

20-D-01799

S9(2)(a)

S9(2)(a)

Thank you for your email of 22 of September 2020 requesting the following under the Official Information Act 1982 (the Act):

- *A copy of all correspondence between Marnie Prickett and Choose Clean Water and MfE relating to Essential Freshwater, the new NES, and nutrient limits in waterways between 1 May 2020 and 15 September 2020;*
- *And how many OIA's have been lodged with MfE by Marnie Prickett or Choose Clean Water in the past 6 months, what the wording of the requests were, and how many hours were spent compiling responses to the requests.*

Following contact with Ministry for the Environment (the Ministry) officials on 1 October 2020 you agreed to refine the scope of your request to the following:

- *Thank you for the email and yes, I am happy to refine the scope of the search to exclude emails of an administrative nature/ confirmation of meeting times and locations and to include only emails directly to or from Marnie Prickett on the topics mentioned in the original request. I am happy to exclude emails from others that she was copied into along with other people.*

As outlined in Section 15 of the Act your refined request was treated as a new request by the Ministry, with a final decision due to be communicated to you by 2 November 2020.

The Ministry has identified 37 emails within scope of your request, in addition to 14 attachments, as listed in the attached document schedule. Some information, including emails and personal phone numbers, within these documents has been withheld under section 9(2) (a) of the Act to protect the privacy of natural persons.

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.

The following research papers were captured by your request as attachments to emails. These documents are publicly available. Accordingly I am refusing your request for these documents under section 18(d) of the Act.

- Brower, A.L., 2016. Is collaboration good for the environment? Or, what's wrong with the Land and Water Forum?. *New Zealand Journal of Ecology*, 40(3), pp.390-397
- Council, W.R., 2019. Final report The benefits and challenges of farmer-led, collaborative, sub-catchment policy methods and plans for consideration in the Waikato Catchment: A literature review.
- Ward, F.A. and Pulido-Velazquez, M., 2008. Water conservation in irrigation can increase water use. *Proceedings of the National Academy of Sciences*, 105(47), pp.18215-18220.
- Perry, C., Steduto, P. and Karajeh, F., 2017. Does improved irrigation technology save water?.
- Grafton, R.Q., Williams, J., Perry, C.J., Molle, F., Ringler, C., Steduto, P., Udall, B., Wheeler, S.A., Wang, Y., Garrick, D. and Allen, R.G., 2018. The paradox of irrigation efficiency. *Science*, 361(6404), pp.748-750.
- McNeill, J., 2016. Scale implications of integrated water resource management politics: Lessons from New Zealand. *Environmental Policy and Governance*, 26(4), pp.306-319.

In regard to the second part of your request, the Ministry for the Environment (the Ministry) has identified two Official Information Act requests made by Marnie Prickett in the six months prior to the date of your request. The details of these are outlined below:

17 June 2020 (internal ref. 20-D-00987):

"Please could I be provided with the following documents:

1. "Essential Freshwater 82: Making freshwater farm plans enforceable"
2. "Proposals for 'Water Commission Unit': Developing recommendations for the future oversight...".
3. "Essential Freshwater 83: Policy decisions following consultation"
4. "Essential Freshwater 86: Progressing multiple initiatives...."

as well as answers to the following questions:

1. How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by

officials to the Minister for the Environment (please quote directly from written material if available)?

2. Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided?

Please provide the documents provided to Ministers or agencies. If anything is unclear, please let me know. I'm happy to adjust requests if needs be to make sourcing information easier/quicker through more targeted questions."

Please note that the Ministry has published the response to this request. The response can be found here: www.mfe.govt.nz/node/27255.

27 August 2020 (internal ref. 20-D-01649)

"I understand that MfE has approached NIWA, particularly Scott Larned, concerning the development of nutrient criteria (nitrogen and/or phosphorus) for the National Policy Statement for Freshwater Management.

1. I request all communications between MfE staff and NIWA, including Scott Larned, concerning NIWA giving advice and/or undertaking work to develop nutrient criteria (nitrogen and/or phosphorus) for the National Policy Statement for Freshwater Management. These communications should include emails, and their attachments, texts, meeting notes and minutes, and other records of communications.

2. I request copies of any project scoping documents, tendering documents, and other documents setting out the actual or planned work and/or advice concerning the development of nutrient criteria by NIWA.

3. I request all communications and associated documentation between MfE staff and DairyNZ staff, in the last 4 months (1st May to present) relating to the development of nutrient criteria by NIWA. These communications should include emails, and their attachments, texts, meeting notes and minutes, and other records of communications."

No Official Information Act requests from 'Choose Clean Water' have been identified within the time period specified in your request.

The Ministry for the Environment does not record information relating to the time spent responding to individual Official Information Act requests. As such, this part of your request has been refused under section 18(e) of the Act:

"...the document alleged to contain the information requested does not exist..."

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.

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 Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

This letter has been signed electronically by:

Keita Kohere
Director of Sustainable Land Use Delivery and Oversight

Released under the provision of the
Official Information Act (1982)

No.	Document Date	Content	Decisions	OIA Section/s applied (if withholding information)
1	11/06/2020 17:30	PR Water storage should not be prioritised...	Release in part	9(2)(a)
1.1	11/06/2020 17:30	Attachment: PR - Water storage should not be prioritised over waste and drinking water infrastructure in post-Covid public spending	Release in part	9(2)(a)
2	17/06/2020 17:35	OIA request	Release in part	9(2)(a)
3	18/06/2020 12:31	Re: Acknowledgment of your Official Informat...	Release in full	N/A
4	29/06/2020 16:33	Re: 20-D-00987 Marnie Prickett (OIA request ...	Release in full	N/A
5	2/07/2020 12:32	Please find attached signed confidentiality ...	Release in Full	N/A
5.1	2/07/2020 12:32	Exposure draft Confidentiality undertaking	Released in full	N/A
6	3/07/2020 12:07	RE: 20-D-00987 Marnie Prickett (OIA request ...	Release in full	N/A
7	8/07/2020 17:28	Choose Clean Water feedback on Exposure Draf...	Release in part	9(2)(a)
7.1	8/07/2020 17:28	Attachment: Feedback template	Released in Full	N/A
8	8/07/2020 17:28	Re: Choose Clean Water feedback on Exposure ...	Release in part	9(2)(a)
9	8/07/2020 17:32	RE: Choose Clean Water feedback on Exposure ...	Release in part	9(2)(a)
10	13/07/2020 11:34	Farm planning development	Released in Full	N/A
11	16/07/2020 10:34	RE: Farm planning development	Released in Full	N/A
12	31/07/2020 11:01	Nominees with FEP expertise and independence	Release in part	9(2)(a)
13	31/07/2020 11:10	RE: Nominees with FEP expertise and independ...	Release in part	9(2)(a)
14	31/07/2020 11:38	Literature: On efficiency and catchment grou...	Release in part	9(2)(a)
14.1	31/07/2020 11:38	Attachment: Is collaboration good for the environment? Or, what's wrong with the Land and Water Forum? Ann L. Brower	Refused	18(d)
14.2	31/07/2020 11:38	Attachment: The benefits and challenges of farmer-led, collaborative, sub-catchment	Refused	18(d)

No.	Document Date	Content	Decisions	OIA Section/s applied (if withholding information)
		policy methods and plans for consideration in the Waikato Catchment: A literature review		
14.3	31/07/2020 11:38	Water conservation in irrigation can increase water use Frank A. Warda,1 and Manuel Pulido-Velazquezb	Refused	18(d)
14.4	31/07/2020 11:38	Attachment: DOES IMPROVED IRRIGATION TECHNOLOGY SAVE WATER?	Refused	18(d)
14.5	31/07/2020 11:38	Attachment: The paradox of irrigation efficiency	Refused	18(d)
14.6	31/07/2020 11:38	Attachment: Scale Implications of Integrated Water Resource Management Politics: Lessons from New Zealand	Refused	18(d)
15	3/08/2020 11:35	Dairy Water Accords - a useful brief history	Release in part	9(2)(a)
15.1	3/08/2020 11:35	Attachment: 17 years broken industry commitments	Released in Full	N/A
16	4/08/2020 8:57	RE: Dairy Water Accords - a useful brief his...	Release in part	9(2)(a)
17	11/08/2020 13:59	Cawthron Institue piece on linking farm plan...	Release in part	9(2)(a)
18	11/08/2020 14:02	Fwd: Cawthron Institue piece on linking farm...	Release in part	9(2)(a)
19	19/08/2020 13:29	Fwd: 20-D-00987 OIA (Choose Clean Water)	Release in full	N/A
19.1	19/08/2020 13:29	Attachment: 20-D-00987 OIA Letter	Released in full	N/A
19.2	19/08/2020 13:29	Attachment: 20-D-00987 Documents to be released	Released in full	N/A
20	19/08/2020 15:16	Re: 7.30am: (zoom & on) Implementation of th...	Release in part	9(2)(a)
20.1	19/08/2020 15:16	Attachment: TOR for Freshwater Implementation group – ENGO suggestions	Released in full	N/A
21	19/08/2020 18:34	Re: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A
22	20/08/2020 15:04	Re: Freshwater Implementation Group Next M...	Release in part	9(2)(a)
23	20/08/2020 15:59	Re: Freshwater Implementation Group Next M...	Release in full	N/A
24	24/08/2020 12:21	RE: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A

No.	Document Date	Content	Decisions	OIA Section/s applied (if withholding information)
25	25/08/2020 11:00	Re: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A
26	27/08/2020 10:05	Re: Freshwater Implementation - suggestions ...	Release in part	9(2)(a)
27	27/08/2020 10:16	RE: Freshwater Implementation - suggestions ...	Release in part	9(2)(a)
28	27/08/2020 12:30	Official Information Act Request	Release in part	9(2)(a)
29	28/08/2020 13:08	RE: 20-D-00987 OIA (Choose Clean Water)	Release in part	9(2)(a)
30	1/09/2020 11:48	Re: NOVEMBER: Freshwater Implementation Grou...	Released in full	N/A
31	1/09/2020 13:00	Re: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A
32	1/09/2020 13:06	Re: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A
33	1/09/2020 14:15	RE: 20-D-00987 OIA (Choose Clean Water)	Released in full	N/A
34	2/09/2020 10:07	Re: Agenda for Freshwater Implementation Gro...	Release in full	N/A
35	3/09/2020 13:58	Memo from ENGOS re Sept 2nd Meeting	Release in part	9(2)(a)
35.1	3/09/2020 13:58	Attachment: Memo from ENGOS re Sept 2nd Meeting	Released in full	N/A
36	9/09/2020 16:32	RE: Talking about the directors group for FW...	Release in full	N/A
37	9/09/2020 16:40	Re: Talking about the directors group for FW...	Release in part	9(2)(a)

Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Thursday, 11 June 2020 3:38 pm
To: Marnie (Choosecleanwater)
Subject: PR | Water storage should not be prioritised over waste and drinking water infrastructure in post-Covid public spending
Attachments: PR- Water storage should not be prioritised over waste and drinking water infrastructure in post-Covid public spending .docx

MFE CYBER SECURITY WARNING

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Water storage should not be prioritised over waste and drinking water infrastructure in post-Covid public spending

Thursday 11 June 2020
For immediate release
Choose Clean Water

The Government should be putting public health first in its post-Covid spending, freshwater campaigners say, prioritising waste and drinking water infrastructure over water storage.

Campaigners from Choose Clean Water were disappointed to learn today that the Government has given \$37.3 million for a water storage scheme in Northland, not for long overdue and essential improvements for waste, storm and drinking water infrastructure.

"We're just emerging from a serious public health crisis and it is reasonable to expect that our Government would prioritise its post-Covid spending on projects to improve public health – that's not what we're seeing in today's announcement," says group spokesperson Marnie Prickett.

"Our three waters – storm, waste and drinking water – infrastructure has been neglected over many years and we know that councils have put forward projects to improve these services with post-Covid funding. Such projects would be a win-win for public health and economic stimulus through construction."

"Upgrading drinking water infrastructure alone has already been costed out at hundreds of millions of dollars and the [Havelock North Inquiry found that 721,000 people in New Zealand are drinking water that may not be safe.](#)"

"Moreover, the group says, while [the Government claims the water storage project is to protect Northland from the effects of climate change](#), the science to back these claims appears not to have been provided."

"[Global analysis shows that seeking to reduce water use is a better way to develop resilience than building dams.](#) Our Government should be showing the public the science upon which it is basing water storage decisions. We suspect there is no sound basis."

"Water storage projects look like a plaster on a much bigger problem – our changing climate."

ENDS

For more information: Marnie Prickett S 9(2)(a)

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From: [Marnie \(Choosecleanwater\)](#)
To: [Ministerials](#)
Subject: OIA request
Date: Wednesday, 17 June 2020 5:35:13 pm

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

To whom it may concern,

Please could I be provided with the following documents:

1. "Essential Freshwater 82: Making freshwater farm plans enforceable"
2. "Proposals for 'Water Commission Unit': Developing recommendations for the future oversight...".
3. "Essential Freshwater 83: Policy decisions following consultation"
4. "Essential Freshwater 86: Progressing multiple initiatives...."

as well as answers to the following questions:

1. How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by officials to the Minister for the Environment (please quote directly from written material if available)?
2. Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please provide the documents provided to Ministers or agencies.

If anything is unclear, please let me know. I'm happy to adjust requests if needs be to make sourcing information easier/quicker through more targeted questions.

Kind regards,
Marnie Prickett

s 9(2)(a)

Released under the Official Information Act 1982

Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Thursday, 18 June 2020 11:50 am
To: Ministerials
Subject: Re: Acknowledgment of your Official Information Act Request 20-D-00987 OIA request

Thanks Raquel.

On Thu, Jun 18, 2020 at 10:47 AM Ministerials <ministerials@mfe.govt.nz> wrote:

Kia ora Marnie,

Thank you for your official information act request received on 17 June 2020.

We will endeavour to respond to your request as soon as possible and in any event no later than 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension to that timeframe.

Please note the Ministry for the Environment will release responses to selected OIA requests on our [OIA responses page](#) shortly after the response has been sent.

If you have any queries, please feel free to contact us.

Thank you,

Raquel

Executive Relations Team

Ministry for the Environment – Manatū Mō Te Taiao
Email: ministerials@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 17 June 2020 5:17 PM
To: Ministerials <ministerials@mfe.govt.nz>
Subject: OIA request

MFE CYBER SECURITY WARNING

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2. Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please provide the documents provided to Ministers or agencies.

If anything is unclear, please let me know. I'm happy to adjust requests if needs be to make sourcing information easier/quicker through more targeted questions.

Kind regards,

Marnie Prickett

s 9(2)(a)

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Released under the Official Information Act 1982

Karwin Perez

From: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Sent: Friday, 3 July 2020 12:08 pm
To: Marnie (Choosecleanwater)
Cc: Kim Rupp-Gregory; Alex Galvin
Subject: RE: 20-D-00987 Marnie Prickett (OIA request regarding freshwater)

Kia ora Marnie,

Just a quick update on this, that incorporating these clarifications we will now get the response to you on or before 28 July.

Ngā mihi
Jen

From: Jennifer Price
Sent: Monday, 29 June 2020 8:28 PM
To: 'Marnie Prickett | Choose Clean Water NZ' <marnie@choosecleanwater.org.nz>
Subject: RE: 20-D-00987 Marnie Prickett (OIA request regarding freshwater)

Thank you Marnie! That's clear. We'll get on to that.
All the best,
Jen

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Monday, 29 June 2020 4:12 PM
To: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Cc: Kim Rupp-Gregory <Kim.Rupp-Gregory@mfe.govt.nz>; Alex Galvin <Alex.Galvin@mfe.govt.nz>
Subject: Re: 20-D-00987 Marnie Prickett (OIA request regarding freshwater)

Kia ora Jen,

Thanks for following up. I'm well thanks and hope you are too, in what have been pretty strange times.

Please see below in red to cover your questions. Let me know if you require anything further.

Thanks again,
Marnie

On Fri, Jun 26, 2020 at 1:31 PM Jennifer Price <Jennifer.Price@mfe.govt.nz> wrote:

Kia ora Marnie, (CC Kim and Alex from our Ministerials team)

Hope you are well. Apologies that it's taken us a while to get back to you with these clarifying questions.

Thank you for your offer to adjust the requests if anything is unclear. We'd like to clarify the scope of your questions so that we can provide you with the right information.

Question 1: *How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by officials to the Minister for the Environment (please quote directly from written material if available)?*

MfE points of clarification:

- a) Please advise the start and end dates for the material – for example, is it the period between consultation finishing and now, which would be 1 November until now?

Yes, that period please. 1 November 2019 to 28 May 2020

- b) Please advise what written material you would like. Are you interested in formal documents such as briefings and Cabinet papers only, or would you also like emails to Minister Parker and his office staff?

Both please, formal documents that specifically refer to the difference between nitrate toxicity and DIN for ecosystem health and any emails from the Ministry that explain the difference between toxicity and DIN (ecosystem health) to the Minister and/or his staff.

