

The future of the rivers

WHILE THE COALITION and other environmental groups accepted the Planning Tribunal's decision as a reasonable compromise at the time, it was considerably less than they had originally wanted.

"We argued for a proportional flow," says Chapple. "We said that 30 percent was the maximum that could be taken without damaging the ecology of the river, that this proportion could be taken at all time, but that 70 percent should be left – floods, droughts and whatever. This way the natural variation would be maintained."

DoC had pushed for a similar arrangement whereby below a certain minimum level all water removal would cease but that above that level the water should be split – half for the river, half for power generation. That would ensure an adequate base flow and some semblance of natural fluctuation.

It was an argument that wasn't accepted by the Planning Tribunal.

Richard Heerdegen, a hydrologist from Massey University and a DoC witness at the tribunal hearing, has serious doubts whether the new flow regime will markedly improve the life of the river. "The river is still a regulated one," he says. "And with a regulated river the natural rhythm of the flows is lost. Regulation disrupts the life cycles of the many animals dependent on the river and allows for much greater growth of algae and other slimy depos-

its. The fine sediments are able to settle between the rocks and gravels so that they are more likely to cement in place."

Heerdegen believes that the new regime will provide some improvement in the natural rhythm of flows. "But only a complete absence of regulation will allow the variability in flow which is needed for the river to achieve a more pristine quality." Certainly there will be more water in the summer but summer flows will be even more like winter flows than at present. Whether the increased flows will increase blue duck habitat and allow numbers to rebuild is open to doubt.

"We may have won something for the users," he says. "But have we really won anything for the river?"

Electricorp toyed for some time last year with the idea of meeting their obligations for a minimum summer flow downstream at Te Maire by putting summer water back into the four de-watered minor tributaries (the Okupata, Taurewa, Mangatepopo and Tawhitikuri), rather than the Whakapapa.

Chapple was particularly unhappy with these "shenanigans". The coalition's reading of the decision was that the tribunal intended that the Whakapapa should always be the main control point – ecologically a far more satisfactory arrangement. Electricorp was now arguing that there were engineering difficulties in doing this but Chapple

points out that the corporation had had two years to prepare itself for the new flow regime.

Only at a meeting in January this year, convened by the regional council at the instigation of Forest and Bird, did Electricorp finally agree that the Whakapapa be the first and main control point for the increased summer flows.

DoC is planning to monitor the effects of the new flow regime on the biology of the river. A number of baseline studies will be set up, which will be funded by Electricorp.

Under the Resource Management Act Electricorp must apply for renewal of all its water rights, including those over the Whanganui, over the next decade. The Whanganui, indeed the whole of the Tongariro Power Development, will remain one of the corporation's biggest problems. Groups such as Forest and Bird are keen to see further river habitat restored.

A consultative forum on the TPD, including most interested parties, has been established to try and resolve the issues around these permits and avoid recourse to the courts. There is some doubt as to whether the Planning Tribunal decision on the Whanganui, which was announced before the Resource Management Act came into force, is actually adequate as a water permit under the Act.

In any case the decision will be revisited before long.

the Whanganui Maori Trust Board (arguing for *less* diversion) against the catchment board decision. DoC and the River Flows Coalition oppose Electricorp's appeal. The issues canvassed include the cultural values of the river and traditional fisheries of the tangata whenua, ecological effects of disrupted flows and increased sediment on the river's biology, and recreational pursuits such as fishing, rafting, canoeing and jetboating. The hearing is the longest and most costly of its kind in New Zealand history, with 94 sitting days over eight months, 104 witnesses and over 2,500 pages of transcript.

October 1990..... Judge Sheppard hands down the tribunal's decision setting a new flow regime. Dramatic increase in the flow of the

Whakapapa to about 25 percent of average natural flow, no minimum set for upper Whanganui. Minimum flow to increase, as measured at Te Maire, from December to May. Overall, Electricorp's share of the water reduced to 78%, somewhat better for them than 1988 decision. Decision to take effect from June 1991. The compromise is accepted by the River Flows Coalition as probably the best that could be achieved given the balancing act required by the old (pre-Resource Management Act) legislation. Electricorp general manager initially accepts the decision.

November 1990..... Electricorp announces it will appeal. The SOE's huge financial resources "have become an arsenal to wear down those who challenge its single-minded power

play," says *The Dominion*. Keith Chapple describes Electricorp as "the biggest corporate bully this country has ever seen". The 1983 regime continues.

June 1992..... After a four-week case based largely on points of law, the High Court upholds all of the Planning Tribunal's decisions.

1 September 1992..... Minimum flow is returned to the Whakapapa.

1 December 1992..... Summer flow returned to the head-waters as measured at Te Maire.

4 December 1992..... Keith Chapple formally proposes that the Whanganui River Flows Coalition be wound up.