

Moratorium on new consents to take water for irrigation.

Presentation by Murray Rodgers, chairman, Water Rights Trust to public meeting 9 Dec 2005

Following Presentation to Ecan Council, 7 Dec 2005

Water Rights Trust (WRT) presented a case for a moratorium to Ecan Councilors on Wednesday which was rejected by Ecan's Council yesterday: Supporters for the moratorium included:

Ecologic Foundation

NZ Fish & Game

Royal Forest Forrest & Bird Society

Malvern Hills Protection Society

Ecan's decision to reject a moratorium was not entirely unexpected, but we had hoped they would consider leading the case to parliament for the required legislative changes to be put in place. It is now incumbent on WRT and supporters to mobilise public opinion in taking the case to parliament independently of Ecan support. The case for a moratorium is not yet fully developed and we expect further discussions with Ecan and other parties before deciding whether to press ahead by the end of January

In Canterbury, with some 12.5% of New Zealand's population, we consume 58% of the country's allocated water resources and have over 70% of the country's irrigated land (around 400,000 hectares). This is likely to more than double, when several big water storage projects that are currently on the drawing board have been constructed.

The irrigation boom started in earnest during the early nineties, shortly after the 1991 Resource Management Act was passed and caught Canterbury quite unprepared to manage this huge surge in demand for water. The outcome is the devastation of the ecological health of most of Canterbury's lowland rivers and streams. There are signs at once popular picnic spots warning against touching the water because the bacteria will make you sick. Others run dry during summer months, because of adjacent ground-water takes. Nitrates affect the ecology of waterways at lower levels of concentration than is damaging to human health. A possible solution may be to "write off" contaminated shallow aquifers that lie underneath some farms, with rural residents simply putting down deeper wells to access their drinking water. In 2004, there was a 25% increase of urea fertiliser application in Canterbury – a major source of nitrates – a lot more fertiliser is being used now than ever before. Dr Bryan Jenkins has said that to his knowledge, there is no aquifer, world wide, that once contaminated has ever been restored.

We can expect to wait at least another five years for our water management plan (the Natural Resources Regional Plan) to go through appeal processes and become fully operative. Major science and research programmes such as IRAP are also yet to deliver their benefits.

Our track record to date in sustainable water management is not impressive. A significant part of the community already feels alienated by the loss of lowland waterways, taken, it seems, as of right – under the umbrella of false assurance of the RMA and a seemingly concerned rural sector – they were gone before we knew it. To rush these schemes through when the rural sector is yet to demonstrate the required level of commitment and support for environmental sustainability does not make sense to many people. The enormous costs of remedying damage after environmental boundaries have been breached would surely dwarf the front-end costs of a prudent approach.

The linkage between land-use intensification on the plains and the health of spring-fed streams and lakes is poorly understood. As a community, we are not managing this risk at all well. With groundwater, avoidance of contamination is the only option to take. Mitigation and remediation are not possible. Public funds are being spent on filling that major gap in knowledge through the Integrated Research for Aquifer Protection (IRAP) study. Public authorities should not pre-empt the study by committing the rest of the plains to be irrigated before the study is able to inform land-use decisions.

A thriving and profitable rural sector is in all our best interests. But a rural sector that is seriously concerned about sustainable management of our water resources would in concert with Ecan be actively leading the drive for caution in further development of intensive farming across the region until scientific research to enable sustainable farming practices was more advanced. It would be a leading advocate to Ecan for a levy on water use to fund waterways restoration work and to encourage efficient use of the resource. Above all, it would be demanding stronger implementation of sustainability boundaries by Ecan and the Ministry for the Environment. If the dairy industry had been serious in its efforts to ensure protection of our regions waterways, Judge Jeff Smith in his decision on Lynton Dairy could not have made the comments he did on the "shocking" state of waterways feeding Te Waihora (Lake Ellesmere), and of the Lake itself. The same story applies elsewhere through the region.

In the matter of the ownership of water, New Zealand follows English common law, which holds that water cannot be owned. Even governments do not claim to own it, but they do claim to manage it, and in New Zealand that management function is devolved to Regional Councils, under the Resource Management Act (RMA). Because water is a public good, or part of our 'commons', it should be incumbent on the developers to show the net benefit to the community in their use of the resource.

The plan of Central Plains Water for a storage lake in the Canterbury foothills, to irrigate some 60,000 hectares west of Christchurch, is being driven forward by competition for water from the Rakaia and Waimakariri Rivers from other developers. This means that consent applications for this water are now in the process of being lodged, on the assumption that when the water is available for irrigation, the land use will be both profitable and environmentally sustainable - but without knowing with reasonable certainty that this can be achieved.. A commercially prudent and environmentally responsible approach would require reasonable certainty on both these aspects – prior to committing to build these structures.

