



Dorset Waterwatch Group Inc.  
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29/3/04

Mr. John Feil  
Executive Director  
National Competition Council  
GPO Box 250B  
Melbourne, Vic. 3001

Dear Mr Feil,

Please find attached documents that we wish you to accept as Dorset Water Watch's submission to the National Competition Council assessment for water reform.

The document and correspondence relates to the development of the Great Forester Catchment Water Management Plan in North East Tasmania, a process that Dorset Water Watch has been involved in since it's inception.

We have opted to send the NCC our submission to the Resource Management and Planning Appeals Tribunal hearing held in October 2003, in Tasmania, where the Plan was appealed against by the Tasmanian Conservation Trust. Dorset Water Watch was a party to the proceedings, where we presented community concerns over process issues we felt had greatly marred the development of a balanced Plan. At the same time, we offered suggestions for advancing good water management from a community perspective, in light of the precedent set for future water management planning within this state, by the Great Forester Catchment Water Management Plan.

We have also included correspondence between Dorset Water Watch and the Department of Primary Industries, Water and the Environment, outlining our concerns and proposals for creating a more community driven process. We have yet to hear whether the Department intends to implement any of our proposed actions.

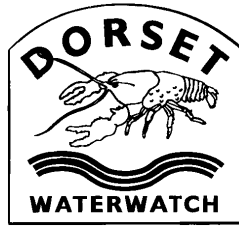
As a purely volunteer organisation with limited resources, we don't wish to re-invent the wheel and rewrite the entire submission, as we believe it targets

many areas relevant under your assessment framework. We hope you will accept these documents as submitted.

Thank you for the opportunity to bring these issues to light and we hope they are of benefit to the NCC in its assessment process.

Regards,

Mrs. Kim Eastman  
Chairman



**Dorset Waterwatch Group Inc.©**  
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October 21, 2003

The Chairperson  
Resource Management and Planning Appeals Tribunal  
GPO Box 2036  
Hobart, Tasmania 7001

Dear Sir,

**Great Forester Catchment Water Management Plan**  
**Tasmanian Conservation Trust v. Minister for Department of Primary**  
**Industries, Water and Environment**

**Introduction**

Dorset Waterwatch (DWW) support the grounds of the above appeal (Section 28 Water Management Act, Great Forester Draft Water Management Plan, Dorset Municipality, Tasmanian Conservation Trust v. Minister DPIWE), being that “The Plan does not comply with Principle 2 of the *National Principles for the Provision of Water for Ecosystems (ARMCANZ & ANZECC, 1996)* as required under Policy Principle 1 of the *Water for Ecosystems Policy (Policy #2001/1 of the Water Management Act 1999)*”.

Dorset Waterwatch has participated at all stages of the development of the Great Forester Catchment Water Management Plan (GFCWMP) since the project started in 1998. We continue to have concerns that the Environmental Water Provision<sup>1</sup> in the final GFCWMP (DPIWE 2003), as amended from the original *Great Forester Catchment Draft Water Management Plan (GFCDWMP)(2002)(page 2)*, does not incorporate the findings of rigorous scientific assessment. It was our understanding that the 30ML/day Environmental Water Provision (EWP) figure (*GFCDWMP 2002, page 8*) represented an interim, minimum, first year “stepping stone” only, allowing irrigators breathing space to consolidate water storage, while the intention was to set

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<sup>1</sup> **Environmental Water Provision is defined in the GFCWMP, DPIWE, July 2003, as “that part of the Environmental Water Requirement that can be met; that is, the water regime preserved for the environment through agreement or negotiation”.**

incremental increases in the EWP to achieve environmental “moderate risk” levels, as defined in the study *Ecological Flow Requirements for the Great Forester River* (McKenny and Read, 1999). It is clear that this was the intent and focus of the original *GFCWMP* (DPIWE, January 2002).

Unfortunately, in the amended numerous draft versions and final draft of the *GFCWMP* (DPIWE, 2003), the operational period of the plan was reduced from five to three years, taking the focus off long term commitment to achieving “moderate risk” levels. As well, proposed incremental increases in the EWP were discarded for a flat 30ML/day EWP for the operational period of the plan, with no commitment to increases in the EWP without agreement of all stakeholders.

