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**Media Release**

**Board of Inquiry final decision on Ruataniwha dam released**

EDS has undertaken a preliminary assessment of the final decision of the Board of Inquiry on the Hawkes Bay Regional Resource Management Plan Change 6, and the Ruataniwha dam resource consent conditions.

The key aspect of the decision relates to the limit on the level of dissolved inorganic nitrogen (DIN) in the waterways. The decision was released by the EPA yesterday.

Fish & Game, Forest & Bird and EDS had earlier successfully appealed the original decision of the Board to the High Court. The High Court found in favour of the appellants and referred the decision back to the Board for reconsideration.

“The scope of the referral back to the Board was limited to a rule in PC6 and the condition of consent for the Ruataniwha Dam relating to the DIN limit,” said EDS Chairman Gary Taylor.

“In its final decision, the Board has deleted the so-called deeming provision from the rule, which the High Court agreed with us created a “factual fiction” that assumed compliance with the DIN limit when there was none.

“It has also excluded low leaching operations that do not contribute significantly to the threat to waterways from the operation of the rule, and made amendments which require DIN to be measured at the monitoring point nearest to the relevant property.

“With respect to the dam, the Board has included a number of new conditions of consent. Ultimately, the conditions require HBRIC, the council’s investment arm, as consent holder to ensure the consents are managed in a manner consistent with achieving the DIN limit by December 2030.

“HBRIC is required to monitor the level of DIN in the water. If that assessment identifies that the operation of the farms connected to the dam are making a material contribution to any exceedance of the DIN limit, then HBRIC must identify specific actions that those farmers are required to take to achieve that goal.

“HBRIC must then advise land owners of the actions they are required to undertake, and to review their Irrigation Environmental Management Plans in light of the new actions required of them.

“Conditions have also been included giving the Regional Council the power to review leaching rates and Farm Management Plans to ensure the scheme is operating in a manner consistent with achieving the DIN limit by 2030.

“The Board has incorporated a number, but not all, of the amendments to the draft decision supported by Forest & Bird and EDS.

“Our preliminary view is that the Board has addressed these quite complex issues in a thorough manner. We are especially pleased to see the DIN limit retained. No special treatment has been given to land users connected to the dam. In order to improve the quality of the water in the catchment it is vital all land users are held accountable.

“However, we are concerned as to whether there any fishhooks in the conditions of consent, in particular whether there are any gaps that would prevent enforcement if the required actions were not undertaken by HBRIC or users of the scheme. Those aspects will be the subject of further detailed assessment.

“Big questions remain over the viability of the irrigation scheme. A deterioration in water quality should not be an outcome from this project. There is not much headroom for further nitrogen runoff and we think HBRIC and its council owner needs to make a cool-headed appraisal of whether the scheme is viable.

“Of course individual farmers will be considering investing their own money in the scheme. We expect that them to evaluate the project risks much more carefully than the council has, given it’s their own money and not that of ratepayers.

“The question is not whether irrigation is a good or bad thing here – it’s simply a question of whether the land use intensification required to make this particular scheme work is possible given the water quality limits imposed.

“We’ll be further considering the consequences of the decision over the next few days”, Mr Taylor concluded.