

Has the National Government finally and fatally ‘spiked the guns’ of environmental protection of our lakes and rivers?



NEW ZEALAND'S NEW NATIONAL STANDARD IN FRESH WATER QUALITY

Good enough for wading, boating, and buggerall else.

IT'S NOT GOOD ENOUGH

On July 3rd, the Ministry for the Environment announced the **National Policy Statement for Freshwater Management**¹ effective from 1 August 2014. This directs regional councils to establish objectives and set limits for fresh water in their regional plans, and gives regional councils specific direction on how this should be done. It sets minimum safety levels for such waters, those being that they must be moderately safe for boating and wading, but **not** fishing, swimming or (heaven forbid) touching the stuff.

Environmentalists, scientists, and others with actual expertise in the subject were quick to comment, pointing out that such standards were unacceptably low. These included Greenpeace, Forest & Bird, ECO and the Environmental Protection Society. **Dr Mike Joy of Massey University** described them as ‘a licence to pollute’. "Rivers are getting worse, lakes are getting worse. This should be something that puts the brakes on, but instead it's an opening-up. It's like lifting the speed limit from 50kmh to 500kmh - that's the kind of level of change around nitrate pollution." Joy said more than 90 per cent of rivers in lowland areas - those coming from urban areas and farms - were already too dangerous to swim in.²

Prof Jenny Webster-Brown, Director – Waterways Centre for Freshwater

Management, commented: ‘A National Bottom Line that seeks to ensure that there is no more than a ‘moderate risk of infection ... when wading or boating’ is aiming too low. New Zealanders want to be able to swim in their waterways, and not endure a ‘moderate’ risk of infection. We should be aiming to protect human health to a greater degree. Also there is a lack of any guidance on nitrogen and phosphorous limits to prevent nuisance algal growth in rivers.’³

Dr Roger Young, Coastal Freshwater Group Manager (Freshwater), Cawthron

Institute, said: ‘there is considerable scope for improvement if it is to be effective in improving the management of all water bodies. For example, there is no framework for managing wetlands, groundwater or estuaries and no guidance on appropriate objectives for water temperature, pH, sedimentation, invertebrates, fish or toxicants other than nitrate and ammonia. I am disappointed that the objectives for dissolved oxygen are only considered applicable to rivers downstream of ‘point sources’. I believe that they should apply to all rivers.’³

Professor David Hamilton, President of the New Zealand Freshwater Sciences Society,

said: There will need to be national-level guidance for Councils on the definition of freshwater management units to define these units consistently. The Macroinvertebrate Community Index (MCI) is considered by the Ministry for the Environment itself to be a robust and useful way to assess environmental health in wadeable rivers and streams, but for legal reasons is not included in the National Objectives Framework. We recommend inclusion of a suitable biological indicator to complement periphyton, which is currently the only biological indicator used to assess river and stream ecosystem health in the NPS-FM. This is particularly important as Councils implement the nutrient limits required of them by the NPS-FM.

NZFSS wishes to see goals set so that water bodies below the bottom line remain so for the least-possible period of time, thus necessitating sustained restoration actions. Also, very little or no information exists on limit setting for wetlands and estuaries, which are some of the most threatened aquatic habitats in New Zealand, nor are there specific objectives for groundwater.’³

Dr Angus McIntosh, Professor of Freshwater Ecology, University of Canterbury,

comments: ‘we need to aim higher to ensure freshwater ecosystem health. We do need achievable limits, but they also need to be effective. Most importantly, the bottom lines described in the National Policy Statement are far away from where negative effects first start to happen. Once water quality gets to these bottom lines, the horse has effectively bolted and local communities will be faced with decades of expensive and difficult rehabilitation. Likewise, focusing on toxicity effects (e.g., for river nitrate) misses the potentially more important chronic effects.

“Bottom lines just associated with water quality are also insufficient to diagnose causes and prescribe solutions. For example, two important stressors of river ecosystems, low water flow and fine sediment, have not been included. An additional concern is that there are no bottom lines associated with more integrative measures of river ecosystem health like fish and insect populations. These really are the canary in the mineshaft of rivers, and the ultimate measures of ecosystem health’.³

Dr Marc Schallenberg, Fresh water scientist, University of Otago, said: “One worry that I have about the limits released by MfE today is that there is no continuity between rivers and downstream lakes/estuaries (receiving environments). Rivers discharge nutrients to lakes and estuaries, where sub-toxic levels of these pollutants could cause severe impacts on the health of the receiving environments (e.g., algal blooms, deoxygenation, fish kills, etc.). So the nutrient connectivity between rivers, lakes and estuaries is missing from this limits framework. In other words, the limits framework doesn’t take a whole catchment approach to managing nutrients in aquatic ecosystems – something which it should do.

“The nitrogen levels allowed in rivers are determined by toxicity, not by the effects of nitrogen on freshwater ecosystem health. There are no limits specified for phosphorus in rivers. So under this limits framework, rivers are allowed to have levels of nitrogen and phosphorus that far exceed levels that would safeguard aquatic ecosystems from algal blooms. For example, the bottom line river toxicity limit set for nitrate (NO₃) is 6.9 mg/L and that for ammonium (NH₄) is 1.3 mg/L and, even individually, these far exceed the bottom line ecosystem health limit for total nitrogen set for lakes (0.75 – 0.8 mg/L).

