

20-D-00832

s 9(2)(a)

Stuff Media

s 9(2)(a) [@stuff.co.nz](mailto:stuff@stuff.co.nz)

Dear s 9(2)(a)

I refer to your Official Information Act 1982 (the Act) request dated 27th May 2020 for the following information:

Please provide any reports, meeting minutes, papers, memos or correspondence between officials at MfE and external parties (including but not limited to members of the Science and Technical Advisory Group and any agriculture groups) regarding nitrogen limits in the proposed Essential Freshwater standards.

To clarify, I am looking for information specifically related to nitrogen limits, as these are the issue most subject to debate in the proposed standards.

On 4 June 2020 the Ministry for the Environment (the Ministry) consulted you via email to narrow the scope of your request, as the way it was worded meant that there was a large volume of materials potentially within scope.

The following amendments to the scope of your initial request were then agreed between yourself and the Ministry:

- The 'external groups' referred to in your initial request were restricted to STAG, Fonterra, Federated Farmers and DairyNZ.
- Administrative emails such as meeting set up were agreed to be excluded from scope

A date range was imposed of 1 March 2019 to the date of your initial request, 27 May 2020.

On 18 June 2020 the Ministry then contacted you to extend the timeframe for response to your request under section 15A(1)(b) of the Act, as the request necessitated a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the Ministry.

On Thursday 9 July 2020 the Ministry contacted you again to attempt to further refine the scope of your request, as search results were returning approximately 700 emails potentially in scope of your request, many with multiple attachments. This number does not include reports and briefings.

The Ministry asked for a response to this further request for refinement by 12 noon Tuesday, 14 July 2020 and to date has not had a response to that request. As the Ministry has received no reply, the scope is taken as current from the last refinement given by you.

As a result, the Ministry is unable to respond to your request as even with your earlier refinement, it will still require substantial collation and research on the part of the Ministry to answer. Your request is therefore refused under section 18(f) of the Act.

While we cannot meet your exact request, we are able to provide you with key documentation that is already publically available that may assist you. We are also able to inform you that the Ministry is currently considering proactive release of other documents that may also assist you, and will further support transparency around the development process of the nitrogen toxicity (NT) and dissolved inorganic nitrogen (DIN) attributes in the Action for Healthy Waterways policy package.

Key documentation is already publically available regarding STAG and the development of the DIN and NT attributes. This includes meeting minutes and papers produced by STAG, available on the Ministry's website. Please see Schedule 1 below for a summary of these documents.

We also refer you to other information requests made by the groups of interest in the time period 1 March 2019 to the time of your request. There are also two existing releases under the Act which may be of interest to your request. Please see Schedule 2 below for a summary of these documents.

Please feel free to contact me (hayden.johnston@mfe.govt.nz) for more information if you wish to discuss this topic further. Please note that any subsequent request for information will be treated as a new request under the Act.

You have the right to seek an investigation and review by the Office of the Ombudsman of this decision, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries about this, please feel free to contact our Executive Relations team: ministerials@mfe.govt.nz.

Yours sincerely



Hayden Johnston
Acting Director, Water and Land Use Policy

Schedule 1: STAG meeting minutes and reports from the development of the Nitrogen Toxicity (NT) and Dissolved Inorganic Nitrogen (DIN) attributes within the requested timeframe.

Key meeting minutes, documents and reports from the STAG's development of the nitrogen attributes have already been made publically available through a previous OIA request. Please see the page on the Ministry for the Environment website for a full list of available documents. URL: <https://www.mfe.govt.nz/fresh-water/science-and-technical-advisory-group>

Document no.	Document date	Content	Location
1	1/03/2019	STAG Meeting minutes March 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/science-and-technical-advisory-group-meeting-minutes-march-19.pdf]
2	1/03/2019	Priority Meeting papers for March 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/7-STAG-meeting-docs-26-March-2019.pdf]
3	1/04/2019	STAG Meeting minutes April 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/science-and-technical-advisory-group-meeting-minutes-april-19.pdf]
4	1/04/2019	Meeting papers for April 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/16%20April%20Science%20and%20Technical%20Advisory%20Group%20meeting%20minutes_0.pdf]
5	12/04/2019	Summary of nutrient sub-group discussions	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/9-STAG-additional-meeting-docs-Nutrient-sub-group-summary-12-April-2019_0.pdf]
6	1/05/2019	STAG Meeting minutes May 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/science-and-technical-advisory-group-meeting-minutes-may-19.pdf]
7	1/05/2019	Meeting papers for May 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/11-

