

Date: 1st July 2013

Orari Environmental Flow and Allocation Regime Steering Committee to the Proposed Canterbury Land and Water Plan

Hearing Three Orari Sub Chapter (Section 14)

Reply to Commissioner Questions by Judy Blakemore

1- *In reaching the consensus described in paragraph 2.3, did the steering committee take into account the purpose and principles of the Resource Management Act (RMA)? If so, how was that done?*

Yes I believe the purpose of the RMA, Section 5 provides for sustainable management which means considering the social, economic and cultural wellbeing of the natural and physical resources. The Steering Committee is comprised of a cross section to represent these various interests. Reports on all aspects(ecological, economic and social but the cultural report was late) were presented to the committee who discussed the impacts, requested additional models to be developed until consensus was reached that the minimum flow would cater for the natural and physical environment whilst the financial impact for farmers was manageable.

2- *In reaching that consensus, did the Steering Committee take into account the objectives and policies of the National Policy Statement on Freshwater Management? If so, how was that done?*

ECan staff facilitated the Committee and provided planning advice. The Committee was aware during the decision making process of the NPS and the requirements the objectives and policies for water quantity. The policies in the plan and Table 15 ensure over-allocation is phased out along with increasing minimum flows, to restore the life-supporting capacity, ecosystem processes and indigenous species within the Orari Catchment as recommended by the NPS.

3- *In reaching that consensus, did the Steering Committee take into account any applicable contents of the Canterbury Regional Policy Statement 2012? If so, which content were considered relevant? And how were they taken into account by the Committee?*

We were assured Ecan planners gave consideration to all the relevant planning documents, including the Freshwater chapter of the RPS. We understood the CWMS vision, principles and targets were incorporated into the objectives and policies of the RPS. The Committee were very familiar with the CWMS documentation. The Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 requires that the LWRP has particular regard to the CWMS. We therefore took into account the CWMS targets during this process.

After reviewing the RPS 2013 now, I consider our decision gave effect to all aspects of Policy 7.3.4 Water Quantity in the RPS. I consider we have addressed all the specific policies and they are reflected in the notified plans policies and rules for the Orari Catchment.



Judy Blakemore
1st July 2013

Reply to Commissioner Questions by Mark Whitby Webb

The Hearing Commissioners have asked me eight questions and I respond as follows:

1. *Has the cultural review of the Orari Catchment referred to in paragraph 15.6 been completed and reviewed by Environment Canterbury? If so, can a copy be provided to the Hearing Commissioners?*

The members of the Steering Committee were notified by Jo Stapleton (Senior Planner, Environment Canterbury) on 17 May that the final Coopers Creek, Orari ecology and cultural report were available on the Environment Canterbury website. Ms Stapleton noted that the cultural report was labelled “Draft” but was no longer a draft.

I don't cannot confirm if Environment Canterbury have reviewed the cultural report. I assume they have prior to making it available.

I emailed a copy to Sarah Drummond on 24 June 2013.

2. *In the statement in the second sentence of paragraph 16.15 that “... restrictions are probably being applied at higher stream flows than necessary to protect the low flow” only true if the total allocation is never used?*

I agree. If the full allocation is never used, then restrictions are applied too early. Equally, on any day when full allocation is not used and the river is at or below the flow where restrictions are applied, then those remaining irrigators who are taking water may be unnecessarily restricted. The policy providing for water user groups to self-manage is a key mechanism for dealing with restrictions and minimum flows.

The information the Steering Committee had during the development of the plan indicated that on average 30% of the consented flow rate was used and this peaked at an average of about 40% in February. This information was provided from trial metering of

27 takes in the Orari Catchment from 2004 to 2010. However we are aware that some individual users may at times use their full consented flow rate.

Under the “existing” regime (minimum flow of 200 l/s and u/s Ohapi and total restriction on abstraction) there have never been any restrictions. Although the Orari is over allocated, the minimum flow is so low that restrictions have never been applied. With minimum flows increasing we believe there is incentive for irrigators to more closely align allocation with current actual use.