“Viewed with a cynical eye, one could conclude that the government’s focus on nitrate and ammonium toxicity instead of the ecosystem health effects of these pollutants (as well as the lack of phosphorus limits for rivers) is a loophole for dairying, which leaks large amounts of nitrogen from cattle urine and fertilisers into surface waters and groundwaters – a major cause of the deterioration of our freshwaters.”³

University of Otago’s freshwater ecologist Assoc Prof Gerry Closs said most rivers and lakes in the country would be suitable for wading or boating. "It's pretty loose. God help you if you swallow the water though," he said.⁷

Farmer, irrigationalist and (oh yes) **Minister for the Environment Amy Adams** quickly came out saying all of these experts were wrong and being deliberately misleading. “It is not the Government’s intention to require every stormwater drainage channel across New Zealand to be suitable for swimming, because of the significant costs this would impose unnecessarily” she said. “The national standards are focussed on targeting those waterbodies that are currently below these levels, and do not affect waterbodies where councils have chosen a higher standard”.⁴

This is an important point that we will return to.

Unsurprisingly, **Regional Councils** were enthusiastic about the announcement, something else we will return to. Greater Wellington Regional Council Chair, Fran Wilde said: “the standards provide a clear direction from central government while allowing local democracy to do its job”.⁵ (*remember this is the party planning on destroying Wairarapa’s public rivers for storage lakes to produce private profit*). Taranaki Regional Council – that bastion of dairying and drilling, said: the new standards would not cause particular challenges for Taranaki.⁶ (*A map by the National Institute of Water and Atmospheric Research (Niwa) published in May showed that high agricultural producing regions, including all of Taranaki, were all in the "red" zone of nitrate levels - above 0.8mg a litre*). Otago Regional Council planning director Fraser McRae said the numbers set in the council's recently launched 6A water quality plan change were "well above" those the Government had set for band A

(suitable for swimming). The council set its standards higher due to the water quality being so good in Otago and the community not wanting it to be degraded, he said. ⁷

Now those of you with a healthy suspicion of happy coincidences will have noticed that all this just happened to coincide with the Federated Farmers Annual Conference. It probably won't have escaped your notice that, with smug smiles on their faces, they welcomed the announcement (given jointly by Amy Adams and MPI Minister Nathan Guy) as 'workable'. This may have seemed a little odd, considering that previously they had been publically and viciously vilifying Mike Joy and Norman Russell for having the temerity to suggest they were somehow responsible for some of the pollution in our rivers and lakes – and wanting something done about it.

If that didn't start ringing alarm bells, then the announcement the next day by Hawkes Bay Regional Council, that they wouldn't be appealing the Board of Enquiry findings on the Tukituki River should have. Hadn't the Council described those findings as 'unworkable', and indicated that appealing was likely? Hadn't the BOI set the nitrogen limit for the Tukituki River at 0.8 mg/l, a much lower figure than the 6.9mg/l set by Amy Adams in the National Standards? Why would they 'accept' that?

The answer to these seeming paradoxes become a lot clearer when you look at the wording of the National Standards, as we alluded to above. The appallingly lax and incomplete standards that the National Government has just bought in, which compromise the health of both humans and water bodies, are the *minimum* standards and Councils can chose to implement higher standards if they want to. So if the Tukituki River DIN limit is exceeded a few years down the road, environmentalists will argue for ratcheting down the on-farm leaching rates, as the BOI foresees. But the HBRC, if it maintains its historic and current mindset, can be expected to say: NO, we can't do that ... we've already built a dam and farmers have borrowed millions to irrigate and intensify. We must raise the DIN limit instead ... or better still, toss that approach entirely, and switch to more accommodating fish toxicity limits. The BOI might well turn out to be a minor bump in the road — mere road kill — for the dam juggernaut. ⁸

So there you have it. This malignant piece of legislation not only compromises human and waterbody health in favour of agricultural and industrial pollution, but it compromises the future of every river, lake and freshwater fishery in the country. Anywhere where you can load a Regional Council with enough farmers and industry advocates (and most of them already are), then freshwater quality is at risk, because they can decide to allow such waterways to deteriorate to the minimum standards, regardless of what they started out as. And don't forget that the reforms to the RMA that this National Government has already bought in direct Councils to give extra weight to agricultural and industry developments.

Now if you are anything like me, the enormity of this assault upon our freshwater environment actually makes future choices easier. As I have stated before, a simple yardstick I use is: when something threatens our freshwater fisheries, but more importantly when my grandkids can't go down to the local river to play without likely getting sick; then I start looking for butts to kick. In this case, they stand out like dogs balls. A corrupt National Government, and Regional Councils who have given up representing the interests of the people who elected them to office.

On September 20th of this year, there is a general election. It is my chance to vote this current pack of despoilers out of office. My chance to be able to look my grandkids in the eye and say I stood up for your right as kids to play, swim and fish in the local creeks and rivers as we played, swam and fished there. To be kids. I hope that you will join me. Look at what the other political parties are saying about recreation and the environment ⁹. Make your choice. Just don't give your vote, particularly your party vote, to National. They have sold their right to it.

Personal Opinion from Ken Sims
Executive Member
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1. <http://www.mfe.govt.nz/publications/rma/nps-freshwater-management-2014/index.html>
2. <http://www.stuff.co.nz/business/farming/agribusiness/10231713/Water-rule-changes-seen-as-licence-to-pollute>
3. <http://www.sciencemediacentre.co.nz/2014/07/03/freshwater-national-standards-set-experts-respond/>
4. <http://www.scoop.co.nz/stories/PA1407/S00110/minister-corrects-incorrect-claims-about-national-freshwater.htm>
5. <http://www.scoop.co.nz/stories/PO1407/S00065/regional-councils-support-national-water-standards.htm>
6. <http://www.stuff.co.nz/taranaki-daily-news/news/10234988/Water-standards-easily-achievable>
7. <http://www.odt.co.nz/regions/otago/308281/freshwater-standards-appraised>
8. <http://www.scoop.co.nz/stories/AK1407/S00076/will-the-tukituki-get-better.htm>
9. <http://coranz.org.nz/index.php/charter-2014/responses/>