Dorset Waterwatch understands that the *Water for Ecosystems Policy* has determined that EWPs will be set taking into account the ecological, economic and social impacts.

DWW has studied the above McKenny and Read (1999) ecological study, conducted under a risk assessment framework, and noted the potential environmental impacts associated with the adoption of defined “high”, “moderate” and “low” risk EWP levels.

As well, DWW has studied the economic report *Great Forester Catchment – Irrigation and Water Reliability Project* by David Armstrong (2001), commissioned by DPIWE. We did not find this study to be a rigorous and robust analysis of potential economic and social impacts. This was also the conclusion reached by the National Competition Council (NCC) in its *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 - Water Reforms (see attachment 1.). In connection with the Armstrong (2001) report DWW has not seen any evidence of a detailed study on potential social impacts and clearly nothing that has been produced under a risk assessment framework. This, given the general tenor of the report, is clearly an unfortunate situation.

Our concerns do not rest there. DWW has advised DPIWE and the Minister of what we believed to be dysfunctional process in the establishment and composition of the proposed community advisory body, which assisted DPIWE in many aspects of amending the *GFCWMP* (DPIWE, 2003), including the revising of the EWPs. While we do not intend to make this a focus of this submission, we wish to point out that this matter is now the subject of a community based audit, which will also take in the entire process of the development and current appeal of the *GFCWMP*. The audit will be published in 2004.

## **Submission**

DWW remains unsatisfied that an adequate risk assessment process, capable of integrating the risk factors for the three areas noted above (namely social, economic and ecological), was used in the revision of the EWPs in the *GFCWMP* (DPIWE, 2003).

Firstly, as indicated, the EWPs were re-set for the second and all subsequent drafts and the final plan without, it would seem, any clear basis in science. In fact, we can

find no clear rationale at all for maintaining a 30ML/day EWP for the operational period of the Plan when DPIWE declared this figure to be “The minimum acceptable environmental flow for the first year of the Plan...” in a discussion paper to the Great Forester Catchment Water Management Planning Group (see attachment 2.).

This is particularly concerning in light of the advice from the McKenny and Read study (1999, pages 23 & 24) which recommended adopting a “low risk” EWP for the protection of the habitat of the threatened species, *Astacopsis gouldi*, the giant freshwater crayfish. The *Astacopsis gouldi* population is in recovery following virtual decimation of its numbers as a result of the 1994 pyrethrum spill in the Great Forester River.

As well, McKenny and Read (1999) call for the adoption of a “low risk” EWP in order to maintain the habitat for brown trout, a priority species documented as important to recreational fishermen in *Great Forester Catchment Water Resources Information Package*, pages 18 & 19, (DPIWE, February 2001). (see attachment 3.) from information gathered at a 1998 *Community Water Values Workshop*. It remains unclear how it was appropriate to set a flat 30ML/day “high risk” scenario EWP in spite of advice from the 1998 *Community Water Values Workshop* and DPIWE’s own scientific report. In our view, there are serious questions regarding potential liability, as it is clear that the incorporation of the recommendations from the best available science has been ignored.

Secondly, we believe the economic assessment authored by David Armstrong (2001) was insufficient to form a convincing argument that widespread economic hardship was the only likely scenario if “moderate risk” EWPs were met. The report may not be representative in that it is based on interviews with only three irrigators, all very large enterprises and relatively high water users. The study itself does not appear to be supported by a risk assessment framework.

In its 2002 Assessment of the GFCDWMP (2002) the National Competition Council makes the following comments in regard to the Armstrong Report (2001):

“The Council has reviewed the Armstrong consultancy and has some concerns with the report and the possible direction Tasmania may be taking in relation to the determination of EWPs in water management plans.”

“The socio-economic study conducted by Armstrong Consulting is not considered to be a robust analysis of the issue.”

“The return of \$1,000 per megalitre seems to be high relative to returns elsewhere, and the extrapolation of losses to the State seems somewhat tenuous.”

“The Council is highly concerned.....the use of socio-economic studies based on protecting current consumption (is) putting off or watering down the legitimate needs of the environment, resulting in ongoing degradation.”

And finally, “The Council does not want to see EWPs and the water management plan process diluted by the inappropriate use of socio-economic studies.”