Most of us aspire to a region with healthy waterways – clean, vibrant rivers, streams and lakes; clean aquifers and a prosperous, thriving rural sector. The case for proceeding at all possible speed to develop major storage projects needs to be weighed in terms of long term economic, social and environmental benefits to the region – and the likely commitment by farmers to ensuring sustainable farming practices. Right now, there are serious questions on these aspects.

We need to evaluate the risk to our future prosperity from long term contamination of aquifers. The cost/benefit analysis of development proposals needs to take account of this risk – not simply for the next 5 to 10 years, but the next 20 to 50 to 100 years. The age of water in our aquifers increases as you move closer to the coast - near Lake Ellesmere, greater than 60 years old. Any increasing trend in nitrate levels has to be of concern, and parts of the region are showing this trend – in some areas associated with intensive farming.

The rural sector has the view that they “have no objection to rules and regulations based on sound science and proven technology, as long as it was recognised that farming has to be economically viable”. It seems reasonable, for the rural sector in the interests of long term economic viability, to hold back on any further development of intensive farming in the region until “the sound science and proven technology” are available to inform sustainable land and water-use practices across the plains – for in the long term, economic viability depends on environmental viability. This may also enable new, high value land-use options to be further developed, and considered as part of the new production regime that in a sustainable form would benefit us all. After all, we have but one environment, and there are various paths to economic viability, and we might take the opportunity during a pause to understand these better.

The opposing view to a moratorium as advanced by Irrigation Consultant, Dr Terry Heiler, claims that a moratorium would derail the major projects under development and that the intention of WRT is to kill these projects. This is not true. Our policies in this regard are outlined on our web-page (www.waterrightstrust.org.nz), as an integral part of our self imposed mandate that is as old as the Trust.

WRT supports development of our water resources given that sustainable environmental standards are achieved – ie, that we, our children and theirs, can continue to drink our groundwaters; and that our groundwaters don't carry nutrients that would damage our lowland waterways, and prevent their full recovery to ecological health. We leave it to other wiser heads than ours to assess the social and economic costs and benefits, though we will point out aspects of concern in these areas from time to time.

Dr Heiler also states that a moratorium would put a stop to current research and flatten the agricultural communities' appetite for further knowledge. This also does not seem a sound proposition in that the desire to see a moratorium lifted would surely drive research forward with greater intensity – the rural spirit I suspect is rather more robust than he gives it credit. The idea that the desire to continue with these projects might somehow ebb away during the period of a moratorium would only be true if the justification was flawed in the first place, in terms of the economic, social and environmental impacts of projected developments.

Dr Bryan Jenkins made what seems to be a stronger point against a moratorium, by describing how new consents now require careful management of the amount nutrient able to enter soil systems in the first place, which means that information on how nitrates are transported through the system (as will become available from the IRAP studies) is less relevant. There are questions arising from Dr Jenkins proposition, such as the adequacy of monitoring systems regarding land-use practices, and the stringency of provisions in the NRRP required changes to farm practices that need to be considered. The real problem, he says, is not with new consents, but how to deal with existing irrigation and land-use management practices, and the moratorium solution does not focus on the right area of concern. He also says that a moratorium would stop the flow of information that accompanies new resource consent applications – with this information being of considerable value to Ecan.

If a moratorium is progressed, a review of all existing consents within the moratorium timeframe could allow all consents to be on the same basis – existing and new. A moratorium could free Ecan staff to concentrate on that work, rather than being tied up processing new consents.

Most important in all of this is the opportunity for the wider community to be informed of what is happening to our “commons”. To rush these schemes through before the wider community is able to appreciate the costs, benefits and risks is to invite suspicion which would fuel social conflict and obstruction to what otherwise could be worth-while projects, benefiting the whole community. It is vitally important that the very real concerns of a great many people are satisfactorily answered, with a truly collaborative approach, rather than the developers presenting a series of fait-accomplis - this would be much more likely to engage widespread support, given that the projects are well-founded.

A moratorium would allow the time for that to happen. The case for a moratorium will be considered taking account of all these factors and the weight of scientific and anecdotal evidence of depletion, degradation and loss of aesthetic values. Our aim is to get onto a path that will see us maximise the benefits of our marvelous resources for everyone in the community - but there is a need for further information and discussion before we confirm whether to pursue this course.

The alternative to a moratorium while science, regulation, education and collaboration catch up with the very rapid pace of development is “**Adaptive management**” – to learn and adjust to that learning as we go. There is a credibility issue for the rural sector here, when you look at how well the sector has adapted to its impact on lowland waterways over the last 20 years or so.

