

Lindis Minimum Flow Community Workshop #6

Tarras Community Hall – 1 April 2015

Workshop objective

To provide the community with an overview of:

- Feedback received on the draft consultation documents.
- New information collected through recent ORC investigations into catchment hydrology.
- Main findings from a study into the economic impacts of a minimum flow restriction on the local and regional economy.
- Suggested amendments to the minimum flow proposal.

Attendees

Approximately 50 community members (including local irrigators and property owners, representatives of Otago Fish & Game Council and Federated Framers)

ORC Councillors: Stephen Woodhead (Chairman) , Gary Kelliher, Gerry Eckhoff

ORC staff: Peter Bodeker (ORC Chief Executive), Fraser McRae (Director Policy, Planning, and Resource Management), Dr Gavin Palmer (Director Engineering, Hazards, and Science), Dale Meredith (Manager Policy) , Tom De Pelsemaeker (Policy Analyst)

Overview Key themes

Adequacy of the economic impact study

Comment The 100% on / 100% off approach as applied in the OPUS and BERL reports is too rough. Statements about the number of restriction days are not useful days as irrigators move towards more efficient irrigation and the minimum flow will have a very significant impact on irrigators. There needs to be more clarity around the level of restriction (availability of water) at times when farmers cannot take the full amount of water that is needed to irrigate. Report should state % of restrictions as farmers need to know how severe the drop in percentage of availability is.

ORC: *The 100% on / 100% off approach shows a worst case scenario*

Comment How valid are the BERL report findings if the worst case scenario shows only minimal impacts?

Comment How can ORC commission a robust report on economic impacts without consulting the farming community?

ORC: The community already has undertaken their own economic impact study, which looked at on farm impacts. ORC deliberately steered away from looking at the impacts on the individual/individual farms and wanted to look at the impacts on a community wide scale.

Comment The report states that more detailed analysis needs to be undertaken when this proceeds to the Environment Court? Is ORC confident that the conclusions of the report are correct?

ORC: ORC is confident that the report is robust enough to support the minimum flow process.

Comment The report does not take into account the fact that a lot of farms in the Lindis a predominantly comprised of dry land and rely heavily on the irrigation of a small area for silage and finishing off.

Comment Report shows some areas marked as having irrigation water supplied by Lindis and Clutha Rivers. This is incorrect. None of the land considered in the report is double irrigated. Land irrigated from the Clutha is newly developed land and has not been irrigated with water from the Lindis.

ORC: Land where alternative source is currently available has been excluded from the economic assessment..

Need to make available further information and undertake additional work

Comment ORC needs to provide further information around the availability of water during restriction days and the drop in the level of availability caused by a minimum flow restriction.

Comment ORC needs to make available science review by NIWA

Comment ORC needs to make available the recent scientific work that has led to a revision of the flow loss rate from 450 l/s to 550 l/s (How and when it was measured and calculated).

ORC: Staff has revised the flow loss after considering information provided by Fish and Game (which is more of observational and anecdotal nature) and after more recent observations in January 2015. ORC will make the information supporting the 550 l/s flow loss available.

Comment There is no mention of what is being lost in the tributaries. Belief that the tributaries also lose flows to groundwater. Has this been documented/recorded?

ORC: *Focus of staff investigations has been on the flow losses in the main stem.*

Comment ORC needs to be involved in any further work that is undertaken.

Comment The minimum flow will create a number of issues for water users and these issues need to be dealt with in an appropriate way. While dealing with these wider issues is not solely the full responsibility of ORC, ORC needs to be providing some direction at a strategic level and this strategic direction should be expressed within the Plan.

ORC: *ORC questions whether it is ORC's responsibility to set up the framework for implementing adaptive measures, transitional timeframes and alternative approaches and whether it is appropriate to incorporate this framework within the Water Plan.*

Suggested amendments to the boundaries of the Lindis catchment and use of an alternative source

Comment The suggested amendment to exclude the Tarras Creek catchment from the Lindis catchment boundaries pushes people in the Tarras Creek area into a different catchment.

ORC *ORC is confident that Tarras Creek doesn't contribute to Lindis flows at flows below mean flow.*

Will there be a change to the aquifer boundaries

ORC *ORC does not propose to change the aquifer boundaries.*

Comment What powers does the ORC have to force people to use an alternative source?

ORC *Policy 6.4.0C promotes the use of alternative sources as a means of reducing the water demand in water short areas. It is a policy, not a rule, and is applied on a case-by-case basis. At the time of consent renewal ORC will look at the availability of an alternative source and the practicality of its use.*

Comment Do people have existing use rights when they are taking water from the Lindis River, but are located outside the catchment?