An important question arises as a result of this assessment by the NCC. If DPIWE was aware of the critical comments by the NCC in its assessment published in 2002, what actions were taken to correct or clarify any of the socio-economic information disseminated to the public, and in particular, the Water Management Planning Consultative Group? This is a critical point, as the argument for re-setting the EWPs

downward from the “moderate risk” level to “high risk” was largely based on the information contained in the Armstrong report (Armstrong 2001).

Thirdly, it does not appear that any in-depth, relevant risk assessment-based social impact study was conducted, outside of the possibly flawed Armstrong report (Armstrong 2001) and information collected at the 1998 *Community Workshop on Water Values* (see attachment 3.). Had this information been available it would have contributed to the discussions over the balance to be struck between environmental, economic and social impacts in the setting of EWPs for the GFCWMP.

Certainly, if such information had been collected it would have posed revealing questions such as (but not limited to):

Who will pay for restoration works should erosion occur as a result of streambank vegetation decline due to low river levels from irrigation loss?

Who will compensate farmers if they experience financial losses as a result to having to meet EWPs set without adequate scientific assessment and input?

And who will compensate anglers in the event of loss of the Brown trout fishery?

## **Summary**

As a volunteer water monitoring group working on behalf of the community, Dorset Waterwatch does not have the expertise to determine what levels the EWPs should be set in the GFCWMP (DPIWE, 2003). We can only rely on the information provided to us throughout the process by DPIWE and use our judgement to decide which of it is relevant, scientific and accurate. It is interesting to note DPIWE’s own words in a *Report on the Great Forester Catchment Draft Water Management Plan* (see attachment 4.). “Improvements in river health are only expected after there are significant improvements in river flow”. This statement confirms our fears that the current EWPs in the Plan will do little or nothing to advance ecological recovery in the Great Forester Catchment.

For our part, Dorset Waterwatch feel an obligation to the taxpayers, who funded this process, to ensure that the best possible outcomes, which pose the least likely risks to the environment and water users, are delivered. We do not wish to see continued ecological degradation nor have the community face the prospect of compensation payments to irrigators, should the EWPs based on “best guess” rather than arrived at through a full assessment of the attendant risks, cause material harm. It is also unacceptable, in our opinion, to allow another three years to pass without a firm commitment to independent peer reviewed scientific analysis contributing to the development of all aspects of EWPs in the future.

It seems prudent to deliver what the *Water for Ecosystems Policy* (2001) calls for - Environmental Water Provisions that are reflective of a balance between economic, environmental and social considerations and that bring value and benefit to the wider community who, as always, one way or the other, foot the bill.

## **References**

ARMCANZ & ANZECC, 1996, *National Principles for the Provision of Water for Ecosystems*

*Water for Ecosystems Policy* (Policy #2001/1 of the *Water Management Act 1999*)

DPIWE, January 2002, *Great Forester Catchment Draft Water Management Plan*

DPIWE, July 2003, *Great Forester Catchment Water Management Plan*

McKenny and Read, 1999, *Ecological Flow Requirements for the Great Forester River* (DPIWE)

Armstrong, D. 14 July, 2001, *Final Report Tasks 1 & 2, Great Forester Catchment – Irrigation and Water Reliability Project*

National Competition Council, 2002, *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 Water Reforms

## **Attachments**

1. *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 Water Reforms chapter 7, pages 26 – 28. (National Competition Council 2002)

2. *Great Forester Catchment, Water Management Planning Consultative Group, notes for meeting 19 June 2002*, page 2. (DPIWE, 2002)

3. *Great Forester Catchment Water Resources Information Package*, pages 18 & 19, (DPIWE, February 2001).

4. *Report on the Great Forester Catchment Draft Water Management Plan*, page 13 (DPIWE, 28 August, 2002)

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## 2002 NCP assessment

**Discussion**

The Council has reviewed the Armstrong consultancy and has some concerns with the report and the possible direction Tasmania may be taking in relation to the determination of EWPs in water management plans. The draft Great Forester plan is the first water management plan that has been developed and will be used as a precedent in establishing the direction for the development of all other water management plans.

