

Rakaia-Selwyn groundwater consent review

Feedback, questions and answers from consent-holder workshops

Held 23 February 2010 in Leeston and Dunsandel

Introduction

The information in this document is for the 532 Rakaia-Selwyn groundwater consent holders affected by the Environment Canterbury commissioners' review decision released on 12 February 2010.

It includes feedback from consent-holders at the workshops and provides information and answers based on the best understanding and technical knowledge of Environment Canterbury officers.

It covers issues around:

- Annual volume
- Water metering and measuring
- Minimum flows and daily flow monitoring
- Consent conditions
- The appeal process

For more information on the commissioners' decision, visit the website:

<http://Environment.Canterbury.govt.nz/get-involved/consent-projects/rakaia-selwyn-reviews/pages/default.aspx>

The appeal period for the consent review closes on Friday 19 March 2010.

Topic: Annual volume

Questions and comment

- What provision is there in the conditions if the three-year monitoring period falls over a very low demand period or very dry seasons. How will this affect the figures?
- What if the three irrigation seasons of data are low demand seasons? How will the appropriate volume for 4 out of 5 years reliability be determined?
 - Discussions will be required over how to ensure reliability meets policy if the actual use data doesn't reflect that reliability.

Answer

- Tony Davoren and Irrigation NZ are looking at this and working with Environment Canterbury.

Question

- Can a consent-holder exceed their annual volume in the monitoring period?

Answer

- Yes: the condition must be read as a whole and Environment Canterbury has sought clarification from the Commissioners. They have advised that if ALL monitoring is in place the annual volume can be exceeded.

Question

- So we can just keep pumping as normal even if this exceeds the annual volume on the conditions?

Answer

- Yes, however, you still need to comply with the other conditions of your consents regarding your limits on rate of take and only if you comply with the requirement to gather the soil-moisture and rainfall data as per the annual volume condition.

Question

- Do the conditions state that if consent holders transfer consent partially or otherwise that they lose the ability to do the monitoring and get a new annual volume?

Answer

- Yes that is correct.

Question

- What was the point of working with Environment Canterbury on Irricalc if the commissioners have gone with WQN9?

Answer

- This is what the Commissioners felt they had enough information to grant. The Conditions allow for you to get all of your three years monitoring data, have a new annual volume calculated using a plan compliant method by a suitably qualified person and bring it to Environment Canterbury. There has been ongoing work between consultants, Irrigation NZ and Environment Canterbury and it is hoped in the very near future a plan-compliant version of Irricalc – agreed between all parties – will be available.

Question

- Do we have until 2015 to get the three years of irrigation season data?

Answer

- Yes.

Question

- Can you pick the best three years of the five, or do they need to be consecutive?

Answer

- The information should be from three consecutive seasons.

Question

- If you don't use the water will you lose it?

Answer

- No your annual volume is your annual volume, it won't be reduced.

Question

- Can consent holders apply for new wells to either use all of their annual volume or to mitigate low flow effects?

Answer

- Yes, any consent holder can apply to do this, this is not a guarantee the consent will be granted.

Topic: Water metering and measuring

Some consent holders are required to have water metering installed by 30 September 2010 and to then provide monthly water use data to Environment Canterbury for each calendar month for the duration of the consent. It is Environment Canterbury's recommendation that consent holders consider the benefits of using telemeter data gathered through a third party provider to make these monthly reports. Some benefits of a telemeter system are:

- Set and forget for the consent holder.
- High degree of data retrieval and reliability and therefore compliance.
- Instant access to data for the consent holder and Environment Canterbury.
- Automated water usage data transfers will result in reduced compliance costs as manual compiling of data by Environment Canterbury staff is reduced.
- Reduced compliance costs will over time make up for the cost of data hosting and telemetry.

Question

- Will Consent Holders need a weather station and soil moisture probe in every paddock to meet the conditions?

