocate \$100 million over 10 years to buy and retire selected areas of farmland next to important waterways to create an environmental buffer.
78. CJT welcome the broadening of focus of this funding to include some initiatives beyond purchasing land for retirement, but only if the main focus and bulk of the funding is reserved for purchase and management of the retired land.
79. CJT request detailed information and examples of irrigation schemes that have provided “significant environmental benefits” as stated in the consultation document.
80. CJT strongly object to the use of this fund to support any irrigation schemes, especially large-scale schemes.
81. On the contrary, CJT call on the government to divert all of its investment in irrigation, including the Irrigation Acceleration Fund, to fund programmes and projects that help understand, protect, manage and restore our fresh water resources.

- 1 Climate Justice Taranaki website: [www.climatejusticetaranaki.info](http://www.climatejusticetaranaki.info)
- 2 Ministry for the Environment, 2016. Next steps for fresh water: Consultation document. <http://www.mfe.govt.nz/publications/fresh-water/next-steps-fresh-water-consultation-document>
- 3 Ministry for the Environment, 2014. National Policy Statement for Freshwater Management. <http://www.mfe.govt.nz/publications/fresh-water/national-policy-statement-freshwater-management-2014>
- 4 Ministry for the Environment, 2016. About the Resource Legislation Amendment Bill 2015. <http://www.mfe.govt.nz/rma/rma-reforms-and-amendments/about-resource-legislation-amendment-bill-2015>
- 5 Taranaki Regional Council, April 2015. Draft Freshwater and Land Management Plan for Taranaki, April 2015. <http://trc.govt.nz/assets/taranaki/environment/water/DraftPlan2015/DraftPlan-April2015W.pdf>
- 6 TVNZ One News story: Hikoi calling for 'swimmable rivers' meets MPs outside Parliament, 29 March 2016. <https://www.tvnz.co.nz/one-news/new-zealand/hikoi-calling-swimmable-rivers-meets-mps-outside-parliament>
- 7 Parliamentary Commissioner for the Environment, June 2015. Managing Water Quality: Examining the 2014 National Policy Statement. <http://www.pce.parliament.nz/media/1638/managing-water-quality-web.pdf>
- 8 Parliamentary Commissioner for the Environment, 2014. Drilling for oil and gas in New Zealand: Environmental oversight and regulation. <http://www.pce.parliament.nz/publications/drilling-for-oil-and-gas-in-new-zealand-environmental-oversight-and-regulation>
- 9 NZ Herald, 30 May 2013. Joyce made 'backroom deal' over high seas protest ban – Labour. [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10887489](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10887489)
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