The socio-economic study conducted by Armstrong Consulting is not considered to be a robust analysis of the issue. The study is based on interviewing only three irrigators in the catchment and may not, therefore, be representative. The return of \$1 000 per megalitre seems to be high relative to returns earned elsewhere, and the extrapolation of losses to the State seems somewhat tenuous.

Furthermore, the report contains the following:

*While there was support for the concept OF environmental flows, there was not support for the level proposed for the Great Forester. In part, this was because the evidence for increased flows was intangible and the scientific procedures to establish the required flow is complex and was not understood ... Irrigators asked why they should meet the full costs of providing the increased environmental flows, a community benefit. (page 1)*

and

*while acknowledging and supporting the need for environmental flows to be identified, the three landholders did not accept that the increased requirements proposed for the environment were justified. It was their view there needs to be clear demonstration that the streams are degraded as a result OF irrigation, and that reducing the present allocations for summer irrigation will ameliorate any such degradation. (page 7).*

The report argues the percentage of water available with a reliability of 90 per cent is reduced from 82 per cent now to 39 per cent of the direct take requirement to fully irrigate. The costs of obtaining water from other sources such as building additional storages, purchasing other allocations, groundwater, and water efficiency savings are prohibitive.

The report summarises the following as key issues and conclusions:

- there are difficulties in the region in understanding the size of the threat to water availability;
- stakeholders question the need to reduce water availability;
- there is reluctance to change enterprises;



**Chapter 7: Tasmania**

- land values may be threatened;
- the logical option is to increase storage through capturing winter flow or large community dams; improving the efficiency of water use would be expensive and the prospects for improving efficiency are limited; "Why should I pay for the costs of the environment" when it is the community's problem;
- the impact of plantation forests is a concern; and
- the regional economic impacts are unacceptable.

The bottom line of the report is that the provision of environmental flows, of the dimension proposed in the draft water management plan, will result in higher costs, significant capital infrastructure and/or reduced profitability and should not be pursued. The EWPs contained in the draft plan are therefore to be reviewed in light of this study. There is general agreement that more monitoring should be done (including metering) to determine accurate information on current usage. A working group of major stakeholders has been formed to further consider the plan.

The Council is highly concerned at an issue that has emerged across a number of jurisdictions in this assessment, namely, the use of socio-economic studies based on protecting current consumption putting off or watering down the legitimate needs of the environment, resulting in ongoing environmental degradation.

Tasmania has confirmed that there is a potential for socio-economic assessments to modify the phasing in of EWPs based on monitoring, adaptive management, and agreement with catchment communities. It is the Council's view that the environment needs what the environment needs. As per the original Great Forester plan, EWPs need to be set and protected with high levels of surety.

The Council also does not accept the argument that the science for the environment has to be perfect before environmental provision are made, or proof obtained of causal degradation. All governments are committed to the precautionary principle. This states that in order to protect the environment, a precautionary approach to water allocations shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

In relation to the Dykes submission, the Council established that the timing of the water management plan for Little Swanport has been brought forward in recognition of the importance of estuarine values. The Tasmanian Government has placed an initial emphasis on determining IceWorks for low flows in summer where systems may be considered stressed. The Little



2002 NCP assessment

Swanport water management plan will be used as a model to expand the EWR requirements to consider estuaries in other parts of Tasmania.

## Assessment

While an examination of progress shows that the time frames for achieving formal water management plans have blown out in some cases, Tasmania has advised that it is confident the program will be delivered by the 2005 deadline. However, a number of plans are awaiting finalisation of the Great Forester plan as a precedent for how final plans should be implemented.

The 2001 outstanding issue has not been met. The Great Forester plan is, however, still a draft for an unstressed river and the Council needs to ascertain the extent of the proposed changes to the draft to finalise the first of Tasmania's water management plans.

Given the precedent value of the Great Forester plan, the Council is of the view that another assessment against this principle needs to occur in the 2003 NCP assessment to assess the final plan and the direction Tasmania proposes to take to meet its CoAG obligations. It is likely that the final Meander water management plan may also be available for this assessment. The Council does not want to see EWPs and the water management plan process diluted by the inappropriate use of socio-economic studies.

Finally the Council has confined itself in this assessment to reassessing outstanding issues with regard to principle 5. In relation to the case study provided by submission 11, the Council will next assess Tasmania's progress against all of the national principles for provision of water for ecosystems in the 2004 NCP assessment.

