

Tena Koutou Katoa Commissioners Solomon, Sheppard and van Voorthuysen

Thank you for the opportunity to speak today

Ko Torlesse toku maunga

Ko Waimakariri toku awa

Ko Nicky Snoyink toku ingoa

Ko ahau te tangata titi mo te ngahere me te Manu

My mountain is Torlesse

My river is Waimakariri

My name is Nicky Snoyink, and I am here representing Forest & Bird.

Forest & Bird is Aotearoa New Zealand's oldest conservation organisation. Our purpose to be a voice for nature on land, in freshwater and in the ocean, is unchanged since 1923.

Forest & Bird takes a strong interest in Canterbury water, especially braided rivers. Our supporters are active in region wide ecological restoration, biosecurity and for decades have led and participated in bird surveys on many Canterbury rivers and lakes – in fact, there is one happening this Saturday on the Ashburton River.

I would like to acknowledge some of the other submitters, in particular Dr Graeme Fenwick and his submission on groundwater ecosystems & stygofauna; the Orarari River Care group, and especially for bringing the work of Dr Humphrey and the “nitrate in water research group” into the fold; and the Christchurch City Council; whose submissions Forest & Bird support.

Forest & Bird has not been actively involved in the development of the OTOP ZIP; however we have provided feedback at several stages. I want to acknowledge the hours of genuine effort that many community members have committed to the CWMS zone committee process, which we initially supported.

We are of the view that the zone committee process went badly awry when the guiding principle of first order priority considerations: the environment¹, customary uses, community supplies and stock water appeared to be subverted by second order priority considerations: particularly irrigation.

Subsequently, we chose to withdraw from the CWMS ZC processes disheartened by the notion that our key concern (the environment, a first order priority) was not core to the conversation in a

¹ environment includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

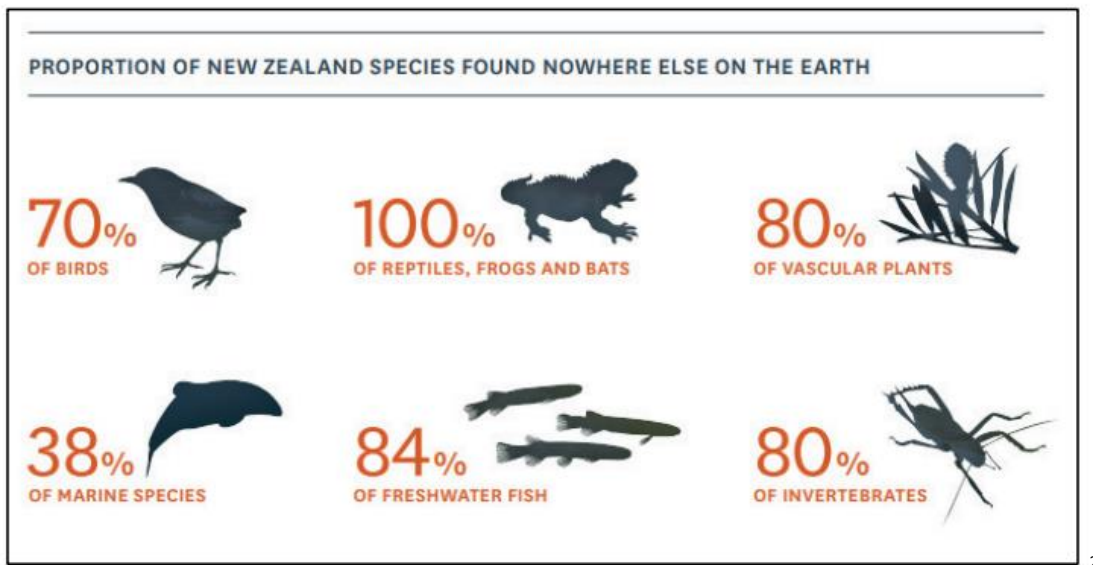
process that appeared to be captured, and driven by a preference for balancing first order and second order priorities, equally.

