

- 1 APR 2019

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18-D-00401

s 9(2)(a)

Dear s 9(2)(a)

Thank you for your email of 6 March 2019 requesting the following under the Official Information Act 1982 (the Act):

- 1) *Please advise whether any work is being done to revise the physical attribute values found in Appendix 2 of the NPS 2014 revised 2017 <http://www.mfe.govt.nz/sites/default/files/media/npsfm-showing-changes.pdf>*
- 2) *Please advise if any of the attributes in appendix 2 have new values proposed, and if so, the proposed new values.*
- 3) *Please advise whether any new values proposed have been adopted.*
- 4) *Please provide correspondence (inward and outward) from the last 45 days regarding changes proposed, or adoption of revised, attribute bands. If this is too broad, please confine the correspondence provided to that related to Nitrogen attribute values.*

**In regards to your questions expressed in 1) to 3)**

The Ministry for the Environment is considering a range of new water quality attributes – including for nitrogen and phosphorus in rivers. If these are progressed, we will also consider whether the existing nitrate toxicity attribute is still necessary.

We are still developing these new attributes and are considering a range of possible values. As a result we have not proposed any specific values for inclusion in the National Policy Statement for Freshwater Management, nor has the Minister for the Environment had an opportunity to agree or adopt any.

Please also note that any proposals to amend the National Policy Statement for Freshwater Management – including new attributes and values – will be subject to full public consultation later this year, and you will have the opportunity to consider them and make a submission before they can be adopted.

**In regards to your request for correspondence under 4)**

The Ministry for the Environment has identified 43 emails in scope of your request for. All information within these documents, including their subject headings, has been withheld under the following sections of the Act:

- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Unfortunately, the Minister is yet to consider our advice on whether to adopt new attributes for nitrogen and phosphorus in rivers. The correspondence you have requested discusses matters that will be central to this advice, and the decision the Minister will need to make.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment will publish responses to most of our requests for official information on our web site on our OIA responses page shortly after the response has been sent to you: [www.mfe.govt.nz/about-us/official-information-act-requests](http://www.mfe.govt.nz/about-us/official-information-act-requests).

If you have any queries about this, please feel free to contact our Executive Relations team.

Yours sincerely



**Martin Workman**  
Director, Water