## Environment and water quality: integrated catchment management

**Outstanding issue:** Tasmania is to demonstrate developments concerning the State Natural Resource Management Strategy.

**Next full assessment:** The Council will assess integrated catchment management in detail in 2003, by which time the Council will expect that Tasmania will have implemented reforms planned in 2001 and resolved any outstanding issues.

**Reference:** Water reform agreement, clauses 6(a-b) and 8(b-c)

## Background

In 2001, the Council found Tasmania had met minimum NCP commitments. At that time, the major development in integrated catchment management in Tasmania was a proposal to develop a State Natural Resource Management Strategy. The strategy will be used to coordinate the development of

**GREAT FORESTER CATCHMENT  
WATER MANAGEMENT PLANNING CONSULTATIVE GROUP**

**NOTES FOR MEETING 19 JUNE 2002**

**ENVIRONMENTAL FLOWS (Environmental Water Provisions)**

The Department's position on environmental flows in relation to the Great Forester WMP is as follows:

The minimum acceptable environmental flow for the first year of the Plan is 30ML/day.

The long-term goal of reaching at least the 'moderate risk' environmental flow should be enshrined within the plan in the form of a 'vision statement', or similar.

Two management options were presented below as a starting point for discussion. Both options seek to preserve an environmental flow of 30ML/day by starting restrictions when the flow at the Forester Road gauging station drops to either 40ML/day or 45ML/day. The current management protocol is also presented below for comparison.

*Management Option 1*

Stage 1 Restrictions (40ML/day) - Surety 6 (i.e. temporary) allocations cut by 50%, Stage 2 Restrictions (35ML/day) - no pumping of Surety 6 allocations Stage 3 Restrictions (30ML/day) - no irrigation permitted

*Management Option 2*

Stage 1 Restrictions (45 ML/day) - Surety 6 (i.e. temporary) allocations cut by 50%, e.g. by permitting pumping only on alternate days (or nights). Stage 2 Restrictions (40ML/day) - no pumping of Surety 6 allocations Stage 3 Restrictions (35ML/day) - Surety 5 (CWRs) allocations cut by 50% Stage 4 Restrictions (30ML/day) - no irrigation permitted

*Current Management Protocol*

Restrictions were applied at the discretion of the Principal and Regional Water Management Officers to protect a minimum flow of 25ML/day. Restrictions start when the flow at the Forester Road gauging station drops to about 30ML/day, and usually involve cutting temporary allocations by 50%. The next step is to allow pumping of CWRs on alternate nights (i.e. no usage of temporary allocations and CWRs were cut by 50%). No further irrigation is permitted when the flow reaches 25ML/day.

*Great Forester Catchment - Community Based Water Management Planning**Water**and Water**Introduction*

Water quantity and quality management in Tasmania is based on a value-setting process that includes input from both local communities and State Government agencies. The main purpose of this process is to ensure that catchment-based management actions have broad support and are not determined by any single interest group.

Community uses and values of the resource are established at meetings involving represent- from different groups such as Local Government, catchment management, farming, irrigation and recreational fishers. Technical experts identify State values such as endangered species, protected wetlands and fisheries.

Community water values for the Great Forester catchment were collected at a Community Workshop organised by DPIWE and held in January 1998. Draft water management goals supporting both community and State water values were reviewed and finalised at the October 1999 meeting of the Brid - Forester Integrated Catchment Group. The goals will guide the development of a water management plan for the Great Forester catchment.

Community and State water values, and water management goals for tile catchment are given below.

## Community Water Values

Ecosystem Values	Priority
• Maintain or improve water quality	1
• Improve low flow quantities	2
• Maintain flows for floral and fauna stream habitat	3
• Protect <i>Astacopsis gouldii</i>	3a
• Protect whitebait and blackfish fisheries	3b,
• Avoid algal blooms	
• Maintain adequate flows into estuary	
• Protect riparian zone	-
Consumptive and Non-Consumptive Use Values	
• Maintain sufficient water for Scottsdale water supply	1
• Maintain flows for riparian use (stock and domestic)	2
• Maintain water for fish farming	2
• Maintain flows for industry	3
• Maintain flows for irrigation	3
• Establish a water rationing/emergency plan for water use	3
• Improve water storage and timing of take	-

