

Essential Freshwater

Raising the bar on ecosystem health – wetlands, rivers and fish.

Overview of the new regulations related to:

- *Wetlands*
- *Rivers*
- *Fish passage*

Webinar 3

Ministry for the Environment, 04 Nov 2020



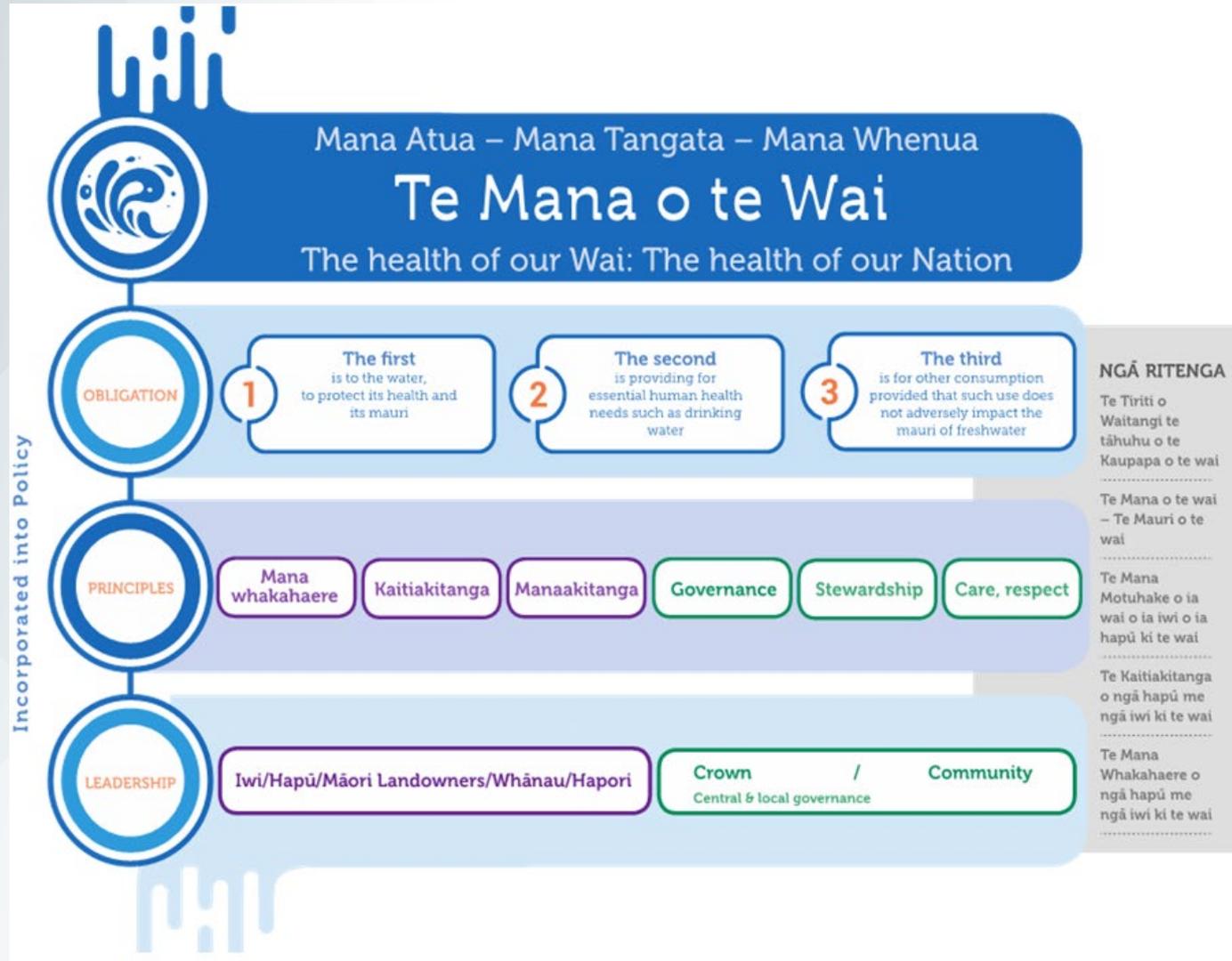
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Te Mana o te Wai



The NPS-FM 2020

New Zealand Government

National Policy Statement for Freshwater Management 2020

August 2020

What's new

- Te Mana o Te Wai – now the “fundamental concept” of the NPS-FM
- Two new compulsory values (threatened species and mahinga kai)
- Sets out the “effects management hierarchy” for managing activities in wetlands and rivers - avoid, minimise, remedy, offset, compensate
- New policies for wetlands, rivers and fish passage to be inserted directly in regional plans

Threatened species

Any indigenous species of flora or fauna that:

- a) relies on water bodies for at least part of its life cycle; and
- b) Meets the criteria for nationally critical, nationally endangered, or nationally vulnerable species in the New Zealand Threat Classification System Manual



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NPS-FM: defining a wetland

A natural wetland is

a wetland (as defined in the Act) that is not:

- (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
- (b) a geothermal wetland; or
- (c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

NPS-FM: are these wetlands?