3. *Is it Mr Waugh’s evidence that the lower Orari, upstream of Ohapi Creek,*
1) the existing minimum flow (200 l/s) is “clearly inadequate” (Waugh par 7.3)

Yes

- 2) the ecological flow assessed by the proposed NES would be 1197 l/s (say 1,200 l/s) (Waugh par 7.6)*

Yes

- 3) instream flow values need protection up to around 1,000 l/s (Waugh par 7.4)*

Yes for the low flow component of an environmental flow regime. The steering group agreed that an interim low flow acceptable to the community would be 500 l/s with 1:1 flow sharing to provide an additional 500 l/s retained in the river in river flows up to 1,500 l/s, until the recommended implementation of a 900 l/s low by 2040.

- 4) many habitat curves don’t drop off until flows increase to above 900 l/s (Waugh par 7.4)*

Yes

4. *Is that evidence indicative of the flows at which the life-supporting capacity of the water may be safeguarded?*

Yes.

It is also my evidence (paras 16.4 and 16.5) that habitat available for key wildlife is satisfied by flows in the Orari at u/s Ohapi of between 500 l/s and 900 l/s derived from the relationships of flow and weighted usable area established by Golder Associates and reported to Environment Canterbury (Report Number 0978110107-001-R-RevB). This information is specific to the Orari and I believe should be given more weight than default settings based on general flow characteristics such as those in the proposed NES. The specific should be preferred over the general.

5. *Unlike the Orari Steering Committee, the LWRP has to assist the Council to carry out its*

functions in order to achieve the purpose of the RMA. Given that overarching purpose, should the LWRP set an environmental flow of at least 1,000 l/s?

In terms of the proposed 2040 value for the low flow, I don't believe 1,000 l/s or greater will achieve any more than 900 l/s. Habitat suitability curves for key Orari species generally show habitat area decreasing in flows over 900 l/s.

An environmental flow is not a single flow value determined to be a minimum flow or low flow. According to the CWMS an environmental flow has components that include the low flow plus above that, natural flow variation, and flood flows. The Steering Committee believes it's interim flow regime from three years after the plan is operative, has these three components and constitutes an environmental flow regime as detailed in my evidence provided already.

Flows of 900 l/s and 1,000 l/s are both too low as environmental flows because they don't allow for the other two components of an environmental flow – natural variation above the minimum and flood flows. Provided that a flow of 900 l/s is maintained as a low flow and there is adequate provision for sharing of natural flows above the low flow, and there are flood flows, then I cannot see why 900 l/s as a low flow would not be satisfactory.

The flow regime proposed by the Steering Committee from three years after the plan is operative, provides a low flow of 500 l/s and two flow sharing bands up to approximately 3,800 l/s, The low flow is proposed to rise to 900 l/s by 2040, and the A allocation is proposed to reduce by almost 50%.

These proposals would see considerable improvement in ecological conditions in the Orari in the range of flows that occur most frequently. Provision for access to B allocation of 1,400 l/s for irrigators to offset the reduced reliability of their A allocation due to the higher minimum flow, is provided in the river flow range that would constitute a fresh or flood. The B allocation will have little if any impact on the ability of flood flows to achieve their channel shaping functions.

6. *Should the LWRP set the environmental flow to become effective when the plan becomes operative?*

No.

The Steering Committee represents the Orari Catchment community and in developing the plan, agreement and understanding of the competing needs for the environment and abstraction were achieved. No one achieved everything they wanted but the overall balance was accepted. If the LWRP shifts the balance then the goodwill of the local community and their willingness to take part in the CWMS process will be undermined

7. *Would the plan leaving the effective date for the environmental flow until 2040 give*

effect to the NPSFM, policy E1?

Yes

The Steering Committee adopted its target for implementation as 2040 to mirror achievement of CWMS targets, being targets specific to Canterbury.

I believe that if the LWRP includes the environmental flow conditions developed by the Steering Committee, or similar, then the NPSFM will not apply to the Orari Catchment because it will have in place environmental flows specified in an operative regional plan.

8. *Would the plan leaving the effective environmental flow until 2040 give effect to the RPS?*

Yes

RPS Policy 7.3.4 –Water Quantity, provides for the management of abstraction by establishing environmental flow regimes and water allocation regimes that among other things,protect flows, freshes and flow variability required to protect the life-supporting capacity and where the quantum of water allocated for abstraction exceeds the maximum amount provided for in an environmental flow and water allocation regime, set a timetable for identifying and undertaking actions to effectively phase out over-allocation.

The RPS does not specify a date for these actions and I believe the Steering Committee flow regime achieves all of these outcomes and complies with the RPS.



MW Webb
1st July 2013