Document no.	Document date	Content	Location
			STAG-meeting-docs-1-May-2019.pdf]
8	2/05/2019	Proposed nutrient tables for 2 May 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/12-STAG-additional-meeting-docs-Proposed-nutrient-attributes-2-May-2019.pdf]
9	22/05/2019	Expanded explanation of the derivation of nutrient attributes for the NPS-FM as of 22 May 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/13-STAG-additional-meeting-docs-Proposed-Nutrient-Attribute-tables-for-the-NPS-22-May-2019.pdf]
10	31/05/2019	Review of STAG nutrient attributes-David Hamilton	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/14-STAG-additional-meeting-docs-David-Hamilton-review-STAG-nutrient-attributes-31-May-2019.pdf]
11	13/06/2019	STAG meeting minutes 13 June 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/science-and-technical-advisory-group-meeting-minutes-13-june-19.pdf]
12	13/06/2019	Meeting papers for June 13 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/15-STAG-meeting-docs-13-June-2019.pdf]
13	24/06/2019	STAG meeting minutes 24 June 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/science-and-technical-advisory-group-meeting-minutes-24-june-19.pdf]
14	27/11/2019	STAG meeting minutes November 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/STAG-meeting-minutes-November-2019.pdf]
15	27/11/2019	Meeting papers for November 2019	URL:[https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/STAG-meeting-docs-November-2019.pdf]
16	27/11/2019	Technical material-proposed DIN and DRP	URL:[https://www.mfe.govt.nz/sites/default/files/me

Document no.	Document date	Content	Location
		bottom lines in relation to modelled minimally disturbed condition	dia/Fresh%20water/STAG-additional-meeting-docs-reference-state-November-2019.pdf
17	1/04/2020	STAG Supplementary report to the Minister for the Environment	URL:[https://www.mfe.govt.nz/publications/freshwater/freshwater-science-and-technical-advisory-group-supplementary-report]

Schedule 2: OIA requests from the external groups of interest regarding nitrogen limits in the EFW package development, and other OIA releases that may be of interest to your request

This includes two OIA requests (19-D-01902 and 19-D-01602) which cover correspondence between MfE and the groups named in your request regarding the development of the Essential Freshwater package.

Document no.	Document date	Content	Location
18	10/03/2020	20-D-00289 NIWA assessments of MfE and DairyNZ reports Request made by a DairyNZ representative.	URL: [https://www.mfe.govt.nz/node/26575]
19	13/09/2019	19-D-02039 Science and Technical Advisory Group findings re dissolved inorganic nitrogen and dissolved reactive phosphorous. Request made by a Federated Farmers representative	URL [https://www.mfe.govt.nz/node/25664]
20	25/10/2019	19-D-01899, 19-D-02250 STAG documents re. nutrient attributes.	URL [https://www.mfe.govt.nz/node/26157]

Document no.	Document date	Content	Location
		Request made by a DairyNZ representative.	
21	6/09/2019	19-D-01902 Communications between Gerard Willis, Bryan Smith and Martin Workman (MfE) and Federated Farmers, Fonterra, Dairy New Zealand, Environment Canterbury and Irrigation NZ, since 1 January 2019.	URL: [https://www.mfe.govt.nz/node/25985]
22	18/11/2019	19-D-01602 All reports, memorandums, papers, documents, advice, correspondence, notes, emails, text messages, and other official information between the Ministry for the Environment and DairyNZ, Beef + Lamb New Zealand, Federated Farmers, and Horticulture New Zealand regarding the Government's Essential Freshwater package, since 1 November 2018. All reports, memorandums, papers, documents, advice, correspondence, notes, emails, text messages, and other official information between the Ministry for the Environment and Regional Councils, regarding the Government's Essential Freshwater package, since 1 April 2019.	First tranche URL: [https://www.mfe.govt.nz/node/26469] Second tranche URL: [https://www.mfe.govt.nz/node/26471] Third tranche URL: [https://www.mfe.govt.nz/node/26472]

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