Question 2: *Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please provide the documents provided to Ministers or agencies.*

MfE points of clarification:

- a) Determining whether MfE has been **asked** to provide something would likely involve a very wide search. **Yes! Fair enough!**

Please confirm if you are requesting the documents that **have been provided** by MfE to **Ministers or other agencies**? **Yes, this is correct.**

- b) Please advise the date range you are interested in. **Jan 2018 to 20 June 2020**

- c) Please confirm whether you are interested in any particular work programme or directorate within MfE? **Climate and water directorate - this request applies to any specific storage/dam projects that these directorates may have been asked to provide information for as well as storage/dams generally.**

- d) Please advise the types of documents you are interested in. **Formal documents - reports, cabinet papers, briefing documents or meeting minutes (not emails or text messages).**

- e) Note that we can only provide information held by MfE and not by other agencies. **Yes, understood.**

Please feel free to get back to me if you have any questions.

Ngā mihi

Jen

Dr Jennifer Price – Freshwater Implementation Team

Ministry for the Environment – Manatū Mō Te Taiao

Phone/ Waea pūkoro: 022 493 0064 Email/Īmēra: jennifer.price@mfe.govt.nz Website/Pae tukutuku: www.mfe.govt.nz
Address/Wāhi mahi: 23 Kate Sheppard Place, Thorndon, Wellington 6143



**Making Aotearoa New Zealand
the most liveable place in the world**
Aotearoa - he whenua mana kura mō te tangata



From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>

Sent: Wednesday, 17 June 2020 5:17 PM

To: Ministerials <ministerials@mfe.govt.nz>

Subject: OIA request

MFE CYBER SECURITY WARNING

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To whom it may concern,

Please could I be provided with the following documents:

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If anything is unclear, please let me know. I'm happy to adjust requests if needs be to make sourcing information easier/quicker through more targeted questions.

Kind regards,

Marnie Prickett

s 9(2)(a)

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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Thursday, 2 July 2020 12:14 pm
To: freshwater
Cc: John Blincoe
Subject: Please find attached signed confidentiality agreement
Attachments: Exposure draft Confidentiality undertaking -Action for healthy waterwaysSIGNEDPRICKETT.docx

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Ngā mihi,
Marnie Prickett

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From: [Marnie \(Choosecleanwater\)](#)
To: [freshwater](#)
Subject: Choose Clean Water feedback on Exposure Drafts of Freshwater Regulatory Instruments
Date: Wednesday, 8 July 2020 5:29:22 pm
Attachments: [Feedback template - Choose Clean Water 8July2020.docx](#)

MFE CYBER SECURITY WARNING

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Dear Lucy,

Thank you for the opportunity to provide feedback on the Exposure Drafts of Freshwater Regulatory Instruments.

Please find attached the feedback form from Choose Clean Water.

Please note that Choose Clean Water supports the NGO feedback and that this feedback form focuses on nine main drafting issues in the NPS-FM and NES rather than all exposure drafts of all instruments.

Thank you once again,
Marnie Prickett

s 9(2)(a)

Released under the Official Information Act 1982

Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 8 July 2020 5:00 pm
To: freshwater
Subject: Re: Choose Clean Water feedback on Exposure Drafts of Freshwater Regulatory Instruments

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Apologies, a post script:

To be explicit, Choose Clean Water supports the ENGO joint feedback (Environmental Defence Society, Greenpeace, Forest & Bird, Fish & Game)

Ngā mihi,
Marnie

On Wed, Jul 8, 2020 at 4:57 PM Marnie Prickett | Choose Clean Water NZ
<marnie@choosecleanwater.org.nz> wrote:

Dear Lucy,

Thank you for the opportunity to provide feedback on the Exposure Drafts of Freshwater Regulatory Instruments.

Please find attached the feedback form from Choose Clean Water.

Please note that Choose Clean Water supports the NGO feedback and that this feedback form focuses on nine main drafting issues in the NPS-FM and NES rather than all exposure drafts of all instruments.

Thank you once again,
Marnie Prickett

s 9(2)(a)

Karwin Perez

From: freshwater <freshwater@mfe.govt.nz>
Sent: Wednesday, 8 July 2020 5:33 pm
To: Marnie (Choosecleanwater)
Subject: RE: Choose Clean Water feedback on Exposure Drafts of Freshwater Regulatory Instruments

Kia ora Marnie,

Thank you for providing feedback on the NPS-FM and NES-FM – this has been received. Your post script has also been noted.

Best,

Dr Lucy Bolton
Acting Director Water and Land Use Policy

Ministry for the Environment – Manatū Mō Te Taiao
Mobile: 027 4664634 Email: lucy.bolton@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143



Making Aotearoa New Zealand
the most liveable place in the world
Aotearoa - he whānau māori kōwhiri ki te tangata

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 8 July 2020 4:58 PM
To: freshwater <freshwater@mfe.govt.nz>
Subject: Choose Clean Water feedback on Exposure Drafts of Freshwater Regulatory Instruments

Dear Lucy,

Thank you for the opportunity to provide feedback on the Exposure Drafts of Freshwater Regulatory Instruments.

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Thank you once again,
Marnie Prickett

s 9(2)(a)

From: [Marnie \(Choosecleanwater\)](#)
To: [Martin Workman](#)
Cc: [Vicky Robertson](#); [John Blincoe](#)
Subject: Farm planning development
Date: Monday, 13 July 2020 11:34:46 am

MFE CYBER SECURITY WARNING

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Morena Martin,

I am wondering if the Integrated Farm Planning group still exists and if they have been charged with developing Freshwater Farm Plans?

If they are, there are no environmental/freshwater scientists or even representatives in that group. How will environmental outcomes be achieved without appropriate scientific and environmental representation?

It is likely in its current form to reinforce the same thinking (dogged commitment to GMP above all else, for example) that has led in part to our national water crisis.

Could you tell me where MfE and MPI have got to with this?

Thanks in advance,
Marnie

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Karwin Perez

From: Martin Workman <martin.workman@mfe.govt.nz>
Sent: Thursday, 16 July 2020 10:34 am
To: Marnie (Choosecleanwater)
Cc: Vicky Robertson; John Blincoe; Nora Burghart
Subject: RE: Farm planning development

Kia ora Marnie

The IFP programme remains active but is currently under review. IFP is designed to provide advice to officials, it has no decision-making role.

Changes to governance arrangements, organisational structure and work-streams are being considered for the IFP. One of the proposed changes is to broaden the membership of the IFP governance group (the Steering Group) to include environmental NGOs, iwi representatives and regional councils (similarly a broadening of the membership of technical governance groups is also being considered).

Below the Steering Group level technical governance groups would oversee specific IFP work-streams – it is there we believe scientific expertise will be particularly effective. For example, a work-stream focused on delivering interoperable data systems would benefit from oversight by people with expertise in data systems and environmental science.

Note, IFP's initial areas of focus extend beyond freshwater to include climate change (reducing agricultural greenhouse gas emissions and building resilience to extreme weather events). In time, other areas will be included (for example, biosecurity and bio-diversity).

We note your concerns about farm good management practices. We know from evidence that getting all farmers and growers to good practice can deliver significant on-going benefits. And we also know that in some catchments this will not be enough – here stronger regional rules and/or land use change will be required if significant environmental gains are to be made. Farm plans (and good practices) are not going to be the panacea for everything but will be an important part of the mix.

Where warranted, MfE (not IFP) will be advising Ministers about minimum best practice standards related to freshwater (IFP will be one source of information feeding into this decision). In undertaking this role (and more generally in participating in IFP) MfE will respect and engage with a full range of stakeholders and consider their views.

Ngā mihi
Martin

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Monday, 13 July 2020 11:15 AM
To: Martin Workman <martin.workman@mfe.govt.nz>
Cc: Vicky Robertson <Vicky.Robertson@mfe.govt.nz>; John Blincoe <john.blincoe@parliament.govt.nz>
Subject: Farm planning development

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Mōrena Martin,

I am wondering if the Integrated Farm Planning group still exists and if they have been charged with developing Freshwater Farm Plans?

If they are, there are no environmental/freshwater scientists or even representatives in that group. How will environmental outcomes be achieved without appropriate scientific and environmental representation?

It is likely in its current form to reinforce the same thinking (dogged commitment to GMP above all else, for example) that has led in part to our national water crisis.

Could you tell me where MfE and MPI have got to with this?

Thanks in advance,
Marnie

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Karwin Perez

From: Susan Guthrie <Susan.Guthrie@mfe.govt.nz>
Sent: Friday, 31 July 2020 11:11 am
To: Marnie (Choosecleanwater); s 9(2)(a) Nora Burghart
Cc: s 9(2)(a)
Subject: RE: Nominees with FEP expertise and independence

Hi Marnie,

Thanks so much for sending these details through, and for meeting with us on Wednesday. We found the meeting very helpful and, just to reiterate what was said there, the timing of the meeting was perfect as we are just now getting close to finalising the structures that will inform the work. The next step will be to identify the expertise available to the projects, and thank you so much for starting us on that journey with this list.

I look forward to our future conversations on farm plans, hopefully in the not too distant future.

Cheers
Susan

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Friday, 31 July 2020 10:20 am
To: Susan Guthrie <Susan.Guthrie@mfe.govt.nz>; s 9(2)(a) Nora Burghart
<Nora.Burghart@mfe.govt.nz>
Cc: s 9(2)(a)
Subject: Nominees with FEP expertise and independence

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Mōrena all,

Thank you for meeting with Alison and I on Wednesday. As per our conversation, Alison and I had a think about those practitioners and scientists who have the necessary expertise to develop sound farm planning that delivers on policy as well as independence and credibility across sectors.

Please note: **It is essential that the group has freshwater ecology expertise** as these farm plans are for the delivery of healthy waterways. There must be expertise within the group that can review the plans from a ecosystem health perspective not only a farm systems perspective, **otherwise it will fail to adequately link actions to outcomes**, farmers will be required to do work/spend money that is not achieving the in-stream health the community desires and become more frustrated.

Helen Marr, Perception Planning: Extensive regional planning experience and expertise, Overseer knowledge, Catchment planning expertise, ability to link farm plans to policy and desired in-stream outcomes, sheep and beef farm in the Wairarapa.

Sally Lee, Independent contractor: Extensive farm systems and cascade modelling experience, deep understanding of Overseer, Farmax and other agricultural modelling/planning software, farmer in the Waikato. CNMA

Sarah Dudin, Independent contractor: Extensive expertise in farm planning (20 years), soil mapping and Overseer, LUC, on-farm mitigation tools, catchment-scale responses, CNMA, farmer in Waikato.

Adam Canning, James Cook University: Extensive expertise in freshwater ecology, experience in regional planning processes and linking ecology to policy, land use, and planning, highly skilled in use of GIS as a tool for planning.

Tanira Kingi, Scion: Extensive farm systems expertise with particular knowledge in Forestry, part of the HWEN technical advisory group and so can link HWEN requirements with FWFP.

Clint Rissman, Contractor and Research fellow (U of Canterbury): Hydrogeologist with extensive experience at catchment scale mapping to link to farm scale requirements and policy (5 years with Environment Southland).

Russell Death, Massey University: Highly knowledgeable freshwater ecologist with extensive catchment management experience. Highly skilled in the use of GIS as a planning and analysis tool. Many years experience working with farmers and catchment management groups to develop farm-level response to catchment scale problems.

Alison Dewes, Independent Contractor: Extensive expertise in environmental, human and animal health, and farm systems. Experienced at on-farm and catchment-scale mitigations and response. Highly skilled in Overseer. Can link and communicate in-stream ecological outcomes with farms' activities and systems. Years of experience working with regional councils and as part of regional plan hearings.

Erica Van Reenan, AgFirst: Deep understanding of farmer behaviour change and farm planning (across multiple domains - climate, biodiversity, water, culture, farm systems). Farmer.

It is my sincere hope that we are able to learn the lessons of the past (the failure of Nutrient Management Budgets to minimise farm impact, for example, and the costly mitigations many farmers have undertaken that haven't achieved the catchment-scale health wins hoped for because of a lack of ecology and catchment-scale expertise in their advisors) and develop truly helpful and meaningful farm plans that support farmers to respond in a way that improves the health of their river, farm and community over generations.

Ngā mihi,
Marnie Prickett

s 9(2)(a)

From: [Marnie \(Choosecleanwater\)](#)
To: [Susan Guthrie](#)
Cc: [olivia.sullivan@mpi.govt.nz](#); [sophia.murphy@mpi.govt.nz](#); [Nora Burghart](#); [Jennie McMurran](#); [Andrew Bowman](#); s 9(2)(a)
Subject: Literature: On efficiency and catchment groups
Date: Friday, 31 July 2020 11:38:26 am
Attachments: [McNeill-2016.pdf](#)
[Grafton et al. - 2018 - The paradox of irrigation efficiency.pdf](#)
[Perry & Seduto 2017 - Does improved irrigation technology save water a review of the evidence.pdf](#)
[Ward & Pulido-Vazquez 2008 - Water conservation in irrigation can increase water use.pdf](#)
[14654842.pdf](#)
[3272.pdf](#)

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Kia ora tatou,

Thank you for meeting with Alison and I on Wednesday.

As we discussed, it's important that we move forward with a strong evidence base avoiding as much as possible working on too-broad assumptions.

Two points raised where the real risks and established problems of assuming that efficiency is a measure of positive environmental outcomes and catchment groups are the best mechanism to deliver positive environmental outcomes.

Attached are papers on these two topics.

Those on efficiency are focused on irrigation efficiency, however, their lessons can be applied to nitrogen use also. The most important finding is that a focus on efficiency not only does not lead to better environmental outcomes and, in fact, can worsen outcomes.

The papers on catchment groups identify that while collaborative planning for catchments can lead to some improved social outcomes (although too often marginalise Maori). A recent literature review provided to Waikato Regional Council (also attached) is interesting in its **remarkable lack of information on environmental benefits of these processes**. It appears to focus almost entirely on social benefits and how to improve social benefits - note this with interest and as a warning that we can assume environmental benefits from social benefits without evidence. Brower's paper explains why social benefits are more likely than environmental benefits in these collaborative groups and goes some way to explaining what is needed to achieve both.

It would be phenomenally useful if MfE and MPI were to do or commission a literature review on what evidence exists on the success of catchment groups in achieving environmental outcomes in NZ and analyse what led to the success or lack of success. Then we could really get to the heart of what is needed to support catchment groups to achieve environmental outcomes and not just continue to assume that they can.

If we do not learn from what has already been, local and international experience recorded in the literature, it is clear we will continue to struggle to achieve the public's goals for clean, safe water and healthy rivers and lakes. Or even continue to watch as our waterways decline in health.

I truly hope these papers are useful and welcome further discussion.