ORC *In general, existing users will be allowed to continue using Lindis water if no alternative water source is available, regardless as to whether the water is used inside or outside the catchment.*

Need to set a minimum flow

Comment Whole length of the South Island has dry river beds. Why is this not acceptable in the Lindis Valley?

Comment Why does the minimum flow have to be a number? Why can't we have an outcome or an objective in the Plan rather than a number? Can we have the a flexible minimum flow limit that recognises the intent of the minim flow AND the dynamic nature of the resource?

ORC: Having an objective or an outcome instead of a numerical limit would be difficult to administer.

Comment Lower Tarras Aquifer does not yield enough water due to low transmissivity of the aquifer.

Comment Water from the Clutha can be difficult to access due to issues with easements.

Alternative solutions/approaches

Comment Under the RMA you can avoid, remedy or mitigate. Has ORC looked at alternative solutions that mitigate the effects of water use, such as:

1. constructing pipeline from the Clutha across the Lindis river bed; or
2. using Begg Stackpoole race as a fish carrier; or
3. measures that enhance fish habitat.

ORC ORC staff have had informal discussions about these options

Comment Need to investigate the practicability of pumping water from the Clutha River/Mata-Au into the Lower Lindis River.

Comment ORC should look into developing ancillary policies that enable the use of alternative sources or policies that facilitate the transfer of water rights or facilitate the buying of water rights by ORC. ORC should have a better balance between carrots and sticks. Currently, the emphasis is too much on the sticks.

ORC There is scope for developing such policies, but this is a minimum flow process, aimed at setting an environmental limit in order to meet our statutory obligations under the NPSFM 2014. It may be more appropriate to develop these enabling policies through a separate process.

Adequacy of a 750l/s minimum flow in order to provide for ecosystem, cultural, recreational, and natural character values

- Comment Fish and Game have been intensively studying the Lindis River in the last two years and is of the opinion that the current regime does not provide for a healthy river system.
The minimum flow of 450 l/s that was initially proposed is inadequate. It is almost a “waste” as it restricts irrigators without achieving any meaningful outcomes for the environment.
F&G initially wanted a minimum flow of 1,000 l/s. The newly suggested 750 l/s minimum flow is at the bottom end of the range that F&G would accept.
There is no magic number, but it is important that ORC recognises that minimum flow of 450 l/s is insufficient.
F&G is reluctant to agree to any further delay in progressing the Plan Change and supports ORC carrying on to notify the Plan Change. However, ORC should provide sufficient time for making submissions.
- Comment Nobody has agreed to the 750 l/s minimum flow and ORC explanation is inadequate.
- Comment Water users have evidence of flow continuity up to Clutha when the flows in the Lindis River as measured at the Ardgour Road monitoring site are 490 l/s.

Funding and support

- Comment Why is ORC no longer considering providing financial support for the Tarras community?
- Comment ORC should be investing in the Tarras community. This would resolve some of the problems around achieving environmental outcomes while maintaining the economic wellbeing of the local community.

Socio-economic impacts vs natural values

- Comment There has been insufficient consideration of the impacts of a minimum flow on families.
- Comment Can the Council be involved in the process of evaluating different values.
- ORC: The weighing of values is a technical issue and is staff issue.*
- Comment Under the RMA (Section 104(2A)) the consent authority must have regard to the value of the investment of the existing consent holder.
- Comment During previous workshops those attending the workshops were in agreement that the economic values had top priority. The new proposal ignores that there was agreement amongst those participating at earlier workshops.

ORC: The outcome from previous workshop has not been ignored, but the suggestion to amend the proposal also takes into account other sources (e.g. comments on the consultation draft and other information collected since those earlier workshops)

Delaying the minimum flow process

Comment Request for more time given the absence of specific information and the need for further discussion. Want to postpone the notification of a minimum flow for up to 2 months in order to:

- Further discuss the detail around the suggested 750 l/s minimum flow and Set up a community structure for implementing the minimum flow
- Investigate the practicability of using alternative sources (availability, access issues, investments) and opportunities for developing alternative approaches towards achieving acceptable environmental outcomes (e.g. through the transfer of the point of take).
- Develop ideas around adaptive measures and transitional timeframes.
- Investigate how these adaptive measures, transitional timeframes and alternative approaches can be incorporated in the Water Plan

Irrigators accept that there needs to be a change. Need to avoid Environment Court if possible. However, the minimum flow will create a number of issues for water users and these issues need to be dealt with in an appropriate way.

ORC: ORC cannot commit to a time extension at this very moment, but will seriously consider granting the time extension. However, ORC will need to look at:

- *What exactly is being asked by those requesting the time extension and what are the reasons for doing so; and*
- *The implications of further delaying the notification of the minimum flow proposal.*