

# The Recreational Fishing Alliance of NSW

## Promoting Sustainable Fishing



23 July 2021

The Hon. Melinda Pavey MP  
Minister for Water, Property and Housing  
GPO Box 5341  
SYDNEY NSW 2001

### **Fish are in trouble in the Murray Darling Basin because of floodplain harvesting**

Dear Minister,

I am writing to you about our concerns about floodplain harvesting and its impact on native fish—especially threatened or endangered species such as Murray cod, trout cod, Macquarie perch and silver perch.

Floodplain harvest intercepts over-land flows from the floodplains surrounding main river channels and stores the water in on-farm dams for irrigation of broadacre crops, mostly cotton.

Floodplain harvesting has never been regulated, monitored, or measured in NSW. The NSW Government is in the process of licensing floodplain harvesting for the first time and recreational anglers have significant concerns that need to be addressed.

Over-harvesting of any natural water flows of water across a catchment has significant impacts on a freshwater aquatic ecosystem, in particular aquatic plants, fish and the food web that supports so much life.

We commend those who have supported the establishment of a Parliamentary inquiry into floodplain harvesting, investigating:

- (a) the legality of floodplain harvesting practices,
- (b) the water regulations published on 30 April 2021
- (c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the *Water Management Act 2000* and the Murray Darling Basin Plan and,
- (d) any other related matter, and that the committee report by 30 November 2021.

The devastating fish kills in the Darling River and its tributaries over the past three years were just the latest in a series of disasters that caused many of the fish previously common in the Basin to almost disappear.

Native fish, Ramsar wetlands, migratory and native birds, aquatic vegetation, native and introduced animals and regional communities only survive if they have access to floodplain water.

Lack of water meant that the entire aquatic ecosystem was impacted. The damage was not limited to the visually-obvious fish kills; entire generations of native fish died unseen, due to lack of oxygen and the increasing toxicity and algal blooms that erupted in each waterway.

Over recent years the Murray Darling Basin waterways almost disappeared, or recorded the lowest levels of water flows that are essential to support fish. A lot of commentary at the time of the fish kills mistakenly asserted that it was just because of an unavoidable drought.

In 2019 NSW Agriculture Minister Adam Marshall stated:

*“I’m not going to mince words—the situation we are facing this summer is nothing short of a fish Armageddon, we’re in the midst of the worst drought on record, with record low rainfall, record low inflows into our river systems and high temperatures predicted over the coming months. This is a perfect recipe for disaster and will inevitably result in wide-scale fish kill events this summer, even more significant than those we saw in Menindee earlier this year. While our region was largely spared the mass fish deaths which occurred in the lower half of NSW earlier this year, with the drought continuing and water becoming more scarce, we won’t be as lucky this summer.”*

He never once mentioned how much water had been removed legally or illegally from the western NSW watershed, or what was stored on enormous private dams, from Queensland to the Victorian border.

This was the perfect recipe for disaster—farmers taking more than they needed without looking at the long-term impacts. It was NOT all nature’s fault.

Research has shown that prior to flow regulation, the Barwon–Darling flowed 92% of the time and throughout severe droughts (1895-1903 and 1939-1945) the river system still had flowing water sections and near-annual, in-channel, flow pulses. Recognising this problem, the Murray-Darling Ministerial Council agreed to cap the level of extractions to the level of development that existed in 1994.

However, while water held in major dams provides the bulk of water for irrigation and must be paid for, harvested floodplain water has for decades been regarded as a freely-available bonus to a landholder’s licensed entitlement.

Legally, floodplain harvesting must be licensed at the lower of the 1994 level of take in the cap set by Murray-Darling Basin Ministerial Council in 1995, or the level of extraction prescribed in the current NSW Water Sharing Plans.

Despite licensed water use and extraction being capped at the 1994 levels of development, the storage capacity of large private dams has increased on northern NSW floodplains by around 250% since then, and this type of development has also occurred in Queensland.

If we want to protect fish populations, floodplain harvesting needs to fit within the previously-agreed cap.

Problems with the proposed licensing of floodplain harvesting volumes include:

- The volumes proposed exceed the lower of the legislated cap or the limits legislated in the NSW Water Sharing Plans.
- The four members of the Healthy Floodplain committee (in place to oversee the roll out of floodplain harvesting) are bound by confidentiality agreements, so members cannot reveal what the government is doing, or raise any concerns publicly.
- The hydrological modelling has insufficient data to adequately replicate or predict the impact of floodplain harvesting, cannot measure water returning from a floodplain into a river, and therefore cannot determine downstream impacts, and has not had its performance independently assessed or verified.
- Once issued, floodplain harvesting licences will be compensable.
- The implementation of the floodplain harvesting regulation is complex and its impact is severe enough to justify either a Royal Commission or a Special Commission of Inquiry. Any inquiry should have broad terms of reference.

The RFA of NSW believes that matters to be investigated should also include:

- Evidence of compliance with the Murray-Darling Basin Cap and Water Sharing Plan limits.
- Adherence to the Water Management Act and the Basin Plan.
- The workings and activities of the Healthy Floodplains Committee.
- The quality, effectiveness and usefulness of the hydrological models.
- Review of existing legislation and policies to ensure end-of-system flows.
- Other mechanisms to ensure end-of-system flows.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Konstantaras'.

Stan Konstantaras  
President  
Recreational Fishing Alliance of NSW