Nga mihi,
Marnie Prickett

s 9(2)(a)

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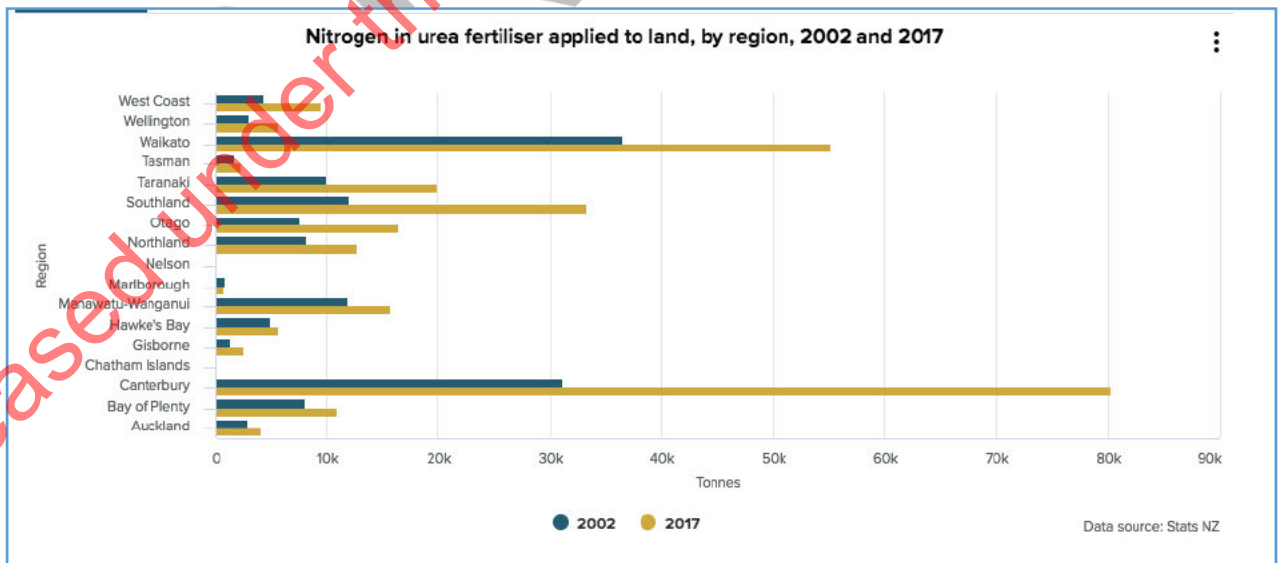
Year	Self-regulation	Industry promises	Inputs	Water quality
2003 - 2012	<p><i>Dairying and clean streams accord</i></p> <p>Click for full document</p> <p>Purpose: “It focuses on reducing the impacts of dairying on the quality of New Zealand streams, rivers, lakes, ground water and wetlands.”</p>	<p>“Nutrients are managed effectively to minimise losses to ground and surface waters. “</p> <p>PERFORMANCE TARGET: 100% of dairy farms to have in place systems to manage nutrient inputs and outputs by 2007.”</p> <p>PERFORMANCE TARGET: 100% of farm dairy effluent discharges to comply with resource consents and regional plans immediately.</p> <p>PERFORMANCE TARGET: 50% of regionally significant wetlands to be fenced by 2005, 90% by 2007.</p>	<p>2002 Urea applied: 144 602 tonnes (See below)</p> <p>2003 irrigated land: 384,000ha (Source: Stats NZ, irrigated land)</p> <p>2003 Imported feed: 96,000 tonnes (see below)</p> <p>2003 National dairy herd: 5,102,000 (Source: Stats NZ, Agriculture)</p> <p>2010 national effluent non-compliance: 36% of all monitored farms - only 64% of all farms monitored. (Source Dairy and clean streams accord: Snapshot of progress 2009/2010)</p> <p>“Two regions have met the 2005 target of 50% of these wetlands having been fenced, one region has achieved 2007 target of 90%” (Source Dairy and clean streams accord: Snapshot of progress 2009/2010)</p>	<p>N loss from dairy systems increasing (See below)</p>

Year	Self-regulation	Industry promises	Inputs	Water quality
2013 - 2019	<p><i>Sustainable dairying accord</i></p> <p>Click for full document</p> <p>Purpose:</p> <p>“Enhance the overall performance of dairy farming as it affects freshwater by:</p> <ul style="list-style-type: none"> • Committing to good management practices expected of all dairy farmers in New Zealand • Recording pledges by the dairy sector, with the support of others, to assist and encourage dairy farmers to adopt those good management practices and to monitor and report progress.” 	<p><u>“A new set of national good management practice standards aimed at lifting environmental performance on dairy farms”</u></p> <p>Lack of clear measurable goals with positive water quality outcomes.</p> <p>Wetland goals pushed back.</p> <p>“For significant wetlands • 100% exclusion of all wetlands identified by a regional council as at 31 May 2012 by 31 May 2014; and • 100% exclusion of any additional regionally significant wetlands present on dairy farms within three years of them being identified by the regional council.”</p>	<p>2017 Urea applied: 274 855 tonnes (See below) <i>This is almost double the 2002 application.</i></p> <p>2017 irrigated land: 747,000ha <i>Almost double 2003 – mainly used in dairy operations</i> (Source: Stats NZ, irrigated land)</p> <p>2019 Imported feed: 2,300,000 tonnes (See below) <i>More than double 2003 imports</i></p> <p>2019 National dairy herd: 6,355,000 <i>25% increase nationally since 2003 but doubled in Canterbury and Southland</i> (Source: Stats NZ, Agriculture and see below for regional figures)</p>	<p>N loss from dairy systems increasing (See below)</p>

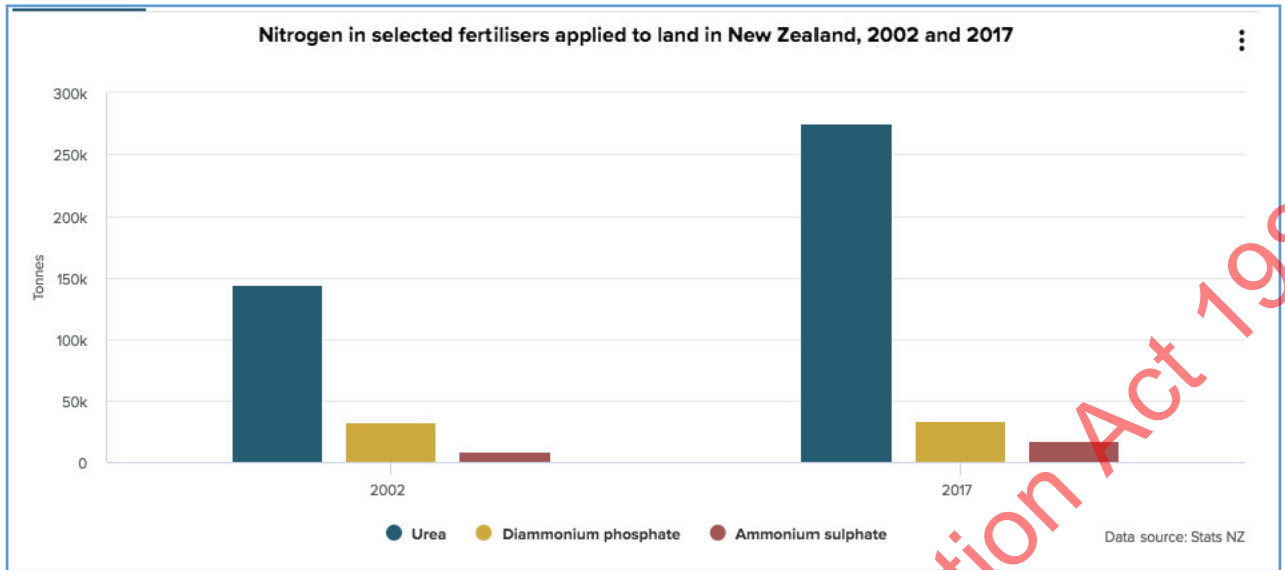
<p>2018 - 2020</p>	<p>Good Farming Practice: Action Plan for Water Quality</p> <p>Click for full document</p> <p>And</p> <p>Industry letter to Ministers (7th Feb 2020)</p>	<p>Dairy industry suggests committing to good farming practice across 95% of its farms by 2025?</p> <p><u>Shouldn't this have already been achieved as per 2013 Sustainable Dairying Accord?</u></p> <p>Note: 91% of farm plans audited in Canterbury achieve an A or B grade. GFP has been implemented across the region and water quality is poor and declining in most Canterbury catchments.</p>		
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Input: Fertiliser use

Source: <https://www.stats.govt.nz/indicators/nitrogen-and-phosphorus-in-fertilisers>



17 years of self-regulation, 17 years of broken industry commitments



Input: Imported feed (Palm Kernel Expeller)

Source: <https://www.indexmundi.com/agriculture/?country=nz&commodity=palm-kernel-meal&graph=imports>

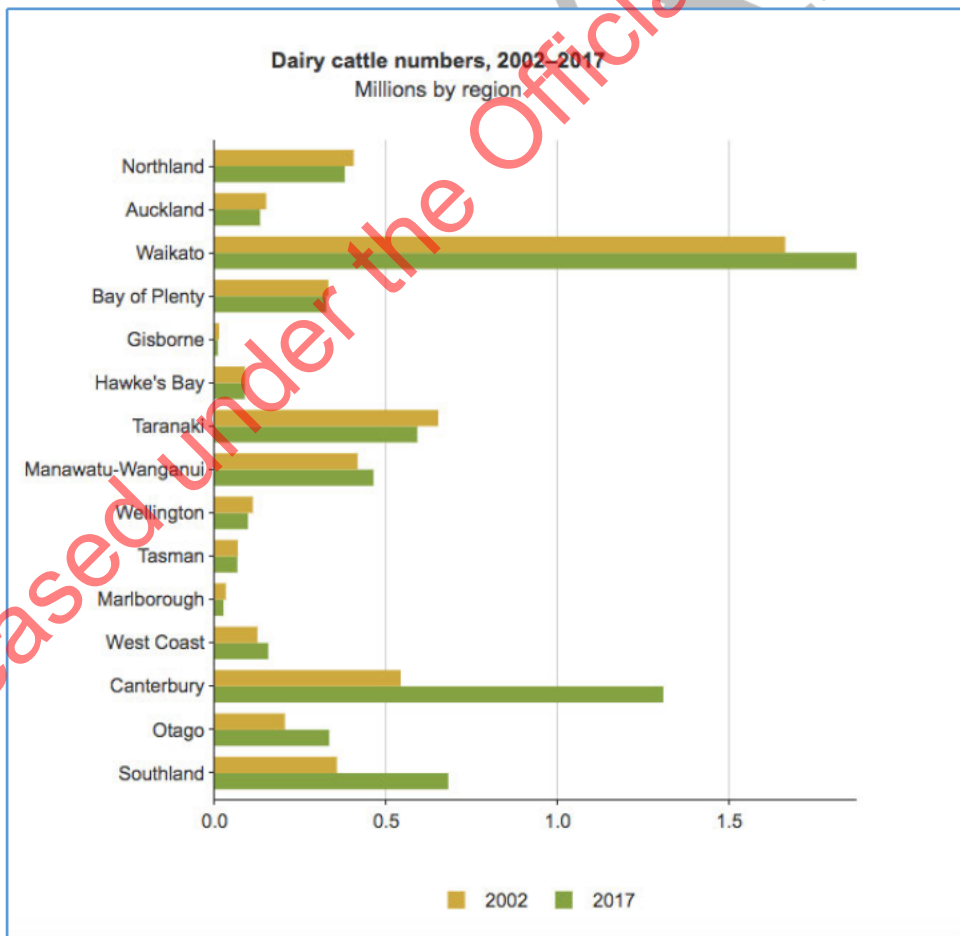


17 years of self-regulation, 17 years of broken industry commitments

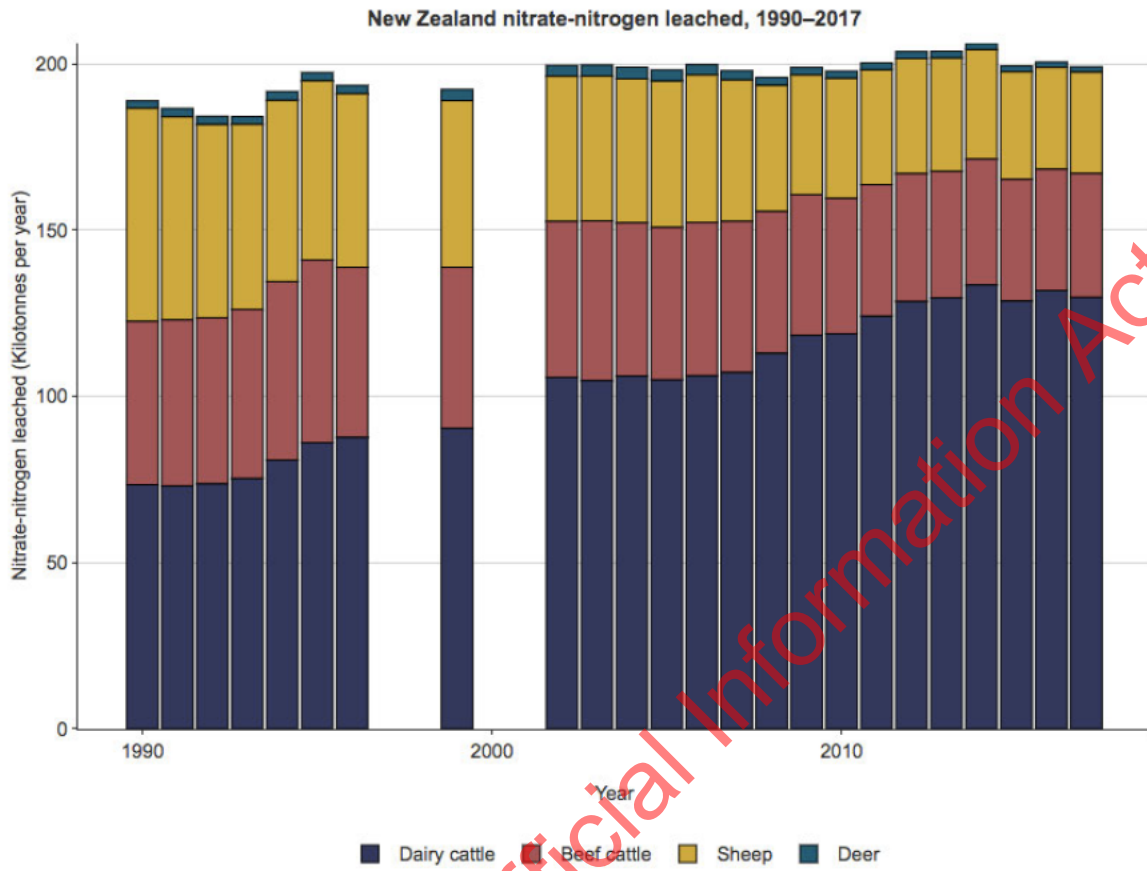
Market Year	Imports	Unit of Measure	Growth Rate
2003	96	(1000 MT)	NA
2004	188	(1000 MT)	95.83 %
2005	318	(1000 MT)	69.15 %
2006	455	(1000 MT)	43.08 %
2007	1104	(1000 MT)	142.64 %
2008	665	(1000 MT)	-39.76 %
2009	1396	(1000 MT)	109.92 %
2010	1374	(1000 MT)	-1.58 %
2011	1359	(1000 MT)	-1.09 %
2012	1596	(1000 MT)	17.44 %
2013	2013	(1000 MT)	26.13 %
2014	2219	(1000 MT)	10.23 %
2015	1501	(1000 MT)	-32.36 %
2016	2237	(1000 MT)	49.03 %
2017	2300	(1000 MT)	2.82 %
2018	2300	(1000 MT)	0.00 %
2019	2300	(1000 MT)	0.00 %

Input: Dairy cattle numbers

Source: <https://www.stats.govt.nz/indicators/livestock-numbers>



Water quality: Nitrogen leaching



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Karwin Perez

From: Susan Guthrie <Susan.Guthrie@mfe.govt.nz>
Sent: Tuesday, 4 August 2020 8:57 am
To: Marnie (Choosecleanwater)
Subject: RE: Dairy Water Accords - a useful brief history

Hi Marnie,

Thanks for sending this through, and for coming in to meet with us last week, and for the message about catchment needs coming first. That's something for us to keep a close eye on going forward.

Cheers
Susan

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Monday, 3 August 2020 11:20 am
To: Susan Guthrie <Susan.Guthrie@mfe.govt.nz>; s 9(2)(a) s 9(2)(a)
Subject: Dairy Water Accords - a useful brief history

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Mōrena Susan, s 9(2)(a) and Olivia,

Thanks again for your constructive engagement last week.

I'm sending through a brief draft of a document I began last year to show the history of dairy industry water accords - the promises they made, and their failure to deliver - which I hope can be of some use to informing the farm plan program.

My main take away point from this is that nutrient management budgets are not an acceptable replacement for catchment relevant limits - although they have been used as such in the past.

Effective and meaningful nutrient management *must* start with the needs of the river and work back to what is, therefore, acceptable on the land.

In the past, the major mistake has been that nutrient management budgets have sought to best manage nutrients for a farm - to optimise and hopefully (though not necessarily and often not) minimise nutrient losses to waterways. This has resulted in a "tick" for achieving a nutrient budget but the continuation of increasing use of nitrogenous fertiliser. Some have measured success through nutrient budgets as N kg/ha/year applied over Kg Milk Solids produced/year - i.e. efficiency. Please note that this also is not a measure of environmental outcomes - it may in fact be masking more nitrogen loss to waterways.

Please note the particular mention of Canterbury outcomes in this document.

Farm plans must start at catchment level - the needs of the river come first under Te Mana o te Wai.

Ngā mihi nui,
Marnie

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From: [Marnie \(Choosecleanwater\)](#)
To: [Bryan Smith](#)
Subject: Fwd: Cawthron Institute piece on linking farm plans to catchment objectives (why focus on GMP won't work)
Date: Tuesday, 11 August 2020 2:02:23 pm

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----- Forwarded message -----

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>

Date: Tue, Aug 11, 2020 at 1:34 PM

Subject: Cawthron Institute piece on linking farm plans to catchment objectives (why focus on GMP won't work)

To: Susan Guthrie <Susan.Guthrie@mfe.govt.nz>, s 9(2)(a)

, Nora Burghart <Nora.Burghart@mfe.govt.nz>, Jennie McMurrin <Jennie.McMurrin2@mfe.govt.nz>, Andrew Bowman <Andrew.Bowman@mfe.govt.nz>

Cc: s 9(2)(a) Martin Workman <martin.workman@mfe.govt.nz>, Vicky Robertson <Vicky.Robertson@mfe.govt.nz>, s 9(2)(a)

Kia ora tatou,

Passing this opinion piece along from Cawthron Institute and OLW as it outlines well the risks of farm plans that are based on GMP and the entirely possible and more meaningful farm plan that is embedded within the catchment and clearly linked to catchment objectives.