The margin of a lake that is a wetland



Boggy grass – probably not a wetland





NPS-FM: Direction for wetlands

- Directs the contents of regional plans
- Inserts policies directly into the regional plan (clause 3.22)
- Directs the assessment of resource consent applications (both under the NES and a regional plan), using the effects management hierarchy
- Defines specified infrastructure, and restoration



NPS-FM

Effects management

The effects management hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that effects are:

- Avoided, minimised, remedied, offset, or compensated.
- If these responses cannot be done, the activity itself is avoided.

Aquatic compensation

Aquatic offset



NPS-FM

Mapping and monitoring natural inland wetlands

Every regional council must identify and map every natural inland wetland in its region that is:

- (a) 0.05 hectares or greater in extent; or
- (b) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral wetland) and known to contain threatened species.



NES-FM Wetlands coastal and inland

- Sets the rules for all natural wetlands (as defined in the NPS-FM), whether these are coastal or inland
- Overview of the new standards



NES-FM wetlands coastal and inland your questions

1. Why is infrastructure restricted around wetlands?
2. When is infrastructure allowed?
3. How is “other” infrastructure defined?
4. How will the definition of specified infrastructure be implemented as it does not include associated services?
5. How will new roads be affected?
6. How does the buffer apply to drain maintenance?



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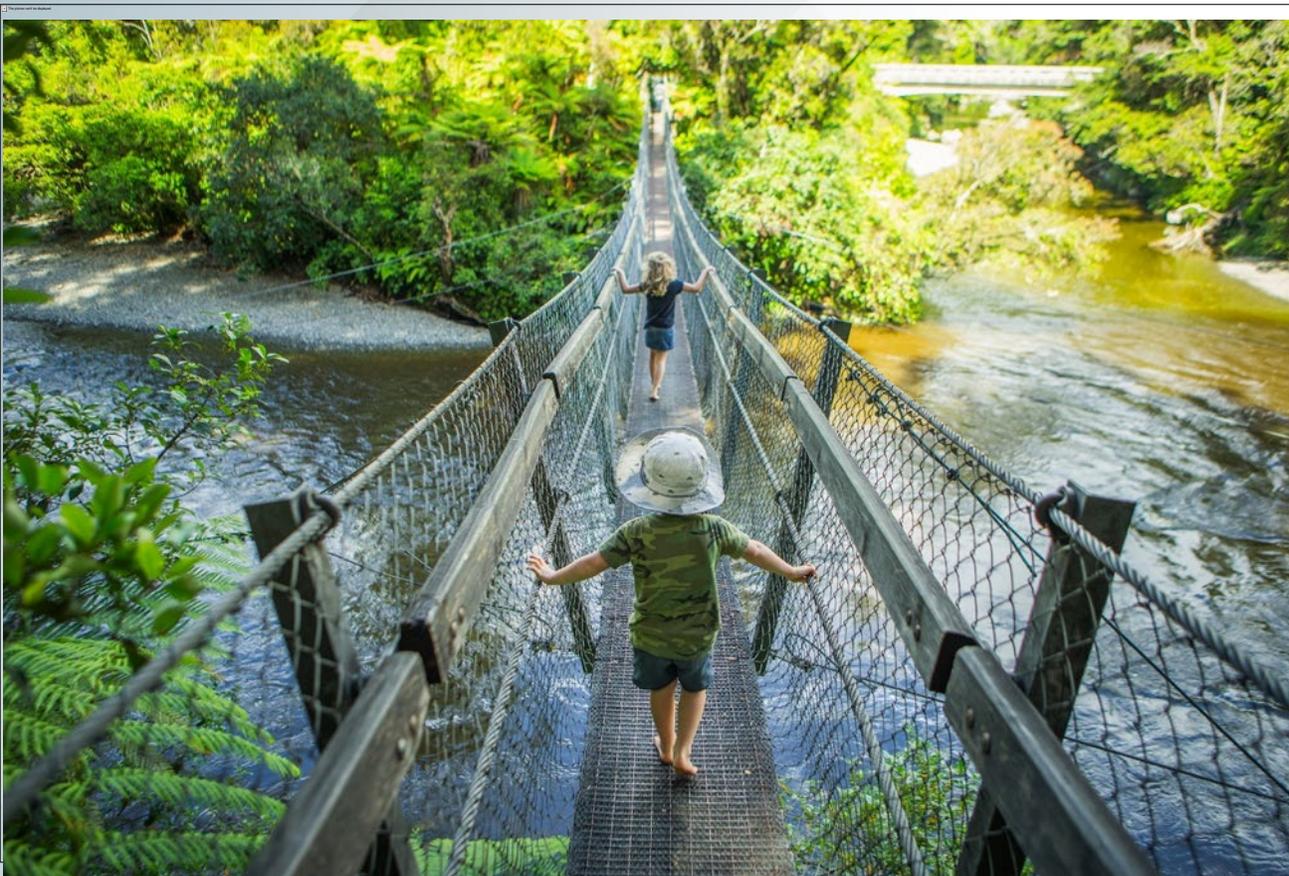


NES: wetlands coastal and inland: more questions

7. Does natural coastal wetlands capture saline wetlands both above and below mean high water springs mark?
8. Is the entire coastal marine area a coastal wetland?
9. What about damp gully heads?
10. Where do you draw the line for defining wetland extent?
11. How will we map wetlands to 0.05 ha?
12. What is the wetland mapping protocol?