The approach taken with zone committees, in our view, was fundamentally flawed & further complicated by ambiguous central government policy.

Like Dr Humphrey, Forest & Bird is guided by the principle that the health of the people (and indeed the economy) is entirely dependent on a healthy, functioning natural ecosystem.

And for us, the abundance of native species that rely upon healthy ecosystems is an indicator of ecosystem health.

New Zealand has an extraordinary number of endemic native species – that is species found nowhere else on the planet. This includes...



4000 native species are threatened or at risk of extinction

(threatened means facing extinction and at risk means they could easily become threatened if conditions get worse)

A further 5000 species are recorded as data deficient – meaning there is not enough information to know if they are in trouble

76% of New Zealand's 58 native freshwater fish species are threatened or at risk

85% of land reptiles are threatened or at risk

91% of seabirds are threatened or at risk³

(Main threats: habitat loss, pollution, introduced invasive pests, predation, climate change & in the case of seabirds, fishing practices)

Aotearoa New Zealand's native species are in crisis

² TE KOIROA O TE KOIORA August 2019

³ Te Mana o te Taiao

Canterbury's alpine fed braided rivers are hanging on by a thread, the ground water quality appears to be on an alarming downward trajectory, and the foot hill fed rivers and streams are, at best on life support. This does not suggest balance.

Plan Change 7 does not go far enough, or fast enough in terms of environmental limits or targets; and in F&B's view, it does not give effect to the NPS-FM fundamental concept of Te Mana o te Wai.

There are three aspects of the F&B submission that I wish to speak about today.

- The National Policy Statement for Freshwater Management 2020 and Te Mana o te Wai
- Indigenous Freshwater Species Habitat
- Managed Aquifer Recharge and Targeted Stream Augmentation

1. The NPS-FM 2020 & Te Mana o te Wai

The NPS-FM 2020 came into force on 3 September. The NPS is supported by the National Environmental Standard Freshwater regulations. Together these instruments usher in a significant step change for freshwater health.

The fundamental concept of Te Mana o te Wai has been embedded in several iterations of the NPS-FM and in the 2020 version is given significant weight, which needs to be given effect to as soon as reasonably practicable⁴.

Te Mana o te Wai refers to the importance of water; and recognises that protecting the health and mauri of the freshwater, protects the health and wellbeing of the wider environment and people.

Te Mana o te Wai framework is made up of 6 principles that inform its implementation.⁵

There is a hierarchy of obligations that prioritises:

- First, the health and wellbeing of water bodies and freshwater ecosystems
- Second, the health needs of people, such as drinking water sources
- Third, the ability of people to provide for social, economic, and cultural wellbeing now and in the future.

This hierarchy is not dissimilar to F&B interpretation of the CWMS first and second order priorities.

Te Mana o te Wai requires a holistic view of ecosystem health, a ki uta ki tai approach from the mountains to the sea, including linking surface water to ground water, and the ocean; and land use to water; and it places the needs of the waterway fairly and squarely at the centre of decision making.

It also requires freshwater to be managed as part of New Zealand's response to climate change.

It requires degraded water bodies and freshwater ecosystems to be improved and all other waterbodies and ecosystems to be maintained and preferably improved (I doubt that few communities would disagree with this).

The NPS-FM requires the national bottom lines for a range of ecosystem health attributes to be met as soon as practicable, including a new national bottom line for nitrate toxicity in rivers, of 2.4 mg nitrate-nitrogen per litre.⁶ This limit is a huge improvement on 6.9mg/l, especially for human health.

⁴ NSFM Part 4 Timing and transitionals 4.1 Timing

⁵ NPS-FM 1.3 Fundamental concept – Te Mana o te Wai p5

However, this bottom line misses the mark for ecosystem health i.e. the native fish will likely be dead long before the nitrate reaches 2.4 mg/l. Adopting the Science and Technical Advisory Groups recommendation to MFE, for a further attribute for nitrate – for ecosystem health – to be set at 1.0 mg/l would be necessary to avert native fish catastrophe.