A must read, and perhaps Jim Sinner from Cawthron is somebody to have on the FW-FP development team.

stuff.co.nz/opinion/122399133/catchment-groups-key-to-healthy-waterways

Extract:

"The problem is that, by necessity, industry GMP is defined to suit most farms within that industry. So GMP tends to be "lowest common denominator" stuff and doesn't reflect the complexities of varied soils, weather, land use and farming practices that ultimately determine the health of waterways.

The net result is that the Government's farm plan requirement is likely to generate a low level of ambition that won't solve the problems facing many stressed waterways, such as sediment or *E. coli* hot spots.

In another five or 10 years (if there is any let-up at all), farmers will again be blamed for poor water quality."

Nga mihi,
Marnie

s 9(2)(a)

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20-D-00987

Marnie Prickett
marnie@choosecleanwater.org.nz

Dear Marnie Prickett

Thank you for your email of 17 June 2020 requesting the following under the Official Information Act 1982 (the Act):

Please could I be provided with the following documents?

- a) *"Essential Freshwater 82: Making freshwater farm plans enforceable"*
- b) *"Proposals for 'Water Commission Unit': Developing recommendations for the future oversight..."*
- c) *"Essential Freshwater 83: Policy decisions following consultation"*
- d) *"Essential Freshwater 86: Progressing multiple initiatives...."*

As well as answers to the following questions:

Question 1: How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by officials to the Minister for the Environment (please quote directly from written material if available)?

Question 2: Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please provide the documents provided to Ministers or agencies.

On 26 June 2020, the Ministry for the Environment (the Ministry) clarified this request with you in regards to the scope and material. This clarification is attached below in Appendix 1.

The Ministry has identified 12 documents in scope of your request, as listed in the attached document schedule. Three documents are being released in full. Eight documents are, or will soon be, publicly available on the Ministry's website so these have been refused under section 18(d) of the Act: soon to be publicly available.

The remaining briefing "Proposals for 'Water Commission Unit': Developing recommendations for the future oversight..." has been withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

In response to question 2, our search did not reveal any documents where the Ministry has been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience.

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.

Please note that due to the public interest in our work the Ministry 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
Director, Water and Land Use Policy

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Appendix 1: Clarification of your request

- a. Question 1 clarified by the following questions (with your answers in bold):
- i. Please advise the start and end dates for the material – for example, is it the period between consultation finishing and now, which would be 1 November until now? **Yes, that period please. 1 November 2019 to 28 May 2020**
 - ii. Please advise what written material you would like. Are you interested in formal documents such as briefings and Cabinet papers only, or would you also like emails to Minister Parker and his office staff? **Both please, formal documents that specifically refer to the difference between nitrate toxicity and DIN for ecosystem health and any emails from the Ministry that explain the difference between toxicity and DIN (ecosystem health) to the Minister and/or his staff.**
- b. Question 2 was clarified by the following questions (with your answers in bold):
- i. Determining whether MfE has been asked to provide something would likely involve a very wide search. **Yes! Fair enough!**
 - ii. Please confirm if you are requesting the documents that have been provided by MfE to Ministers or other agencies? **Yes, this is correct.**
 - iii. Please advise the date range you are interested in. **Jan 2018 to 20 June 2020**
 - iv. Please confirm whether you are interested in any particular work programme or directorate within MfE? **Climate and water directorate - this request applies to any specific storage/dam projects that these directorates may have been asked to provide information for as well as storage/dams generally.**
 - v. Please advise the types of documents you are interested in. **Formal documents - reports, cabinet papers, briefing documents or meeting minutes (not emails or text messages).**
 - vi. Note that we can only provide information held by MfE and not by other agencies. **Yes, understood.**

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Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
Specific documents requested				
1	2 March 2020	Briefing 20-B-06462 Essential Freshwater 82: Making Freshwater Farm Plans enforceable	Refused	S 18(d) – soon to be publicly available
2	6 March 2020	"Proposals for 'Water Commission Unit': Developing recommendations for the future oversight..."	Refused	S (9)(2)(f)(iv) – to maintain the confidentiality of advice tendered
3	6 March 2020	Briefing 20-B-06431 Essential Freshwater 83, Policy decisions following consultation	Refused	S 18(d) – soon to be publicly available
4	1 April 2020	20-B-06609 Essential Freshwater 86 Progressing multiple initiatives to address excessive nitrogen quickly	Refused	S 18(d) – soon to be publicly available
Question 1				
5	27 May 2020	Email RE: animal protection/species protection	Released in full	N/A
6	27 May 2020	Email RE: Latest PR draft refinement on nitrate toxicity	Released in full	N/A
7	28 May 2020	Email thread RE: DIN/nitrate	Released in full	N/A
8	May 2020	Report: Action for healthy waterways Part II Detailed Regulatory Impact Analysis	Refused	S 18(d) – publicly available
9	May 2020	Cabinet Paper: Action for healthy waterways – Decisions on national direction and regulations for freshwater management	Refused	S 18(d) –publicly available
10	May 2020	Infosheet: Action for healthy waterways information about attributes in NPS	Refused	S 18(d) –publicly available

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		freshwater management		
11	May 2020	Infosheet: Action for healthy waterways information for dairy farmers	Refused	S 18(d) – publicly available
12	May 2020	Infosheet: Action for healthy waterways information for horticulture growers	Refused	S 18(d) – publicly available

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From: [Jennifer Price](#)
To: [Hayden Johnston \(Parliament\)](#)
Subject: RE: latest PR draft - water - refinement on nitrate toxicity
Date: Wednesday, 27 May 2020 5:01:00 pm

Hi Hayden,

That new wording is fine, I agree it is more explicit than the previous version where it was more implied that the protection was from the effects of nitrate toxicity.

Cheers

Jen

From: Hayden Johnston <Hayden.Johnston@parliament.govt.nz>
Sent: Wednesday, 27 May 2020 4:52 PM
To: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Subject: FW: latest PR draft - water - refinement on nitrate toxicity
Importance: High

We have said in the slides:

- New bottom lines for some of these attributes specify minimum standards, including a strengthened bottom line for nitrate toxicity, to protect 95% of species from toxic effects (up from 80%), and a new bottom line for *E. coli* at swimming sites during the bathing season

See John's comments below.

From: John Blincoe
Sent: Wednesday, 27 May 2020 4:45 PM
To: Hayden Johnston <Hayden.Johnston@parliament.govt.nz>; Vernon Small <Vernon.Small@parliament.govt.nz>
Subject: FW: latest PR draft - water - refinement on nitrate toxicity
Importance: High

Hayden and Vernon

Re nitrate toxicity, the [attached](#) PR currently says:

“There will be stricter limits on nitrogen toxicity that will protect 95 per cent of freshwater species, up from 80 per cent under the previous national policy statement.”

Following a discussion that the Minister had with ENGOs today, I suggest this could be more precisely (and less ambitiously) stated.

“There will be stricter limits to provide protection from nitrogen toxicity for 95 per cent of freshwater species, up from 80 per cent under the previous national policy statement.”

The rationale for the refinement is that stresses on ecosystem health can occur well below the new threshold (2.4), depending on the interaction of N with other variables such as light, temperature, oxygen and sediment.

Hayden: you are to check this new wording with MfE.

Nga mihi, John

John Blincoe | Senior Ministerial Advisor

DDI +64 4 817 8206 | Mobile: +64 21 840 300 | Email john.blincoe@parliament.govt.nz

Office of Hon David Parker MP | Attorney-General | Minister for the Environment | Minister for Trade and Export Growth | Associate Minister of Finance

From: Hayden Johnston

Sent: Wednesday, 27 May 2020 10:31 AM

To: John Blincoe <John.Blincoe@parliament.govt.nz>

Subject: FW: latest PR draft - water

From: Vernon Small

Sent: Wednesday, 27 May 2020 10:16 AM

To: Nikki Prendergast <Nikki.Prendergast@parliament.govt.nz>; Hayden Johnston <Hayden.Johnston@parliament.govt.nz>

Subject: latest PR draft - water

Vernon Small | Senior Press Secretary

Office of Hon David Parker

Parliament Buildings | Wellington | New Zealand

DDI: (04) 817 8282 | Mobile: 021 849 517

Email: vernon.small@parliament.govt.nz

Released under the Official Information Act 1982

Polly Brownlee

From: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Sent: Thursday, 28 May 2020 4:39 pm
To: Hayden Johnston (Parliament)
Cc: Jo Burton
Subject: Re: DIN/nitrate

All good. I forgot to mention periphyton/slime, have added that isn't.
Sorry, forgot to CC Jo.

From: Hayden Johnston <Hayden.Johnston@parliament.govt.nz>
Sent: Thursday, 28 May 2020, 16:37
To: Jennifer Price
Subject: RE: DIN/nitrate

Thanks Jennifer.

We have edited it down a bit, and will use the following:

DIN includes the different types of nitrogen: nitrate, nitrite and ammonia. In most waterways DIN is mostly made up of nitrate.

The DIN attribute is about the nutrient effects of nitrogen in rivers. It was developed by combining relationships between DIN and many different parts of the ecosystem, such as fish, macroinvertebrates, and periphyton.

Nutrients such as DIN can fuel growth of nuisance plants, periphyton (slime) and bacteria that have negative follow on effects for other parts of the ecosystem. This happens at lower concentrations than toxic effects.

The nitrate toxicity attribute was already in the NPS-FM. The toxicity attribute was developed using toxicity information for several different species. By moving the bottom line we are protecting more species from nitrate toxicity effects.

From: Jennifer Price [mailto:Jennifer.Price@mfe.govt.nz]
Sent: Thursday, 28 May 2020 4:07 PM
To: Hayden Johnston <Hayden.Johnston@parliament.govt.nz>
Subject: DIN/nitrate

Hi,

DIN includes the different types of nitrogen: nitrate, nitrite and ammonia. In most waterways DIN is mostly made up of nitrate.

The DIN attribute is about the nutrient effects of nitrogen in rivers. It was developed by combining relationships between DIN and many different parts of the ecosystem, such as fish, macroinvertebrates, and periphyton. The attribute was aimed at providing a healthy, functioning ecosystem. This is because nutrients

such as DIN can fuel growth of nuisance plants and bacteria that have negative follow on effects for other parts of the ecosystem. This happens at lower concentrations than toxic effects. STAG members did not all agree on the methodology used to do this.

The nitrate toxicity attribute was already in the NPS-FM. The toxicity attribute was developed using toxicity information for several different species. The previous bottom line of 6.9 had been set higher than scientists had recommended at the time. By moving the bottom line to 2.4 we are protecting more species from nitrate toxicity effects and bringing the nitrate toxicity standard closer to what is required for a healthy ecosystem

There is also a new policy in the NPS-FM requiring councils to manage DIN to provide for other ecosystem health attributes. For example, if DIN levels are contributing to poor macroinvertebrate scores, councils must set DIN concentrations to achieve the macroinvertebrate bottom line.

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From: [Marnie \(Choosecleanwater\)](#)
To: [Jennifer Price](#)
Subject: Fwd: 20-D-00987 OIA (Choose Clean Water)
Date: Wednesday, 19 August 2020 1:29:49 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[20-D-00987 Marnie Prickett \(choose clean water\) Letter.pdf](#)
[20-D-00987 documents to be released.pdf](#)

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This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

----- Forwarded message -----

From: Alex Galvin <Alex.Galvin@mfe.govt.nz>
Date: Tue, Jul 28, 2020 at 4:18 PM
Subject: 20-D-00987 OIA (Choose Clean Water)
To: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>

Kia ora Marnie

Please find attached a response to your email of 17 June 2020 requesting the following under the Official Information Act 1982 (the Act):

Please could I be provided with the following documents?

- a. "Essential Freshwater 82: Making freshwater farm plans enforceable"
- b. "Proposals for 'Water Commission Unit': Developing recommendations for the future oversight...".
- c. "Essential Freshwater 83: Policy decisions following consultation"
- d. "Essential Freshwater 86: Progressing multiple initiatives...."

As well as answers to the following questions:

Question 1: How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by officials to the Minister for the Environment (please quote directly from written material if available)?

Question 2: Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please

provide the documents provided to Ministers or agencies.

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.

Nga mihi nui

Alex

Alex Galvin – Senior Advisor Executive Relations

Ministry for the Environment – Manatu Mo Te Taiao
Mobile: 021 297 4011 Email: alex.galvin@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, Thorndon, Wellington 6143



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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 19 August 2020 3:15 pm
To: Vicky Robertson
Cc: Martin Taylor
Subject: Re: 7.30am: (zoom & on) Implementation of the Freshwater FM - Setting Up the Governance
Attachments: TOR for Freshwater Implementation Group 19 Aug 2020 with ENGO suggestions.docx

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Kia ora Vicky,

Thanks for this.

Attached are ENGO suggestions for ToR.

Ngā mihi,
Marnie

On Wed, Aug 19, 2020 at 2:12 PM Vicky Robertson <Vicky.Robertson@mfe.govt.nz> wrote:

Vicky's OneNote Link: 20 August 20

Kia ora

Please find attached updated TOR

Kim

Kim Matthews – Executive Assistant to Vicky Robertson, Secretary for the Environment

Ministry for the Environment – Manatū Mō Te Taiao

Mobile: 022 517 3266 Website: www.mfe.govt.nz

Environment House, 23 Kate Sheppard Place, Thorndon, PO Box 10362, Wellington 6143



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|

Join Zoom Meeting

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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Karwin Perez

From: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Sent: Tuesday, 1 September 2020 2:16 pm
To: Marnie (Choosecleanwater)
Subject: RE: 20-D-00987 OIA (Choose Clean Water)

Kia ora Marnie,

Glad you found the docs. I'll check in about the Environment Southland question and get back to you.

Ngā mihi
Jen

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Tuesday, 1 September 2020 12:12 PM
To: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Subject: Re: 20-D-00987 OIA (Choose Clean Water)

Thanks Jen. Where would I find it on the website? Under the OIA section?

Sorry, one other question: I've noticed that Environment Southland is granting dairy conversion applications at the moment. Who in MfE would be monitoring stuff like this to make sure they are consistent with the law (new NES-F)?

Thanks again,
Marnie

On Fri, Aug 28, 2020 at 1:07 PM Jennifer Price <Jennifer.Price@mfe.govt.nz> wrote:

Kia ora Marnie,

It's on the publishing team's to do list – should be early next week.

Ngā mihi

Jen

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Tuesday, 25 August 2020 10:43 AM
To: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Subject: Re: 20-D-00987 OIA (Choose Clean Water)

Morning Jen,

Thanks and yes, this is a good summary.

Any luck on briefing docs?

Ngā mihi,

Marnie

On Mon, Aug 24, 2020 at 12:21 PM Jennifer Price <Jennifer.Price@mfe.govt.nz> wrote:

Kia ora Marnie,

Thanks for getting in touch last week, and for sending the articles through. I've followed up about the briefing notes in your OIA that were planned for publishing – I haven't been able to pin down an exact date yet, but I will let you know when I hear more.

For record keeping's sake I've just jotted down a few notes from our discussion:

- MP is concerned that the difference between nitrate toxicity attribute and nitrogen for managing ecosystem health has not been communicated clearly to Ministers and is now being communicated incorrectly in the media.
- MP had expected the recent OIA (20-D-00987) to have included more material on the difference between nitrate toxicity attribute and nitrogen for managing ecosystem health – only 2 email chains were included.
- JP noted there were some briefings that were withheld in the OIA that are intended for public release very soon. These contain more information.
- JP agreed to find out when these briefings are being released.
- JP and MP discussed some incorrect information being released in the media about the Action for healthy waterways package. JP noted that her team is developing communication materials to help people understand the package and it is helpful to be across what is being said. MP offered to send through instances of incorrect info.

Ngā mihi

Jen

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 19 August 2020 6:03 PM
To: Jennifer Price <Jennifer.Price@mfe.govt.nz>
Subject: Re: 20-D-00987 OIA (Choose Clean Water)

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Hi again Jen,

Thanks for your help in tracking down the briefing docs. I have had a good look at the website but not obvious at least.

As discussed, here are a couple of articles I've seen recently:

"Simply put, we need to have realistic expectations about the type of aquatic biodiversity that these highly modified, productive catchments can support. It is unrealistic to set national bottom-lines based on protecting 95 percent of species when a lower level is justifiable, and still often aspirational to achieve."

<http://www.voxy.co.nz/business/5/370638>

"The public needs to be involved with setting environmental standards but we need to use good science in helping to set these policies.

If the market place wants a higher environmental standard, let the industries set those standards then police those who produce those products, based on good science. "

<https://www.ruralnewsgroup.co.nz/dairy-news/dairy-opinion/disconnect-and-science>

Thanks again for your help,

Marnie

On Wed, Aug 19, 2020 at 1:03 PM Marnie Prickett | Choose Clean Water NZ
<marnie@chooscleanwater.org.nz> wrote:

----- Forwarded message -----

From: **Alex Galvin** <Alex.Galvin@mfe.govt.nz>
Date: Tue, Jul 28, 2020 at 4:18 PM
Subject: 20-D-00987 OIA (Choose Clean Water)
To: Marnie (Choosecleanwater) <marnie@chooscleanwater.org.nz>

Kia ora Marnie

Please find attached a response to your email of 17 June 2020 requesting the following under the Official Information Act 1982 (the Act):

Please could I be provided with the following documents?