Answer

- This will have to be looked at on a consent by consent basis. Environment Canterbury STRONGLY recommends that prior to purchasing measuring devices consent holders discuss with Environment Canterbury what they will need to be compliant with their conditions. Environment Canterbury is currently putting a group together with Cluster Leaders, Environment Canterbury Water Metering Managing John Young, Irrigation NZ and others to set guidelines on equipment requirements. This information will be posted on our website and sent to consent holders as soon as possible. There is already significant information on our website on water measuring devices and costs.

Question

- Why has water metering been staggered?

Answer

- The commissioners have recognised that there will be limits to what industry can get in by 2010 and the need to get the larger volume water takes metered first.

Topic: Minimum flows and daily flow monitoring

Question

- Can consent holders with a low flow take this as a seven-day volume?

Answer

- Yes they can, HOWEVER, consent holders need to be aware that if they do this and the stream monitoring gets better and the low flow comes off they cannot take advantage of it and must stick to the seven day volume. The commissioners have written this condition as a daily volume to allow consent holders as much flexibility as possible. Consent holders need to be aware that there is going to be work over winter on which monitoring sites can be upgraded, so the streams may go on and off low flow more frequently and with more accuracy.

Question

- Can consent holders have seven-day volumes written into their conditions?

Answer

- No, the conditions are as they are written. Environment Canterbury will be providing an advisory note to conditions that will make EPOs aware this is how the consent can be monitored (an Advisory Note is not, however, legally binding). If consent holders

want this “watertight” it would have to be appealed. The daily volumes may suit some consent holders.

Comments

- Consent holders feel that the word ‘estimated’ is not acceptable as it allows Environment Canterbury too much flexibility and consent holders would like more surety.
- The minimum flow condition wording of ‘the flow in xxx waterway, as **estimated** by CRC’ is not good enough – it needs to be either more accurate or more flexible.

Reply

- Again this would have to be looked at on appeal as this is standard wording as some stream sites are not gauged but estimated (see above for work on monitoring sites). Remember the Plan contains the overriding definitions.

Questions

- Does the part of the Plan saying if wells are within 2km of a stream on low flow that then runs dry the consent holder can start pumping again?
- What is the policy on the 2km dry reach and minimum flows? If the waterway is dry and the dry reach extends 2km from the relevant well, can full pumping resume?

Answer

- Policy WQN19(2)(b) states when full restrictions apply to a surface water body, hydraulically connected groundwater takes may resume where the river has ceased to flow beyond a distance of 2km radius from the bore. The commissioners have been careful not to put minimum flows on intermittent streams.

Question

- As there is an ongoing process to collect data would it not be prudent to wait until 2014 to impose min flows?

Answer

- This is the commissioner’s decision but is open to appeal.

Question

- What happens if people provide more information and it actually makes their situation worse (e.g. aquifer tests).

Answer

- We advise consent holders to contact Environment Canterbury prior to testing as they may not need to do full aquifer tests, Information and guidelines on what type of tests are acceptable are on our website. The information gained from these tests may show that there are effects from bores and may not “help” a consent holder; and this is why we ask for tests.

Question

- Is it possible to get better information on the streams going on and off low flow?

Answer

- In the area there will soon be a telemetered Ellesmere system with real time data. At present there are daily updates on www.ecan.govt.nz and there is an 0900 information number.

Topic: Consent conditions

Comment

- Consent Holders are concerned that they will not be able to see full condition sets prior to the end of the appeal period, and if typos etc are found that they may have to appeal to get them changed.

Response

- Due to the sheer volume of work to get these documents prepared it isn't possible to get draft conditions to all consent holders. If there are genuine typos and or errors these can be corrected and new documents issued. Consent holders are urged to check the Summary Sheet sent to them, this is not part of the decision but we will be using it to input info into the conditions. If they see errors let us know we can correct them now.

The appeal process

There is a \$500 fee to lodge an appeal with the Environment Court.

Parties can group together to make an appeal.

Environment Canterbury will attempt to mediate as much as possible prior to and through the Environment Court mediation process.

Any mediated outcomes become legally binding, but do not apply to ALL review consents, only to those that appealed.