Giving effect to Te Mana o te Wai appears to tip Canterbury’s freshwater management system on its head. Ostensibly, objectives and policies in the CLWRP appear to align with intent of Te Mana o te Wai, but in PC7 there appears to be a disconnect in the detail and lack of clarity in practice, regarding how and when, limits and targets will be met, and whether proposed regulation will deliver on desired outcomes.

2. Indigenous Freshwater Species Habitat

Forest & Bird is concerned that the definition of Indigenous Freshwater Species Habitat in PC7 is incomplete. The list of freshwater species does not acknowledge the full suite of native species that utilise freshwater ecosystems as habitat, including native braided river birds, lizards, invertebrates, and ground water indigenous biodiversity including stygofauna.

At risk and declining species, long finned eels (& for that matter short finned) appear to be absent from the list. Eels can travel the length of the river during their life cycle, so to them the entire length of the river would seem important as habitat.

Some of New Zealand’s most threatened endemic bird species including Wrybill⁷, banded dotterel⁸, tarapuka black billed gull⁹, kaki black stilt¹⁰, and tara black fronted tern¹¹ use different parts of a braided river, including the mouth and hapua, the braid plains, the gorges, and the upper reaches in the high country, during their life cycle. So, again the length & breadth of the river would seem important habitat for these species.

Skinks and geckos likely inhabit rocky outcrops and dry parts of the riverbeds, along the length of some rivers.

We acknowledge that identifying and mapping the whole river as habitat for indigenous freshwater species is an approach not supported by some submitters, because it would become very restrictive.

However, we submit that this is perhaps the point of Te Mana o te Wai, as set out by the hierarchy, and which supports the concept of ki uta ki tai – from the mountains to the, as a holistic approach to managing freshwater ecosystems.

While mapping habitat is useful, more important is a rule framework that drives behavioural change to provide for adequate, healthy habitat for all native freshwater species during the different phases of their life cycle.

(higher low flows, good quality water, natural flushes and floods, natural processes, lower nutrient contamination, less weed invasion, removing barriers to fish passage, adequate pest & control, reducing human and farm animal driven habitat loss and damage etc.)

⁶ NPS-FM Appendix 2A – Attributes requiring limits on resource use

⁷ Wrybill nationally vulnerable

⁸ Banded Dotterel nationally vulnerable

⁹ Black Billed Gull nationally critical

¹⁰ Black Stilt nationally critical

¹¹ Black fronted tern nationally endangered

We do not consider the piecemeal approach in PC7 for mapping habitat for an incomplete list of indigenous species is adequate to give effect to Te Mana o te Wai or the Canterbury Regional Policy Statement objectives for freshwater¹² or indigenous biodiversity¹³.

We suggest that an alternative approach could be to consider identifying and mapping freshwater ecosystems in their entirety in the similar way territorial authorities are required to identify SNAs.

3. Managed Aquifer Recharge and Targeted Stream Augmentation

Forest & Bird have fundamental concerns with managed aquifer recharge (MAR) and targeted stream augmentation (TSA), to repair damaged freshwater ecosystems, because of significant groundwater nitrate pollution, over allocation and a perceived inability to meet minimum flows and water quality targets.

If MAR and TSA are to be incorporated as an activity in the CLWRP,

- a) the activity status needs to be non-complying
- b) there is to be a compelling case for its use; and
- c) its use must only be after all other options have been tried in the catchment, including reviewing water take consents and reducing pollution sources
- d) or where the situation is dire, in combination with these options.

Desperate times may indeed call for desperate measures. F&B contends that MAR and TSA are band-aid solutions and must categorically remain the ambulance at the bottom of the cliff.

Thank you for the opportunity to speak.

Kia ora.

¹² CRPS Chapter 7

¹³ CRPS Chapter 9