- a. *"Essential Freshwater 82: Making freshwater farm plans enforceable"*
- b. *"Proposals for 'Water Commission Unit': Developing recommendations for the future oversight..."*
- c. *"Essential Freshwater 83: Policy decisions following consultation"*
- d. *"Essential Freshwater 86: Progressing multiple initiatives...."*

As well as answers to the following questions:

Question 1: How was the difference between nitrogen toxicity and nitrogen for ecosystem health explained by officials to the Minister for the Environment (please quote directly from written material if available)?

Question 2: Has MfE been asked by any Minister or any other government agency to provide information on the costs/benefits/environmental impacts and value or cost of water storage/dams as a tool for climate change mitigation or resilience? If so, what information has been provided? Please provide the documents provided to Ministers or agencies.

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Ngā mihi nui

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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Thursday, 20 August 2020 3:44 pm
To: Kim Matthews
Subject: Re: Freshwater Implementation Group | Next Meeting

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That's fine for me, thanks Kim.

Marnie

On Thu, Aug 20, 2020 at 3:18 PM Kim Matthews <Kim.Matthews@mfe.govt.nz> wrote:

Kia ora all

It has been brought to my attention that there are a few of you that will be visiting Wellington for an afternoon meeting on the 2nd September. To save on flight costs can I ask if you are all available to attend the above meeting if I book it for 2 September 9am to 10.30am?

If you can let me know as soon as possible that would be greatly appreciated.

Many thanks for your patience in trying to secure a date for this meeting ☺

Kim Matthews – Executive Assistant to Vicky Robertson, Secretary for the Environment
Ministry for the Environment – Manatū Mō Te Taiao
Mobile: 022 517 3266 Website: www.mfe.govt.nz
Environment House, 23 Kate Sheppard Place, Thorndon, PO Box 10362, Wellington 6143



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From: Kim Matthews
Sent: Thursday, 20 August 2020 11:20 AM

To: s 9(2)(a) s 9(2)(a) s 9(2)(a)
s 9(2)(a) s 9(2)(a) s 9(2)(a)
; s 9(2)(a) ; s 9(2)(a)
; s 9(2)(a) Marnie (aka Miriama)
Prickett <marnie@choosecleanwater.org.nz>; Martin Workman <martin.workman@mfe.govt.nz>;
; s 9(2)(a)
; s 9(2)(a) s 9(2)(a)
; s 9(2)(a)
Cc: Andrea Szujo <Andrea.Szujoo@mfe.govt.nz>
Subject: Freshwater Implementation Group | Next Meeting

Kia ora

As per the attached email can you please let me know as soon as possible which date/time suits you and I will then do my best to work w that selection. As mentioned in the attached email it would be great for everyone to meet in person.

Wednesday 26 August

10am to 11.30am (if this suits all we do have a very large meeting room here at MfE which will allow for COVID Social distancing)

Thursday 27 August

10am to 11.30am

1 September

2pm to 3.30pm

With many thanks all ☺

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Kia ora Kim,

I can make any of these dates and times, and am in Wellington so travel is not an issue.

Ngā mihi,
Marnie

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From: Bridget Fraser <Bridget.Fraser@mfe.govt.nz>
Sent: Thursday, 27 August 2020 10:16 am
To: Marnie (Choosecleanwater)
Cc: Gary (EDS)
Subject: RE: Freshwater Implementation - suggestions of participants for Directors Group

Thanks Marnie.

I've just sent you both the invite which contains the link. It also has an email attachment which has in it the 5 short papers for today. If you don't have time to look at them all I'd suggest looking at 2 and 4.

1. is the TOR for the Freshwater Implementation Group which you have already seen.
2. Is the structure below the Freshwater Implementation Group.
3. Project lifecycle – shows stages of projects and where the groups below the Freshwater Implementation Group is involved.
4. Is the priority projects for this year that have currently been identified. As members of the Freshwater Implementation Group you'll be seeing this again next week but if you have early feedback that would be welcome.
5. List of issues and outcomes to help define what each workstream is trying to achieve.

We'll also be sending out the 3-5 year plan which will help you see where the priority projects fit within the total scheme of what we need to do.

Cheers,
Bridget.

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Thursday, 27 August 2020 9:24 am
To: Bridget Fraser <Bridget.Fraser@mfe.govt.nz>
Cc: Gary (EDS) <gary@eds.org.nz>
Subject: Re: Freshwater Implementation - suggestions of participants for Directors Group

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Mōrena Bridget,

I'll attend the meeting at 1pm today in lieu of permanent members from the ENGOs, just to get an idea of what's needed.

Could you send me the Zoom link?

Ngā mihi,
Marnie

022 161 2634

On Tue, Aug 25, 2020 at 9:09 AM Bridget Fraser <Bridget.Fraser@mfe.govt.nz> wrote:

Hi.

Thank you for attending the Freshwater Implementation Stewardship Group meeting last week.

We're now setting up a meeting for the Directors Group which is the group that will report up to the Stewardship Group and be involved in scoping projects that we will work on jointly with yourselves, MPI, Kahui Wai Māori, the regional sector and primary sector to implement the freshwater national direction.

I was wondering if you could each suggest a person for us to contact about being part of the Directors Group? An introduction to them would be appreciated also.

At this stage we're hoping to meet on zoom on Thursday so we can discuss the work programme and report back to the next Stewardship Group meeting.

Nāku noa, nā

Bridget.

Bridget Fraser (she/her)*

Manager, Sustainable Land Use Implementation

Ministry for the Environment – Manatū Mō Te Taiao

Mobile: 021 180 6739 Email: bridget.fraser@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

*If you are wondering about the inclusion of my pronouns on this signature,

[read this article from SSC](#) about how sharing pronouns in this way can help create an inclusive

and safe environment for transgender and nonbinary colleagues.



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Cc: s 9(2)(a)
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Marnie

s 9(2)(a)

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Nāku noa, nā

Bridget.

Bridget Fraser (she/her)*

Manager, Sustainable Land Use Implementation

Ministry for the Environment – Manatū Mō Te Taiao

Mobile: 021 180 6739 Email: bridget.fraser@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

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Aotearoa - he whenua mana kura mō te tangata

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From: [Marnie \(Choosecleanwater\)](#)
To: [Ministerials](#)
Subject: Official Information Act Request
Date: Thursday, 27 August 2020 12:30:14 pm

MFE CYBER SECURITY WARNING

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Dear Vicky,

I understand that MfE has approached NIWA, particularly Scott Larned, concerning the development of nutrient criteria (nitrogen and/or phosphorus) for the National Policy Statement for Freshwater Management.

1. I request all communications between MfE staff and NIWA, including Scott Larned, concerning NIWA giving advice and/or undertaking work to develop nutrient criteria (nitrogen and/or phosphorus) for the National Policy Statement for Freshwater Management.

These communications should include emails, and their attachments, texts, meeting notes and minutes, and other records of communications.

2. I request copies of any project scoping documents, tendering documents, and other documents setting out the actual or planned work and/or advice concerning the development of nutrient criteria by NIWA.

3. I request all communications and associated documentation between MfE staff and DairyNZ staff, in the last 4 months (1st May to present) relating to the development of nutrient criteria by NIWA.

These communications should include emails, and their attachments, texts, meeting notes and minutes, and other records of communications.

Sincerely,
Marnie Prickett

s 9(2)(a)

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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Tuesday, 1 September 2020 11:35 am
To: Kim Matthews
Subject: Re: NOVEMBER: Freshwater Implementation Group via Zoom

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Kia ora Kim,

Could you add Gary Taylor s 9(2)(a) and Martin Taylor s 9(2)(a) to this group.

Ngā mihi,
Marnie

On Tue, Sep 1, 2020 at 11:01 AM Kim Matthews <Kim.Matthews@mfe.govt.nz> wrote:

Hi all

I have now added date and time options in Doodle (link below) for **November's** meeting – the date w the highest suitability will be selected – if it is a date that is not suitable for you we apologise in advance, however, do request that you prioritise your attendance for this meeting.

Click here to go direct to Doodle: **Out of Scope** - if you can please complete the poll by 2pm **Friday 4 September** that would be appreciated.

An email containing Doodle poll for December's meeting will be sent once Novembers meeting is confirmed.

☺

Kim Matthews – Executive Assistant to Vicky Robertson, Secretary for the Environment
Ministry for the Environment – Manatū Mō Te Taiao
Mobile: 022 517 3266 Website: www.mfe.govt.nz
Environment House, 23 Kate Sheppard Place, Thorndon, PO Box 10362, Wellington 6143



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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 2 September 2020 10:07 am
To: Bridget Fraser
Subject: Re: Agenda for Freshwater Implementation Group

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Thanks Bridget :-)

On Wed, Sep 2, 2020 at 9:22 AM Bridget Fraser <Bridget.Fraser@mfe.govt.nz> wrote:

Hi Marnie.

Martin asked me to send you the agenda

Agenda

- Confirm co-chairs
- Note final Terms of Reference (attachment 1)
- Discuss feedback on priority projects (attachment 2)
- Discuss long term plan (attachment 3)
- Confirm next meeting date and draft agenda

Nāku noa, nā

Bridget.

Bridget Fraser

Acting Director, Sustainable Land Use Implementation

Ministry for the Environment – Manatū Mō Te Taiao
Mobile: 021 180 6739 Email: bridget.fraser@mfe.govt.nz Website: www.mfe.govt.nz
23 Kate Sheppard Place, PO Box 10362, Wellington 6143



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From: [Marnie \(Choosecleanwater\)](#)
To: [Vicky Robertson](#); [Martin Workman](#)
Cc: [s 9\(2\)\(a\)](#) ; [s 9\(2\)\(a\)](#)
Subject: Memo from ENGOs re Sept 2nd Meeting
Date: Thursday, 3 September 2020 1:58:21 pm
Attachments: [Memo from ENGOs re Sept 2nd Meeting\[1\].docx](#)

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Dear Vicky and Martin,

Thanks for chairing the meeting which raised some important issues. In order to assist the process, we thought it would be helpful to provide you with written feedback to clearly articulate our views, meeting by meeting.

We'll leave you to decide to whom this should be circulated.

Regards,
Marnie

(and on behalf of Martin Taylor and Gary Taylor cc'd)

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Karwin Perez

From: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 9 September 2020 4:40 pm
To: Bridget Fraser
Subject: Re: Talking about the directors group for FW implementation - Papers attached

Thank you, that's good to know.

All the best,
Marnie

On Wed, Sep 9, 2020 at 4:32 PM Bridget Fraser <Bridget.Fraser@mfe.govt.nz> wrote:

Yes. There's a couple of steps we have to go through including review by procurement and legal teams which takes about a week each (not including drafting and making edits to the contracts to reflect these reviews).

We aim to have them in place by the next Freshwater Implementation Group meeting.

Bridget.

From: Marnie Prickett | Choose Clean Water NZ <marnie@choosecleanwater.org.nz>
Sent: Wednesday, 9 September 2020 4:24 pm
To: Bridget Fraser <Bridget.Fraser@mfe.govt.nz>
Subject: Re: Talking about the directors group for FW implementation - Papers attached

Kia ora Bridget,

Is this being followed up?

Ngā mihi,

Marnie

On Fri, Aug 28, 2020 at 11:17 AM Bridget Fraser <Bridget.Fraser@mfe.govt.nz> wrote:

Thanks both. We'll start preparing the contracts for this and be back in touch when we have drafts.

Nāku noa, nā

Bridget.

Bridget Fraser (she/her)*

Manager, Sustainable Land Use Implementation

Ministry for the Environment – Manatū Mō Te Taiao

Mobile: 021 180 6739 Email: bridget.fraser@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, PO Box 10362, Wellington 6143

*If you are wondering about the inclusion of my pronouns on this signature,

[read this article from SSC](#) about how sharing pronouns in this way can help create an inclusive

and safe environment for transgender and nonbinary colleagues.



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From: Gary Taylor <gary@eds.org.nz>
Sent: Thursday, 27 August 2020 12:52 pm
To: Bridget Fraser <Bridget.Fraser@mfe.govt.nz>; Martin Workman <martin.workman@mfe.govt.nz>
Cc: Marnie (Choosecleanwater) <marnie@choosecleanwater.org.nz>
Subject: Re: Talking about the directors group for FW implementation - Papers attached

MFE CYBER SECURITY WARNING

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Hi Bridget

Can you please note that we w ENGO engagement in both processes will require support via a per diem. I understand this would be equivalent to KWM.

Cheers

Gary Taylor CNZM QSO

Chief Executive

Environmental Defence Society

PO Box 91736 | Victoria Street West | Auckland 1142 | New Zealand

s 9(2)(a)

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From: Bridget Fraser <Bridget.Fraser@mfe.govt.nz>

Date: Thursday, 27 August 2020 at 12:44 PM

To: Martin Workman <martin.workman@mfe.govt.nz>, "Charlotte Denny (MPI)"

s 9(2)(a)

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s 9(2)(a)

"s 9(2)(a)

, s 9(2)(a)

, s 9(2)(a)

"Iain Maxwell

s 9(2)(a) Annabelle Ellis <Annabelle.Ellis@mfe.govt.nz>
Cc: Kingi Smiler s 9(2)(a), Mahina-a-rangi Baker
s 9(2)(a), Claire Graeme <claire.graeme@mfe.govt.nz>, Dave Allen
s 9(2)(a), Nic Peet s 9(2)(a) Clare Wooding
s 9(2)(a), Vin Smith s 9(2)(a), Nicola Green
s 9(2)(a)
Sophia Murphy
s 9(2)(a), s 9(2)(a)
s 9(2)(a) Nadeine Dommissie
s 9(2)(a) Susan Guthrie <Susan.Guthrie@mfe.govt.nz>, Chris McLay
s 9(2)(a), "Marnie (Choosecleanwater)"
<marnie@choosecleanwater.org.nz>, Gary Taylor s 9(2)(a), "miriama.prickett@gmail.com"
<miriama.prickett@gmail.com>, Jennifer Price <Jennifer.Price@mfe.govt.nz>
Subject: RE: Talking about the directors group for FW implementation - Papers attached

Hi.

Here is an additional paper which is the draft of a plan to 2024 to show phasing of work planned beyond the priority projects provided in Attachment 4 yesterday evening.

Note it is in draft form.

Cheers,

Bridget.

-----Original Appointment-----

From: Martin Workman <martin.workman@mfe.govt.nz>

Sent: Monday, 24 August 2020 9:55 am

To: Martin Workman; Charlotte Denny (MPI); s 9(2)(a)

; Iain Maxwell s 9(2)(a) Annabelle Ellis; Bridget Fraser

Cc: Kingi Smiler; Mahina-a-rangi Baker; Claire Graeme; Dave Allen; Nic Peet; Clare Wooding; Vin

Smith; Nicola s 9(2)(a)

s 9(2)(a) Sophia Murphy;

; Nadeine Dommissie; Susan Guthrie;

Chris McLay; Marnie (Choosecleanwater); Gary (EDS); miriama.prickett@gmail.com; Jennifer Price

Subject: Talking about the directors group for FW implementation - Papers attached

When: Thursday, 27 August 2020 1:00 pm-2:00 pm (UTC+12:00) Auckland, Wellington.

Where: Microsoft Teams Meeting

Agenda:

- Update from last week’s conversation with CE’s
- Engagement structure for FW implementation
- Secretariat – confirm skillsets needed
- Confirm workstreams/projects/agency leads to develop these ideas based Christina Robb’s workshop notes from 24 July.

Iain, could you please forward meeting invite to others in the SLUG who would form part of the directors group.

Join Microsoft Teams Meeting

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Ministry for the Environment

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Confidentiality Undertaking

Draft regulations for the Action for healthy waterways package

Marnie Prickett

I, Marnie Prickett of Choose Clean Water:

- acknowledge that Choose Clean Water has been selected to receive draft copies of one or more of the regulations making up the Action for healthy waterways package in order to provide external expertise to address the technical matters relating to the implementation of the regulations. The relevant regulations are as follows:
 - (a) Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
 - (b) National Policy Statement for Freshwater Management;
 - (c) Resource Management (Stock Exclusion) Regulations 2020; and
 - (d) amendments to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;(together, the "Regulations"); and
- acknowledge that in the course of undertaking this role, Choose Clean Water may become privy to confidential information.