Key questions in considering whether to progress the case for a moratorium on all new consents to take water for irrigation include:

1. **whether science is sufficiently advanced** now to adequately inform sustainable management of our water resources; particularly the use of that water
2. **whether education and regulatory measures** are sufficiently advanced to ensure compliance to sustainable farm management practices
3. **whether farmer commitment** to sustainable management practices is sufficiently robust to ensure consistent adherence to required standards throughout their ranks – and also if these standards were to change in light of new information, in the context of major on-farm investments.
4. **whether we should allow time for new high-value land use** options to be further developed
5. **whether there is sufficient time in the process** for the wider community to collaborate, understand and agree

At present, parties on either side of the issue continue to talk past each other. Those like me who remember when Canterbury’s jug of pure water was full to overflowing point out how fast the level is still falling, while those who are doing the damage and those responsible for protecting its sustainable use point to how much they are doing and spending to protect and restore. It is clearly not enough. The solution depends on widespread community awareness and concern, sufficient to demand urgent and concerted action from our politicians, at both central and local government levels. Otherwise, the permanent loss of our commons may be unavoidable, depriving our children, grandchildren and theirs’ of their rightful heritage.

Should we decide to proceed with the case for a moratorium, WRT and supporters would form the core of the drive to take the case to parliament - with the moratorium being of sufficient duration for the NRRP to become operative, and for various the various scientific programmes, including the IRAP study and

knowledge of our groundwater systems and their linkages to lowland rivers and streams to be advanced to the stage that sustainable land-use practices may be assured. Water Rights Trust has already begun discussions with Government regarding the case for such a pause, and these may continue in the meantime.

In summary (not part of presentation)

The case for a pause in issuing new resource consents to take water for irrigation:

Canterbury's lowland rivers and streams have deteriorated rapidly. Ecan's 2004 Annual Plan identifies 75% as being in poor or very poor ecological health, increasing from 50% in 2000. There is an increasing trend in nitrate contamination of ground-waters in some parts of the region. Water levels in some aquifers are at record lows, early in the summer.

The recent Environment Court decision on the Lynton Dairy application, overturning Ecan's prior decision, illustrates the lack of appropriate information on which to base important decisions concerning new water takes. Criticisms are directed at Ecan by the Court for not requiring metering of water takes; and not putting maximum seasonal or annual allocation limits in its permits, but only instantaneous rates.

The poor quality and lack of management of lowland streams and Te Waihora (Lake Ellesmere) referred to in the decision by the Court reflect the much broader issue of ECan's continuing inability to ensure Canterbury's water resources are being managed sustainably, particularly given the absence of the necessary level of support and commitment from the rural sector.

At present, there are a large number (680) resource consent applications to take water awaiting consideration, including abstractions from the Rakaia and Waimakariri Rivers for a major water storage scheme to irrigate some 60,000 ha of the central plains. Several other major projects to extend irrigated land-use throughout Canterbury are being investigated.

Sustainable land-use practices won't be defined until the Integrated Research into Aquifer Protection (IRAP) studies are further advanced (refer: www.IRAP.org.nz), nor implemented until the NRRP becomes operative - at least five years away in each case. We are concerned that Canterbury is likely to continue to suffer substantial and irrevocable damage to our water resources, and therefore to our local economy - unless a more urgent and concerted effort is made to implement sustainable land-use practices than is evident now.

To ensure sustainable management of our water resources, we need sufficient time:

1. for research findings from the IRAP study to be completed to the stage where land-use decisions may be adequately informed. This research is essential to specifying restrictions on land-use practices that will be necessary to protect aquifers and lowland streams, and to confirm the viability of large storage schemes in light of these practices.

2.for the NRRP to go through the hearings and appeal processes and be made operative. Challenges to the NRRP need to be addressed, including its water quality objectives and the lack of any objective concerning the water quality of Te Waihora (Lake Ellesmere)

We also need time:

3.for ground-water resources in the region to be mapped sufficiently to enable effects on existing users and rivers and streams within each catchment to be determined and to enable meters to be installed on all properties to allow measurement of water takes.

4.for the effects on rivers and landscapes from major water storage projects to be determined, and arrangements with existing land-owners to be negotiated.

5.to enable the Government to complete its Sustainable Water Programme of Action and enact the legislation that flows from it, making provision for proper mechanisms for allocating water and for ensuring that rents are paid for the commercial use of public resources.

6.to enable the Government to develop a National Policy Statement on Land Use Impacts on Water Quality

7.for the Canterbury Strategic Water Study, Stage 3 (community consultation process) to be completed, taking account of information and information needs on all the above matters.

Your views on this proposal are welcome.

Murray Rodgers

Chairman

Water Rights Trust

www.waterrightstrust.org.nz