*Land and Water Management Branch: February 2001**Pa**ge 18*

Great forester Catchment - Community Based Water Management Plan

Recreational Values

Maintain or improve whitebait fishery in lower Great Forester

Maintain or improve blackfish and trout fisheries

Maintain water quality for swimming and recreation at Scouts cabin

Canoeing

Platypus watching

Physical Landscape Values

• Reduce riverbank erosion and loss of land

- Reduce catchment scale erosion 2
- Protect or improve riparian zone 3
- 'The Cut' 4

Aesthetic Values

- Reduce unnatural turbidity 1
- Reduce incidence of green slimes and algae 2

• Maintain/improve riparian zone

• Remove unnatural objects from river

• Maintain adequate flows over Cuckoo Falls

and State Water Values

Ecosystem Values

\* Astacopsis gouldii (giant freshwater crayfish)

Prototroctes maraena (grayling)

Galaxiella pusilla (dwarf galaxiid)

• Engaeus spinicaudatus (Scottsdale burrowing crayfish) -an obligate riparian vegetation dweller

• Rearing and spawning habitat for G. macutatus and G. trullaceous; spawning for grayling in particular, as well as for lampreys, blackfish trout, estuarine perch, sandies

Macrophytes - these are of botanical importance as well as a habitat for macroinvertebrates

urn (E. virninalis) country is important botanically

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10 Ricegrass is a minor problem in Bridport

I- and Water Management Branch February 2001

PRIMARY  
WATER and ENVIRONMENT  
Water Resources Division

DEPARTMENT of

**GREAT FORESTER CATCHMENT DRAFT WATER  
MANAGEMENT PLAN 2002**

**REPORT PURSUANT TO SECTION 26(b) OF THE  
WATER MANAGEMENT ACT 1999**

*DRAFT*

*PREPARED by the WATER PLANNING SECTION*

*WATER & ENVIRONMENT*

*for review by the*

*GREAT FORESTER CATCHMENT*

*CONSULTATIVE GROUP*

*WATER MANAGEMENT PLANNING*

*(28 AUGUST 2002)*

below the station. This would also ensure the environmental requirements of the estuary are being met to sonic level.

#### Response

Representations regarding the lack of environmental water provisions to sustain a low level of risk to the environment are noted, but the overwhelming response to this issue is that they are set too high in the draft plan.

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Section 15(b) of the Act requires that where a water management plan provides for the allocation and use of water, it must take into account the needs of existing and future users. Also the plan must state the likely effect of the plan on those users, including any effect on businesses carried out by those users.

To assist in making that determination the DPIWE commissioned consultants to undertake a study on Irrigation and Water Reliability under the draft plan. This is dealt with more fully in the next section of this report under 'Economic Impact'.

Based on current information and understanding it is considered that the impact of an increase in the Environmental Water Provisions as specified in the draft plan for Year 5 would outweigh the benefits of raising the flows over that period. As a result, it is agreed that those provisions should be deleted from the plan. They are to be replaced by an amended set of water management operating rules as detailed later in this report under the section dealing with "Administration, Management and Operational Matters."

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However in view of the requirements of Section 14(3)(a), the objectives of the Act and the representations supporting higher flows it is considered that the plan should make a commitment to a shared long term vision of reaching at least the 'moderate risk' environmental flows. This is subject to there being no significant economic impact on water users and improvements in scientific understanding of aquatic ecosystem requirements.

The environmental study (2) and the provisions in the draft plan have focussed on the summer months, as this is the most intensive period of water use. Winter base flows could be identified from current information but further studies would be required to identify spawning flows, flushing flows and channel maintenance flows.

Management of winter flows with respect to future water development and allocation will

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be considered under the forthcoming "Interim Assessment Guidelines for Water Allocations from Water Courses" currently being developed by DPIWE.

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The Department supports the need to undertake further studies of water dependent ecosystems in the catchment and the establishment of a monitoring program, but believes this should not stop implementation of a water management plan based on currently available information. In relation to monitoring, the Department does not agree that no measured improvements in environmental health should imply that low flow levels should be maintained. Improvements in river health are expected only after there are significant improvements in river flow.