Therefore, I:

1. Agree and undertake that in my dealings with the **Ministry for the Environment** (the Ministry), I will:
 - (a) be discreet in all matters relating to the Regulations including information that I may become privy to in the course of engaging with the Ministry on the Regulations;
 - (b) keep confidential all information relating to the matters referred to in paragraph 1(a) above which I obtain or become aware of when I engage with the Ministry or any other Government department or agency (the "Information"), including but not limited to all information obtained as a result of the limited waiver of legal professional privilege granted by the Attorney-General in respect of the Regulations;
 - (c) not, other than as required by law or permitted under (d), disclose or discuss the Information with any person who is not:
 - employed by, a Minister for the Environment, or otherwise a part of the Crown; or
 - an officer, employee or authorised agent of the Ministry; orwithout the prior written consent of the Ministry, or if needed, the Minister for the Environment or the Attorney-General;
 - (d) only access, handle and store Information in accordance with this Undertaking of Confidentiality;
 - (e) not use any Information to gain advantage or benefit for any person (including myself) or organisation other than to assist in the development of the Regulations;

Feedback on exposure draft of National Policy Statement for Freshwater Management (v. 18.5) and Resource Management (National Environment Standards) Regulations 2020 (v. 4.0)

Feedback provided by: Choose Clean Water

Date provided: Wednesday 8 July 2020

Total pages: 28 (including a 2 page appendix)

Specific comments

Clause #	Suggested change/approach	Reason for change
[Eg, clause 2]	<p><i>Examples of technical comments that will be considered:</i></p> <ul style="list-style-type: none"> • Tweaks to definitions • New definitions required to give effect to the policy intent agreed to by Cabinet • Changes to wording to better clarify the policy intent agreed to by Cabinet 	<p>[eg, this change should be made because it may unintentionally capture something the Government did not intend to capture]</p>
	<p><i>Examples of policy comments that will be ignored:</i></p> <ul style="list-style-type: none"> • Removals or additions of entire policies • Changes to definitions that significantly alter the scope of the policy, making it inconsistent with Cabinet decisions • Changes to activity statuses agreed to by Cabinet • Changes to number thresholds agreed to by Cabinet 	<p>[eg, this change should be made because we continue to be opposed to this policy as per our submission during consultation]</p> <p>[eg, this change should be made because we disagree with Cabinet's decisions for the following reasons]</p>
	Overview of suggested changes	
	Choose Clean Water finds there are six main changes needed to finalise the NPS-FM draft, two for the NES draft and one that applies to both policies in order for these policy documents to be true to the intent agreed to by Cabinet.	

NPS-FM

1. Clarification of councils' action plan requirements
2. Clarification on periphyton attribute –default table for setting nutrient objectives
3. Clarification of the quality of information to be used by councils – independently peer reviewed
4. Clarification that the precautionary principle applies in the implementation of this policy
5. Brief additional wording to section on Hydro Schemes
6. Clarification of the requirement of councils to set and implement higher *E.coli* objectives in places tangata whenua and others in the community want to have primary contact with water bodies (e.g. swim)

NPS-FM and NES

1. Simple clarification of councils requirement to take into account downstream and receiving environments –“sensitive” and “nutrient sensitive” qualifiers removed.

NES

1. Clarifying the status of Farm Environment Plans compared to NES standards for high risk activities – particularly, intensive winter grazing,
2. Consistency of Synthetic Nitrogen Fertiliser cap with agreed Cabinet intent and avoiding clauses that undermine regional council planning.

Please note:

Choose Clean Water supports the ENGO submission.

Suggested changes below are mostly consistent with ENGO

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	<p>tracked changes. However, in some cases they differ and this submission includes Choose Clean Water's suggested wording.</p> <p>This submission goes into detail on the nine main drafting issues Choose Clean Water has identified.</p> <p>Choose Clean Water does not have feedback on the stock exclusion regulations and supports the ENGO submission on these documents.</p> <p>Choose Clean Water has not had capacity to review Measurements and Reporting of Water Takes and supports the ENGO submission on this document.</p> <p>Choose Clean Water has not had the capacity in the short time available to include clause # references to all relevant parts of the Cabinet paper and instead has quoted the relevant references to make producing this feedback less time consuming and for the ease of officials to understand the linkage of each suggested change/approach to the agreed Cabinet intent.</p>	
<p>Exposure draft of NPSFM, version 18.5 – clause #</p>	<p>Suggested change/approach</p>	<p>Reason for change</p>
	<p>1. Clarification of councils' action plan requirements – changes to wording to clarify policy intent agreed to by Cabinet</p>	
<p>3.12 (1) (b)</p>	<p><i>Exposure draft wording: must prepare an action plan;</i></p>	<p>Exposure draft wording allows for action plans for attributes in Appendix 2B to be prepared outside the regional planning process.</p>

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<p>3.12 (2) (a)</p>	<p>Suggested wording: may prepare an action plan as part of its regional plan;</p> <p><i>Exposure draft wording: may prepare an action for achieving the target attribute state within a specified timeframe;</i></p>	<p>Therefore, this NPS-FM, as it is written in the exposure draft,:</p> <ul style="list-style-type: none"> • Undermines certainty for councils, communities and landholders. • Is likely to lead to poor outcomes for water bodies and freshwater ecosystems and the health needs people.
<p>3.12 (3) (b)</p>	<p>Suggested wording: may prepare an action plan as part of its regional plan for achieving the target attribute state within a specified timeframe;</p> <p><i>Exposure draft wording: prepare an action plan</i></p>	<p>The Cabinet paper appendix notes the approach of separate processes for action plans and regional plans, stating:</p> <p>“In short, limit- setting attributes mandate pro-active and immediate rule-making by 2024 whereas action plan attributes establish adaptive management regimes and do not explicitly require rule-making by 2024.”</p>
<p>3.15 (4)</p>	<p>Suggested wording: prepare an action plan as part of its regional plan</p> <p><i>Exposure draft wording: Action plans must be published as soon as practicable, and may be published either by including them in a regional plan or by publishing them separately.</i></p> <p>Suggested wording: Action plans must be published by including them in a regional plan when the relevant environmental outcomes or attributes they relate to are proposed in the regional plan.</p>	<p>It allows for action plans to be prepared as part of the regional planning process and does not agree explicitly that action plans should or should not be prepared at the same time as regional plans.</p> <p>However, if action plans are not produced at the same time as regional plans it appears but without requiring action plans to be prepared at the same time as regional plans the policy fundamentally undermines the intent agree to by Cabinet.</p> <p>Cabinet is intending to create consistency in regional councils’ approach.</p> <p>“new planning process – faster and nationally consistent regional plans”</p>

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		<p>“Regional councils, communities, Māori, the primary sector, and other industries have begun to address these issues, but action across the board has been inconsistent.”</p> <p>Cabinet is intending to give certainty to council and business.</p> <p>“Meeting these objectives requires an integrated package of legislative changes and new national direction and regulation. Much of the effect of these measures will take a generation to achieve, but it is important to start making improvements now and provide councils and businesses with certainty about the long-term direction.”</p> <p>“Finally, primary sector businesses, and their lenders, desire increased certainty on how environmental regulations, such as those in the <i>Action for healthy waterways</i> package, will impact their businesses and future operating conditions. Delaying a decision now would only increase that uncertainty, which may further disrupt lending practices.”</p> <p>Cabinet is intending to improve workability of the package as a whole for the primary sector.</p> <p>“We have amended the proposals as a result of consultation to improve the workability of the package as a whole and to delay short-term costs to the primary sector while the economy is impacted by COVID-19.”</p> <p>Cabinet is intending to improve Māori values and Māori involvement in freshwater management, noting that Māori involvement is critical.</p> <p>“We also consider that the package will improve Māori values and Māori involvement in freshwater management. Greater involvement allows for Māori to provide input and inform councils about their values, measures of wellbeing and mātauranga. This involvement is</p>
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		<p>critical to actively protect Māori interests and support intergenerational transfer of knowledge. Further, the framework of Te Mana o te Wai supports the relationship between tangata whenua and the environment by requiring freshwater to be first managed for its inherent qualities before it is shared for other uses.”</p> <p>“The Crown has a duty to protect Treaty settlements. It also has broad responsibilities to protect taonga, the exercise of tino rangatiratanga and kawanatanga, and the principles of the Treaty. We consider that <i>Action for healthy waterways</i> is crucial to protect freshwater taonga. Proposals to strengthen Māori values and Te Mana o te Wai may also contribute to upholding Māori and intrinsic values for the water, and increase participation from Māori in the freshwater management system. Iwi and hapū submissions expressed general support for the overall package, but they desired inclusion of co-governance provisions in the package and emphasised the urgent need for the Crown to commit to addressing Māori rights and interests in freshwater.”</p> <p>Cabinet is intending to coordinate implementation and linkages with other related government programmes.</p> <p>“Given the complexity of the package, the governance arrangements need to be carefully designed and set-up to coordinate and oversee adaptive implementation of the healthy waterways package and linkages with other related government programmes.”</p> <p>Cabinet is concerned that there is that added expense risks poor engagement and sub-par implementation.</p> <p>“However, neither the COVID-19 response proposals outlined below, nor the \$12 million of Budget 19 allocated for council and iwi/hapū and</p>
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		<p>Māori implementation support, completely meet these groups' longer-term support needs to implement the package effectively. If central government does not provide further support, councils, iwi/hapū and Māori will either increase expenditure on planning engagement and development or will likely implement the measures in a sub-par manner.”</p> <p>Cabinet is notes that timing of work streams is important to meet environmental regulations and obligations effectively.</p> <p>“We acknowledge that landowners and rural communities may need additional support to meet the new environmental regulations and obligations effectively, especially in light of COVID-19 impacts. Once we move through our response to COVID-19, the Government will need to consider the wider priorities and the timing of work streams at an appropriate time.“</p> <p>Cabinet intends to avoid decadal delay.</p> <p>“a new National Policy Statement for Freshwater Management (new NPS-FM) to replace the current NPS-FM 2014 (amended 2017). This will require regional councils to finalise long-term objectives in their freshwater planning instruments by 31 December 2026, to put the country on a path to restoring our waterways in a generation”</p> <p>Cabinet intends to give guidance to ensure an integrated approach.</p> <p>“a new National Policy Statement for Freshwater Management (NPS-FM), to replace the current NPS-FM 2014 (amended 2017), which strengthens Te Mana o te Wai by raising water quality standards and focusing on achieving more integrated freshwater management in</p>
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		<p>urban and rural areas”</p> <p>Therefore:</p> <p>Imagine a regional council, through its regional planning process, establishes an FMU. To meet the compulsory values for this FMU, it sets objectives for attributes in Appendix 2A and for relevant attributes in Appendix 2B.</p> <p>During its regional planning process, it sets its limits to achieve an instream objective to control periphyton at 0.8mg/L of nitrogen (nitrogen here being a generic stand in for more specific units of DIN or TN that councils are likely to use). Through its regional plan it establishes limits to reduce nitrogen loss to a river based on the attributes in Appendix 2A – which are prioritised because they are required to be in a regional plan. The regional plan is finalised and the regional council starts implementing and enforcing the agreed limits.</p> <p>However, in this FMU to protect a treasured mahinga kai site, native fish and to make sure that the swimming site isn't covered in slime and is safe, the instream nitrogen objective is 0.5mg/L, more stringent <i>E.coli</i> objectives and a moderately stringent Fish IBI that requires work to provide lost habitat.</p> <p>The council has to prepare action plans that will achieve these more stringent objectives. Three years later they do this.</p> <p>However, Landowners – focused on the results of the regional plan because they are looking ahead and needing certainty – have already made changes to their land management to meet the 0.8mg/L requirements - they may have invested in new systems to do this. Three years later they're reminded that, in fact, they're working to lower</p>
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		<p>objectives (more stringent), which requires adherence to an additional plan(s).</p> <p>The councils, now focused on the attributes in Appendix 2B in preparation of their action plans, find that the limits they set in their regional plan could have been part of an integrated approach to achieving 2A and 2B attributes. At the time of the regional plan, they could have looked holistically at all attributes and made a plan that saw limits and actions required address all attributes for the FMU in an integrated way. Now they find that some things have been over looked or they see that some limits have led to perverse outcomes for 2B attributes. They must take the region back through another process, that is being forced to fit into the work that's already going on in an FMU.</p> <p>Tangata whenua and other members of the community have become distressed during this time as they see problems in their river arise. Everyone is worn out and resource depleted by consultation.</p> <p>Note that within the Exposure Draft there appears to be no requirement that the action plans for attributes in appendix 2B are even done at the same time. Meaning this process could play out a number of times.</p> <p>To be consistent with the intent of the Cabinet, this policy should aim to provide certainty to councils, communities and landowners, and to avoid lost investment and additional cost, as well as to reduce the strain for all people in the FMU by minimising the number of times changes in approach are presented and consultation required.</p> <p>To do this, it makes far more sense to have regional councils prepare the action plans for appropriate attributes in Appendix 2B affected at</p>
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		<p>the same time as compulsory attributes in Appendix 2A, in the regional planning process.</p> <p>This is consistent with the guidance given to councils around Integrated Management (3.5). Integrated Management – ki uta ki tai – would undoubtedly be more effectively achieved but addressing all attributes (2A and 2B) at the same time so that actions that could provide improvements across multiple attributes can be identified and implemented, and perverse outcomes and poor investments can be avoided.</p>
	<p>2. Clarification on periphyton attribute – default table for setting nutrient objectives – changes to wording to clarify policy intent agreed to by Cabinet.</p>	
<p>Appendix 2A: Table 2</p> <p>(3.1(1)(b) and 3.13).</p>	<p>Amend Table 2 by using STAG Periphyton table (STAG report, pages 25 and 26): appended below.</p> <p>Additionally to make sure there is no conflicting units (STAG table in TN and DRP not DIN and DRP):</p>	<p>The exposure draft provides guidance to councils on the requirement to set nutrient objectives and limits/methods to control for periphyton growth in hard bottom streams.</p> <p>There is no numerical guidance despite the recommendation of the STAG to include a default look up table for TN/DRP.</p> <p>The lack of numerical guidance means that councils struggling to (re)source appropriate modelling will be unable to set nutrient objectives for periphyton and those being consulted (tangata whenua, other members of the community) as well as those reviewing regional plans (councillors, members of freshwater planning panels) have no ability to benchmark council modelling against some numerical guidance.</p> <p>It makes the process less transparent, and more difficult for unresourced or minimally resourced tangata whenua and other community members to engage with and assess council modelling.</p>

		<p>The nutrient look up table is an important guide for all those involved in the development of objectives and their review, and for the democratic process of regional planning.</p> <p>Because of this, it unintentionally undermines the intent of Cabinet.</p> <p>The Cabinet makes clear that it intends for regional councils to set nutrient objectives and limits to manage for the compulsory periphyton attribute and for other measures of ecosystem health. It also states that Councils' implementation of the existing NPS-FM requirements (which include the requirement to set nutrient objectives and limits for periphyton growth) has been insufficient.</p> <p>“ The proposals generally require DIN levels to be at least maintained at current state, or improved where they exceed water quality bottom lines or contribute to the exceedance of other attribute bottom lines (such as for periphyton, macroinvertebrates, or dissolved oxygen).”</p> <p>“High nitrogen levels can damage ecosystems by contributing to algal growth and putting pressure on the health of macroinvertebrates and fish. They can also be toxic at high concentrations. Nitrogen policies in the current NPS-FM, and councils' implementation of them, are insufficient to provide for ecosystem health, especially in soft-bottomed rivers that do not support the growth of periphyton (algae attached to rocks).”</p> <p>“In addition, we expect MfE to monitor the performance of councils as they develop plans and, in particular, as councils set nutrient load limits to achieve ecosystem health bottom lines such as for periphyton, the Macroinvertebrate Community Index (MCI), dissolved oxygen, and in respect of downstream receiving environments.”</p>
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		<p>“not that to date, councils’ implementation of the existing NPS- FM requirements related to nitrogen has been insufficient to halt the degradation of ecosystems.”</p> <p>In parts of Canterbury, instream objectives and limits for nutrients in some hard bottomed rivers have been set for toxicity values at 6.9mg/L with no nutrient objectives or limits to control for periphyton¹. This indicates that councils have been lacking guidance on this attribute.</p> <p>Therefore, the addition of the default nutrient table recommended by STAG would bring this policy closer to the intent of the Cabinet than the exposure draft and as well as address the problems with implementation the Cabinet has identified.</p> <p>Note: Because of the reference to DIN in the guidance around the periphyton attribute and the unit of the table being TN, to be consistent within the policy, it makes most sense to refer to “nitrogen and phosphorus” rather than DIN specifically in reference to guidance around periphyton (3.1(1)(b) and 3.13).</p>
	<p>3. Clarification of the quality of information to be used by councils – independently peer reviewed – changes to wording to clarify policy intent agreed to by Cabinet.</p>	

¹ Environment Canterbury. (2018). *Hinds Plan Change Summary*. Retrieved from <https://www.ecan.govt.nz/your-region/plans-strategies-and-bylaws/canterbury-land-and-water-regional-plan/change-2-hinds/>