NPS-FM and NES-FM

Avoiding the loss of rivers and streams



NPS-FM

The effects management hierarchy applies (as per wetlands)

Councils must monitor the extent of streams to ensure there is no loss

NES-FM

Reclamation of the bed of any river is a discretionary activity. Regional rules can be more stringent

NPS-FM: fish passage

Regional plans must include the following objective:

The passage of fish is maintained or improved, by instream structures, except where it is desirable to prevent the passage of some fish species and in order to protect desired fish species, their life stages, or their habitats

Regional plans must be amended to:

- Identify desirable and undesirable species and their habitats
- Provide assessment criteria for consents
- Promote the remediation of existing instream structures.

Councils must also prepare an action plan with a work programme for identifying and improving structures.





An example of poor practice

NES-FM fish passage

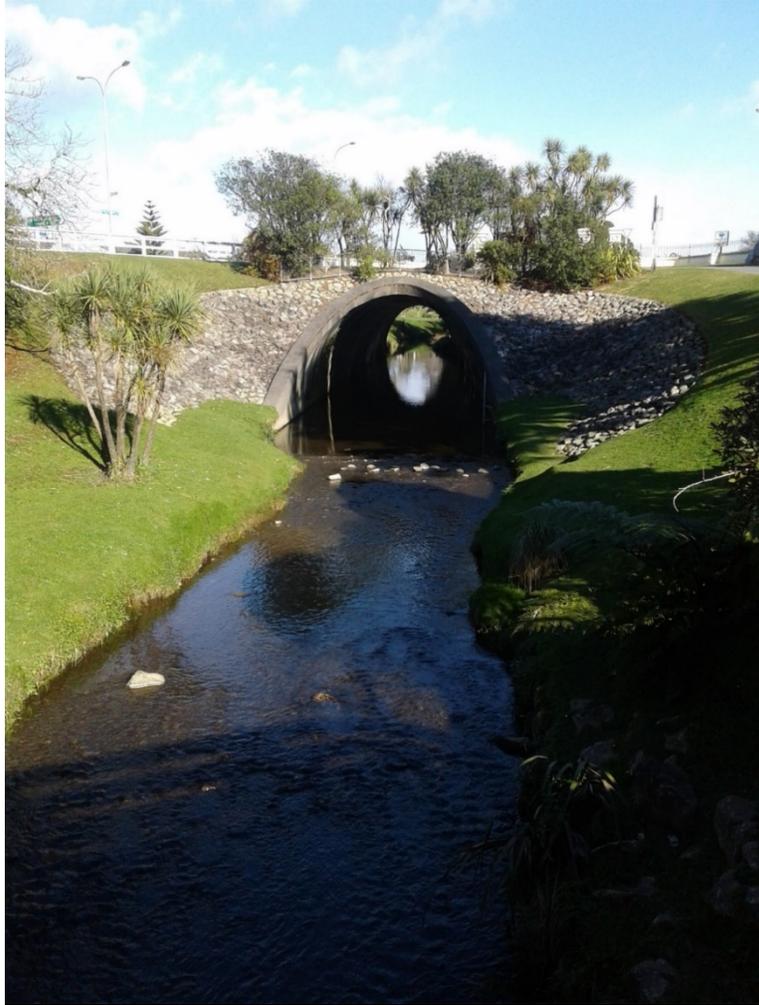
Applies to

- culverts
- weirs
- flap gates (passive and non-passive)
- dams
- fords

Requirements

- Rules for culverts, weirs and passive flap gates
- Information requirements (all structures)
- Maintenance and monitoring (all structures)
- Design requirements (in line with the NZ Fish Passage Guidelines) for permitted activities

Examples of good practice structures



Greymouth weir



Bankwood Stream (remediated)



Taranaki Weir

Fish passage questions



1. What is the "mean" flow/ depth/velocity in regulation 70?
2. Can you advise on culvert sizing in ungauged catchments where the flow regime is unknown?
3. What is required for extensions to existing culverts if fish passage is currently not provided for?
4. How do you know if a structure requires remediation?

Urban streams and integrated management



Just a reminder that these regulations apply to all rivers and streams

Territorial authorities must manage effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments

Upcoming Guidance (2020–21)

New Zealand Government

National Policy Statement for Freshwater Management 2020

August 2020

Wetlands and Stream/River Loss

- Technical guidance on the effects management hierarchy in the NPS-FM, including methods for assessing aquatic offsets and compensation
- Guidance on coastal wetlands in the NES-F

Fish Passage

- Technical guidance for fish passage policy and regulations, utilising common questions received