		<p>In order to achieve the policy intent agreed to by Cabinet, it is important that councils are given guidance on the quality of information they use in their planning processes.</p> <p>The addition of “independent peer reviewed” gives important guidance to councils on the quality of information required in their decision making and is consistent with equivalent requirements on the quality of information needed by government agencies, such as the Ministry for the Environment.</p> <p>This small addition would give assurance to government, councillors, communities of the quality of information on which decisions are being made as well as strengthening the quality of planning.</p> <p>This is particularly important as the information being required by this policy is complex (integrating multiple disciplines – climate, human health and ecology, for example).</p> <p>Though not explicitly agreed by Cabinet, this addition does not undermine any intent of Cabinet and, in fact, strengthens the agreed Cabinet intent for improved and more consistent planning, as well as improved implementation and outcomes for freshwater management. It is also a reasonable expectation that regional councils use this level of quality information in decision making.</p>
	<p>4. Clarification that the precautionary principle applies in the implementation of this policy – changes to wording to clarify policy intent agreed to by Cabinet.</p>	
		<p>The exposure draft of this policy shows an important addition to previous iterations of the NPS-FM by requiring councils to have regard to the “foreseeable impacts of climate change” in a number of clauses (e.g. 3.16 (4)(a)(ii)).</p>

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		<p>Climate change will impact water bodies and freshwater ecosystems, the health needs of people and Māori cultural values in a multitude of ways. Quality independently peer reviewed science is able to provide predictions of these impacts through. Quality science is an extremely useful tool for decision makers. However, despite this there will always be some level of uncertainty. Decision makers need guidance around what to do in the face of uncertainty.</p> <p>The addition of guidance around the precautionary principle strengthens ability of councils to give effect to the policy and the intent agreed by Cabinet as expressed below.</p> <p>“This package will have significant benefits for freshwater outcomes, and taking action now will avoid higher costs in the future. ”</p> <p>“Acting now will avoid larger costs in the future. A NIWA report concluded that further delays in reducing nutrient input to waterways will increase the time and cost for rivers, lakes and estuaries to recover. This happens because nutrients can build up in the sediments of poorly flushed estuaries, lakes and to a lesser extent rivers. These nutrients can be released from the sediments long after the other inputs have ceased. Delaying nutrient reductions can also set up feedback mechanisms that lock in degraded ecological states and make it harder to restore an ecosystem.”</p>
	5. Brief additional wording to section on Hydro Schemes.	
3.31 (3)	<p><i>Exposure draft wording:</i></p> <p>(3) <i>If an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme, a</i></p>	<p>This policy requires councils to respond to the impacts of climate change, the protection of water bodies and their ecosystem health, the health needs of people and Māori cultural values.</p>

	<p><i>regional council may set a target attribute state that is below a national bottom line if:</i></p> <p>Suggested wording:</p> <p>(3) If an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme, after environmental flows and fish passage have been provided for, a regional council may set a target attribute state that is below a national bottom line if:</p>	<p>Hydro schemes put this response at risk and Cabinet has agreed that there should be a possibility of allowing exemptions in catchments where some major hydro schemes exist.</p> <p>Because of this, these Hydro schemes risk the major objectives of the Cabinet:</p> <p>“stop further degradation of New Zealand’s freshwater resources and start making immediate improvements so that water quality is materially improving within five years</p> <p>reverse past damage to bring New Zealand’s freshwater resources, waterways and ecosystems to a healthy state within a generation, and</p> <p>address water allocation issues, by working to achieve efficient and fair allocation of freshwater resources, having regard to all interests including Māori, and existing and potential new users [CAB-18-MIN-0296 refers].”</p> <p>The wording of the exposure draft also undermines the Cabinet agreement that:</p> <p>“taking action now will avoid higher costs in the future.”</p> <p>It is possible mitigate these risk by including this additional wording as a back stop for councils, tangata whenua and other members of the community, as well as adequately providing for the foreseeable needs of future generations.</p>
	<p>6. Clarification of the requirement of councils to meet higher <i>E.coli</i> objectives in places tangata whenua and</p>	

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	others in the community want to have primary contact with water bodies (e.g. swim)	
1.5	<p><i>Exposure draft wording:</i></p> <p>primary contact site means a site identified by a regional council that it considers is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities such as swimming, paddling, boating, or water sports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled</p> <p>Suggested wording:</p> <p>primary contact site means a site identified by a regional council tangata whenua, and others in the communities, that they considers is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities such as swimming, paddling, boating, or water sports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled (at a minimum those sites that are identified on the Land And Water Aotearoa website as at 7 September 2017)</p>	<p>The requirement on regionals to meet higher E.coli objectives in places that people want to have primary contact with water bodies (e.g swim) is poorly expressed in this policy and not at all consistent with the emphasis on primary contact that appears in the Cabinet paper.</p> <p>Firstly, to be consistent with the intent agreed to by Cabinet, it should not be a solely regional council decision on the sites people use for primary contact, it must be a decision made with tangata whenua and others in the community.</p> <p>Secondly, in order to be consistent with the maintain and improve requirement of this policy and the goal of everyone being able to go to their local river for a swim, there should be no reduction in the number of sites identified for primary contact. To ensure this, an simple addition to the text is to note that, by default, primary contact sites are all those already reported on by councils on the Land and Water Aotearoa website as well as any additional sites identified by tangata whenua and other members of the community.</p> <p>Making these suggested changes strengthens and clarifies the agreed intent of Cabinet.</p>
3.27	<p><i>Exposure draft wording:</i></p> <p>3.27 Primary contact sites</p> <p>1. Every regional council must monitor primary contact sites for:</p> <p>(a) their risk to human health; and</p>	<p>Cabinet has agreed intent to protect and restore the sites on water bodies where people want to swim.</p> <p>“A higher standard where and when people want to swim”</p> <p>“We believe all New Zealanders should be able to swim in their local river without fear of getting sick. The additional <i>E. coli</i> attribute will apply to primary contact sites during the swimming season and will require councils to reduce those risks substantially. “</p>

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<p>3.8 (4) (b)</p>	<p>Regional councils must apply the primary contact standards to these site and set these as their target attribute states for these sites in their regional plans.</p> <p>For every primary contact site in an FMU, the regional council must identify one or more monitoring sites representative of the primary contact site or a number of primary contact sites.</p> <p>Every regional council must identify, for each primary contact site in its region, a period (a bathing season) when the regional council in consultation with communities and tangata whenua considers that the site is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities, at a minimum this must include the sites identified on the Land And Water Aotearoa website as of 7 September 2017.</p> <p><i>Exposure draft wording: representative of one or more primary contact sites in the FMU.</i></p> <p>Suggested wording: for each primary contact site in the FMU</p>	<p>Cabinet agrees that there are multiple benefits in doing this:</p> <p>“The proposals will deliver major ongoing economic benefits, improved human health outcomes, and increased recreational opportunities and cultural outcomes. Healthy waterways underpin core sectors of our economy, including agriculture and tourism, as well as our identity.”</p> <p>“More widely, we must acknowledge the significant social and cultural benefits of improving freshwater and our freshwater ecosystems. This package could have significant benefits on our communities through providing more opportunities for swimming and other recreation in waterways, improving the social licence to operate for the primary sector and improving community cohesion. It is also clear that improved natural environment enhances opportunities to spend time in nature to increase those social connections, people’s wellbeing and mental health.”</p> <p>“Overall, <i>Action for healthy waterways</i> policies are likely to have substantial benefits for the wellbeing of rural communities, including reduced public health risk, social cohesion, increased access to nature, recreation and mahinga kai, as well as improvements to the primary sector’s social licence to operate. These are important benefits for both current and future generations of New Zealanders.”</p> <p>Cabinet agrees that delaying and/or incurring more degradation will make it more difficult.</p> <p>“The importance of acting now is reinforced considering COVID-19. Delaying action now will result in further environmental degradation, which will increase costs of remediation in the future. COVID-19 will</p>
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		<p>result in a significant increase in public debt, which would compound the effects of the increase cost of remediation.”</p> <p>Cabinet agrees the aim should be to give as much certainty to councils and business as they can.</p> <p>“Meeting these objectives requires an integrated package of legislative changes and new national direction and regulation. Much of the effect of these measures will take a generation to achieve, but it is important to start making improvements now and provide councils and businesses with certainty about the long- term direction.”</p> <p>Cabinet agrees the intent of this policy is to have faster and more consistent regional plans.</p> <p>“new planning process – faster and nationally consistent regional plans”</p> <p>Cabinet agrees that the intent of this policy is to strengthen Māori involvement in freshwater management.</p> <p>“We also consider that the package will improve Māori values and Māori involvement in freshwater management. Greater involvement allows for Māori to provide input and inform councils about their values, measures of wellbeing and mātauranga. This involvement is critical to actively protect Māori interests and support intergenerational transfer of knowledge. Further, the framework of Te Mana o te Wai supports the relationship between tangata whenua and the environment by requiring freshwater to be first managed for its inherent qualities before it is shared for other uses.”</p> <p>“The package promotes greater participation of tangata whenua and the incorporation of Māori values in freshwater management. Greater involvement allows for tangata whenua to provide input and inform</p>
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		<p>councils about their values, measures of wellbeing and mātauranga. This is critical to actively protect Māori interests.”</p> <p>Additionally, suggested changes from the first point of this submission on action plans would give significantly greater support to the Cabinet’s agree intent on swimming sites and primary contact.</p>
<p>Exposure draft of NPSFM, version 18.5 and Exposure draft of NES, version 4.0</p>	<p>Suggested change/approach</p>	<p>Reason for change</p>
	<p>1. Simple clarification of councils requirement to take into account downstream and receiving environments –“sensitive” and “nutrient sensitive” qualifiers removed.</p>	
<p>Multiple clauses (see ENGO tracked changes submission)</p>	<p>Suggested removals of these qualifiers have been made in the ENGO tracked changes submission.</p>	<p>The intention of the policy is that all downstream receiving environments (e.g. estuaries, wetlands, etc.) are taken into account when establishing appropriate loads for attributes (e.g. sediment and nutrients, etc.).</p> <p>The use of “sensitive” and/or “nutrient sensitive” as qualifiers for downstream receiving environments creates unnecessary confusion and is likely to lead to delays in decision making as debates are had over whether or not a receiving environment qualifies as sensitive.</p>

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		<p>These qualifiers do not add anything useful to the guidance for councils and others in implementing the NPS-FM and are very likely to cause problems in interpretation and implementation.</p> <p>All downstream environments are effected by what they receive and so it is simpler just to take them into account as a matter of course.</p> <p>The cabinet paper is unclear on its preference of wording around this and, in fact, sometimes uses qualifiers and other times not. This indicates it has not investigated fully the issues in using them and when applying the agreed to intend of the Cabinet paper it appears that it would be more consistent to remove the qualifiers as Cabinet seeks restoring healthy waterways within a generation consistency across councils, certainty for councils and business, an integrated management approach (mountains to sea) and to speed up regional planning processes.</p>
Exposure draft of NES, version 4.0 – clause #	Suggested change/approach	Reason for change
	1. Clarifying the status of Farm Environment Plans compared to NES standards for high risk activities – particularly, intensive winter grazing	
16 (3)	<p><i>Exposure draft wording: If the farm has a certified freshwater farm plan that applies to intensive winter grazing, the condition is that the grazing must be undertaken in accordance with the plan.</i></p> <p>Suggested wording: If the farm has a certified freshwater farm plan that applies to intensive winter grazing that would likely</p>	<p>In its current form, this policy undermines the conditions it sets out for high risk activities by allowing worse practice to gain consent if any freshwater farm plan can be produced.</p> <p>As the exposure draft is written there is no requirement that a freshwater farm plan be equivalent or better than the conditions the</p>

have a less than minor effect on the ecosystems, waterbodies and fresh water and Māori cultural values or the grazing must be undertaken in accordance with a plan that demonstrates equivalent or more stringent conditions than (4).

NES imposes on intensive winter grazing, which means the farm plan could allow for worse conditions.
In the exposure draft, a freshwater farm plan is a 'get out of jail free card' for poor intensive winter grazing, especially due to the absence currently of quality control for farm planning. The full requirements of farm plans are yet to be determined though the RMA SOP has made provisions to do so.

Cabinet agreed in principle to farm plans managing intensive winter grazing but only as and when the regime is established in law and operational, which it is not. The exposure draft therefore goes against the agreed intent of Cabinet.

"agree in principle that use of land for intensive winter grazing of livestock on forage crops will be allowed provided that it occurs in accordance with a FW-FP regime that adequately address the risks of the activity, as and when the regime is established in law and operational

If farm plans are able to allow for worse conditions that are proposed for controlling poor intensive winter grazing practice, they undermine the policy and clause 16(3) as it is in the exposure draft is not consistent with the agreed objectives or intent of the Cabinet.

It is not wise for a policy to sanction worse conditions that the policy itself lays out in this way as this undermines the credibility and use of the policy, the 5 year measureable improvement objectives, the intent of which is clear in the agreements made by Cabinet.

For example, Cabinet agrees the policy is for:

"controlling poor practice in intensive winter grazing"

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<p>13 (3)</p>	<p><i>Exposure draft wording:</i></p> <p><i>If the farm has a certified freshwater farm plan that applies to the holding of cattle in a stockholding area (other than a feedlot), the condition is that the holding must be undertaken in accordance with the plan.</i></p> <p>Suggested wording: : If the farm has a certified freshwater farm plan that applies to the holding of cattle in a stockholding area (other than a feedlot), that would likely have a less than minor effect on the ecosystems, waterbodies and fresh water and Māori cultural values or the grazing must be undertaken in accordance with a plan that demonstrates equivalent or more stringent conditions than (4).</p>	<p>and</p> <p>“These policies cover several agricultural activities that pose high risks to waterbodies through contaminant loss and degradation of ecosystems. These proposals will halt degradation and deliver improvements over the next five years.”</p> <p>“When undertaken on steeper slopes, intensive winter grazing of forage crops can pose severe and largely irreversible risks to water ecosystems, including to estuaries and the species they support. The policies we propose for this practice target risk factors for contaminant loss. We are proposing controls on slope and scale of the activity, as well as practice standards for setbacks and pugging.”</p> <p>Additionally, the same undermining of agreed cabinet intent occurs with stock holding areas and likewise, farm plans in this instance could be considered a ‘get out of jail free card’ that undermine the objectives of the policy agreed to by Cabinet.</p>
	<p>2. Consistency of Synthetic Nitrogen Fertiliser cap with agreed Cabinet intent and avoiding clauses that undermine regional council planning.</p>	

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32	<p><i>Exposure draft wording:</i></p> <p>32 Permitted activities</p> <p>(1) <i>The application of synthetic nitrogen fertiliser to land in pastoral land use is a permitted activity if it complies with the condition.</i></p> <p>(2) <i>A discharge caused by the application of synthetic nitrogen fertiliser to land in pastoral land use is a permitted activity if it complies with the condition.</i></p> <p><i>Condition</i></p> <p>(3) <i>The condition is that the rate of applying nitrogen to the land, as a component of the synthetic nitrogen fertiliser, must be no more than 190 kg/ha/year.</i></p> <p>Suggested wording:</p> <p>32 Permitted activities</p> <p>(1) The application of synthetic nitrogen fertiliser to land in pastoral land use is a permitted activity if it complies with the condition.</p> <p>(2) A discharge caused by the application of synthetic nitrogen fertiliser to land in pastoral land use is a permitted activity if it complies with the conditions.</p> <p><i>Condition</i></p> <p>(3) that the rate of applying nitrogen to the land, as a component of the synthetic nitrogen fertiliser, must be no more than 190 kg/ha/year.</p> <p>(4) The discharge resulting from synthetic nitrogen fertiliser must also comply with any conditions or rules relating to the discharge of fertiliser or nutrients in the relevant regional plan.</p>	<p>The first clause in in the NES giving effect to this policy intent must not undermine the ability of regional councils to place limits in regional plans for nitrogen discharge.</p> <p>Nitrogen discharge is determined and controlled by regional planning processes and plans, not this NES policy. As it is currently written, this exposure draft appears to override this and give consent to any nitrogen discharge as long as the application of synthetic nitrogen fertiliser is less than 190kg/ha/year. This needs to be addressed by simply removing the 32 (2) and/or by adding an additional clause (32 (4)).</p> <p>Note that the cabinet agree that the intent is:</p> <p>“reduce excessive nitrogen use through a cap on synthetic fertiliser”</p> <p>“establishing a cap on the use of synthetic nitrogen fertiliser set initially at 190 kilograms of nitrogen/ha/year with a review required by 2023.”</p> <p>“These policies cover several agricultural activities that pose high risks to waterbodies through contaminant loss and degradation of ecosystems. These proposals will halt degradation and deliver improvements over the next five years.”</p> <p>“To address this problem, we propose to create a national synthetic nitrogen fertiliser cap of 190 kg N/ha/year that applies to all pastoral sectors (dairy, dairy-support, sheep, beef, and deer). To support compliance monitoring, there will be a requirement for dairy farmers to report annually to councils the weight of nitrogen applied per hectare as synthetic fertiliser. In the future, we may need to consider whether intensive beef farming should also have to report synthetic fertiliser use. This proposal includes a review by 2023 of the</p>
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31	<p><i>Exposure draft wording:</i></p> <p>31 Revocation of subpart This subpart is revoked on 1 January 2025.</p> <p>Suggested wording:</p> <p>31 Review of subpart This subpart will be reviewed by 1 January 2023</p>	<p>size of the cap, as part of an overall review of nitrogen management settings, including whether further interventions are required.”</p> <p>“reviewing the policy settings agreed under this package if there is not a material reduction in nitrogen fertiliser use over time.”</p> <p>Please note: Cabinet agreed that the cap would be reviewed in 2023 and this is provision appears to be missing from the exposure draft of this policy.</p> <p>Further, there are a number of additional provisions around the synthetic nitrogen fertiliser cap in the exposure draft that were not consulted on – neither with the Essential Freshwater advisory groups (Kāhui Wai Māori, Freshwater Leaders Group, Regional Sector Group and the Science and Technical Advisory Group) nor through public consultation.</p> <p>There is no mention in the Cabinet paper of any of the clauses in section 33.</p> <p>They are not an appropriate addition for not only for this reason but also because they provide a number of options for consenting that appear likely to lead to an avoidance of the cap entirely.</p> <p>First, the use of specified baselines as part of provisions for this fertiliser cap mechanism was never consulted on nor appears in the Cabinet paper or its appendix. It must be removed wherever it appears.</p> <p>Above the 190kg/ha/year threshold, the activity of apply synthetic nitrogen fertiliser is a non-complying activity and must remain so without qualification for this policy to achieve the agreed intent.</p> <p>Therefore, all clauses of 33 should be deleted.</p>
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		<p>Viewed as a group of provisions, they allow any quantity of synthetic nitrogen fertiliser application to continue despite associated impact on water bodies and freshwater ecosystem health, health needs of people and/or Māori cultural values.</p> <p>There is no link between any condition in 33 and impacts/outcomes (i.e. on water bodies and freshwater ecosystem health, health needs of people and/or Māori cultural values.)</p> <p>This fundamentally undermines the purpose of the cap and cabinet's assertion above that the application of fertiliser is one of "several agricultural activities that pose high risks to waterbodies through contaminant loss and degradation of ecosystems," that when controlled will "halt degradation and deliver improvements over the next five years."</p> <p>It is not appropriate for a mechanism that is supposed to affect change in the short term to contain provisions that allow for action to be delayed.</p> <p>Cabinet also agrees that 190kg/ha/year is "a modest input control on nitrogen" and, therefore, clauses that allow for its avoidance or delay are not consistent.</p> <p>Cabinet emphasises its concern for fertiliser application and notes:</p> <p>"Many catchments will require reductions in nitrogen loads to meet the current and new NPS-FM bottom-lines. Early gains can be made by addressing excessive application of fertiliser, which contributes to high nitrogen discharges to streams and aquifers."</p>
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		<p>“Use of nitrogen fertiliser has risen almost eight-fold since 1990. Research and dairy industry advice to farmers is that there are diminishing economic returns with nitrogen fertiliser application over 200 kg of nitrogen per hectare (kg N/ha). While the dairy sector’s national average is about 150 kg N/ha rate, in some areas it is higher. For instance, the average in Canterbury was 222 kg N/ha in 2017-18.”</p> <p>“As noted above, synthetic nitrogen fertiliser use has increased rapidly, allowing land uses to intensify and creating unacceptable environmental harm in some areas. In the long-term, excessive nitrogen will be addressed through regional councils setting catchment limits on resource use and an allocation regime to allocate who can use those limited resources. The FW-FP regime will complement and support resource use limits and any future allocation regime/s.”</p> <p>“We want to make clear that this freshwater package is the “last chance saloon” for output controls. As it is, we are introducing a modest input control on nitrogen, which, at 190 kg N/ha, some would consider much too permissive. If we do not see rapid progress in reducing nutrient losses, we will be open to the 190 kg N/ha limit being ratcheted down; and to introducing other blunt input measures such as stocking rates per hectare and limits on supplementary feed.”</p>
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Appendix

Value	Ecosystem health	
Freshwater Body Type	Rivers	
Attribute	Periphyton (Trophic state)	
Attribute Unit	mg chl-a/m ² (milligrams chlorophyll-a per square metre)	
Attribute State	Numeric Attribute State	Narrative Attribute State
	Exceeded no more than 8% of samples ^{1,2}	
A	≤50	Rare blooms reflecting negligible nutrient enrichment and/or alteration of the natural flow regime or habitat.
B	>50 and ≤120	Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat.
C	>120 and ≤200	Periodic blooms reflecting moderate nutrient enrichment and/or moderate alteration of the natural flow regime or habitat.
National Bottom Line	200	
D	>200	Regular and/or extended-duration nuisance blooms reflecting very high nutrient enrichment and/or very significant alteration of the natural flow regime or habitat.

1. May be exceeded in up to 17% of samples if shown that the exceedance would have happened at that site in natural nutrient, flow and riparian cover conditions (defined as pre-human or estimated based on no catchment modification).
2. Must be derived from monthly monitoring over five years.

Note: To achieve a freshwater objective for periphyton within a freshwater management unit, regional councils must at least set appropriate instream concentrations and exceedance criteria for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP). Where there are nutrient sensitive downstream receiving environments, criteria for nitrogen and phosphorus will also need to be set to achieve the outcomes sought for those environments. Regional councils must use the following process, in the following order, to determine instream nitrogen and phosphorus criteria in a freshwater management unit:

a) either –

- i) if parts of the freshwater management unit support, or could support, conspicuous periphyton, derive instream concentrations and exceedance criteria for DIN and DRP to achieve a periphyton objective for the freshwater management unit; or
- ii) if parts of the freshwater management unit do not support, and could not support, conspicuous periphyton, consider the nitrogen and phosphorus criteria (instream concentrations or instream loads) needed to achieve any other freshwater objectives:

- b) if there are nutrient sensitive downstream environments, for example, a lake and/or estuary, derive relevant nitrogen and phosphorus criteria (instream concentrations or instream loads) needed to achieve the outcomes sought for those sensitive downstream environments:
- c) compare all nitrogen and phosphorus criteria derived in steps (a) – (b) and adopt those necessary to achieve the freshwater objectives for the freshwater management unit and outcomes sought for the nutrient sensitive downstream environments
- d) Use the following table to calculate default nutrient criteria for the periphyton objective in the absence of robust, locally suitable, independently peer reviewed criteria:

REC Source of Flow:	TN (mg/L)			DRP (mg/L)		
	Bottom of band:			Bottom of band:		
	A	B	C	A	B	C
CX/GM	0.07	0.34	0.82	0.0018	0.056	0.161
CX/M	0.12	0.58	1.43	0.0082	0.114	0.289
CX/H	0.12	0.61	1.44	0.0072	0.107	0.273
CX/L	0.09	0.43	1.03	0.0024	0.067	0.187
CX/Lk	0.03	0.13	0.32	0.0002	0.007	0.043
CW/GM	0.03	0.16	0.37	0.0003	0.013	0.069
CW/M	0.03	0.17	0.41	0.0003	0.015	0.069
CW/H	0.04	0.19	0.45	0.0003	0.016	0.069
CW/L	0.03	0.14	0.35	0.0002	0.005	0.038
CW/Lk	0.02	0.09	0.22	0.0002	0.002	0.022
CD/M	0.02	0.10	0.24	0.0002	0.002	0.024
CD/H	0.02	0.09	0.21	0.0002	0.001	0.013
CD/L	0.02	0.09	0.22	0.0002	0.001	0.013
CD/Lk	0.02	0.08	0.19	0.0002	0.001	0.012
WX/L	0.03	0.16	0.39	0.0002	0.009	0.051
WX/H	0.04	0.18	0.43	0.0003	0.013	0.064
WW/H	0.05	0.26	0.64	0.0006	0.027	0.095
WW/L	0.02	0.10	0.23	0.0002	0.002	0.016
WW/Lk	0.02	0.09	0.22	0.0002	0.001	0.014
WD/L	0.01	0.05	0.11	0.0001	0.0002	0.002
WD/Lk	0.02	0.11	0.26	0.0002	0.001	0.013

Memo to: Vicky Robertson, Martin Workman

From: Marnie Prickett, Martin Taylor, Gary Taylor

Re: Freshwater Implementation Meeting 2 September 2020

Date: 3 September 2020

Thanks for chairing the meeting which raised some important issues. In order to assist the process, we thought it would be helpful to provide you with written feedback to clearly articulate our views, meeting by meeting. We'll leave you to decide to whom this should be circulated.

1. Priority Projects Table

- **N and P guidance for regional councils**

Regional councils are required to set DIN and DRP objectives to control periphyton growth and to provide for ecosystem health, including in receiving environments (e.g. estuaries) and, where applicable, to protect drinking water sources. In some regions this is not well understood and, in worst cases, has been ignored (e.g. Hines, Taranaki). Guidance should be provided (as noted by Martin Workman). Gaps in implementation should be identified by BECA.

It also needs to be part of the limit setting project.

- **DIN/DRP attributes**

The Implementation Stewardship group needs to see the project plan for revisiting the DIN/DRP proposed attributes.

- **Fertiliser cap**

The implementation of this is a priority for us. It requires coordination between councils, MfE, fertiliser companies and farmers.

- **Monitoring Council performance in the implementation of NES-F**

We suggested that MfE should prioritise monitoring council performance in their implementation of the NES-F and the NPS FM. We note that dairy consents are continuing to be granted by some councils. This needs to be consistent with the new legal obligations. Additionally, IWG and Fertiliser applications are likely to lead to consent applications by some farmers and these need to be monitored for consistency with the law as well.

We do not think councils should be monitoring their own performance as there are obvious incentives for misreporting.

- **Farm plans**

We are concerned at the push for the prioritisation of farm plans and the desire to rush their development. We suggest that the correct sequencing should involve farm plans following the limit-setting process by regional councils. Doing it the other way around puts the cart before the horse and will create confusion and could potentially undermine the planning process. Farm plans are an implementation tool to assist in meeting limits. The limits need to be set then farm plans developed to show how individual farms will meet catchment limits. We are concerned that rushing into farm plans now will undermine the critical role of regulation in meeting the Government's freshwater objectives.

We have asked for information about the proposed use of the Covid Recovery fund for work on farm plans.

2. Freshwater Implementation Plan

- We are concerned at the lack of clear timeframes and milestones for projects. We suggest a process is undertaken by officials to start at 2025 (when plans must be operative) and work backwards to the present, in order to establish ultimate deadlines for projects needed to meet the 2025 target. For this a Gantt chart could be developed. We do not want to see slippage.

3. Matters arising

We support the view that the implementation group must put its first work into working with the law as it stands. Our understanding was that this group was not to relitigate policy but to work through implementation. We are concerned at the Trojan Horse nature of the assumption that there are issues of 'practicality' that need to be addressed and policy changed at this stage in the implementation process.

Implementing the new national direction for freshwater – Freshwater Implementation Group Terms of Reference

August 2020

Purpose of the document

1. This document defines the Terms of Reference (TOR) for a Freshwater Implementation Group (the Group). The document sets out the purpose and membership of the Group, the approach to its work, and the scope of the implementation programme.

Purpose of the Group

2. In August 2020, new national direction was introduced by the Government to protect and restore New Zealand's freshwater. This comprises a new National Policy Statement for Freshwater Management (NPS-FM), new National Environmental Standards for Freshwater (NES-F), and new section 360 regulations on stock exclusion and real-time reporting for water takes data.
3. These instruments are supplemented by amendments made in June 2020 to the Resource Management Act 1991, to provide for freshwater farm plans and nitrogenous fertiliser sales reporting.
4. The overall objectives of the new national direction are to:
 - **Stop further degradation** of New Zealand's freshwater resources and start making immediate improvements so that water quality is materially improving within five years
 - **Reverse past damage** to bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation.
5. The purpose of the Group is to work together to deliver expeditiously an implementation programme that meets the requirements set out in this new freshwater national direction, and achieves national consistency **and delivers on overall objectives of the new national direction.** The Group will:
 - a. Oversee and sponsor the development of recommendations for implementation and monitoring of the new national direction. Recommendations will be made to the Government or the regional sector as appropriate
 - b. Oversee and sponsor the joint design, support and refinement of work programmes that seek to implement the new national direction
 - c. Oversee the development and provision of joint advice on options for strengthening central oversight of the freshwater management system
 - d. Ensure that the agreed vision and objectives of the new national direction are being achieved. Key to this is ensuring that Te Mana o te Wai is appropriately implemented, in particular for plan-making.
 - e. **Ensure that all instruments to achieve the new freshwater national direction, both regulatory and non-regulatory, are implemented within the times frames set by Government.**

f. Report to Government on the progress towards delivery of the implementation programs to meet the objectives of the new national direction.

6. Accordingly, it is necessary for central government to work together with the regional sector and Te Kāhui Wai Māori, and the primary sector and ENGOs, to ensure that the implementation is rolled out as efficiently and effectively as possible. This approach reflects the interdependencies and complementary roles the parties have in developing and administering legislative, regulatory and non-regulatory programmes.

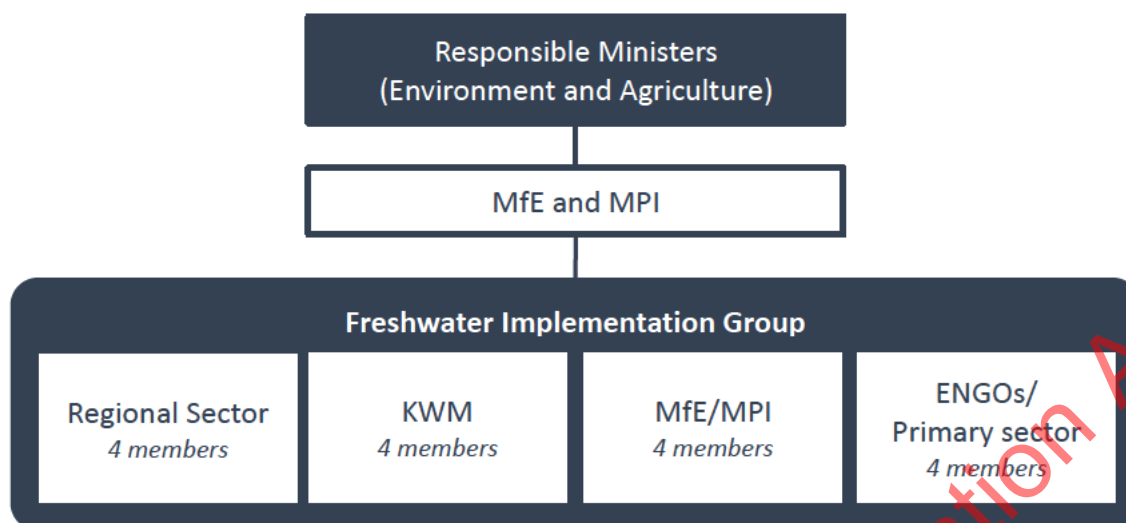
Membership of the Group

7. The Group will be made up of senior members of the following organisations:
- Regional sector – four members, being two regional council chairs and two regional council chief executives
 - Te Kāhui Wai Māori (KWM) – four members
 - Ministry for the Environment (MfE) – two officials including the chief executive
 - Ministry for Primary Industries (MPI) – two officials including the chief executive
 - ENGOs – two representatives
 - Primary sector – two representatives.

See Figure 1 for a diagrammatic representation of structure and membership.

8. Given the breadth of the implementation programme, officials from MfE and MPI will engage with the various parties on different areas of interest as follows:
- Local government: engagement on all aspects of the implementation programme with particular focus on the regulatory measures
 - KWM: engagement with KWM with a focus on Te Mana o te Wai, the mahinga kai compulsory value, and involvement of iwi and hapū. KWM will also have an interest in other aspects of implementation and monitoring
 - Primary sector and ENGOs: engagement will include guidance for land owners to transition to environmentally friendly practices. The primary sector and ENGOs will also have an interest in other aspects of implementation and monitoring.

Figure 1: Structure



Approach to work

9. The Group will work together to ensure the implementation programme is rolled out as efficiently and effectively as possible. This will involve:

- Jointly designing an implementation plan and determining priority projects
- Working in good faith to agree to implementation priorities
- Where agreement cannot be reached, the different views being clearly communicated to Ministers as part of any advice
- MfE and MPI making recommendations as needed to their Ministers on aspects of the programme and being accountable to the Ministers. MfE and MPI will ensure the Group is advised where officials' advice to Ministers differs from that of the wider Group. Decisions impacting on MfE and MPI budgets will be the responsibility of the respective Ministries
- Decisions impacting on regional council budgets being the responsibility of the relevant regional council.

Scope of implementation programme

10. The Group will aim to ensure the implementation programme delivers:

- The requirements of the NPS-FM, NES-F and section 360 regulations, consistently across regions, giving effect to the intent of the overall objectives of the new national direction
- Implementation of Te Mana o te Wai
- Regulatory and non-regulatory instruments required to deliver the NPS-FM, NES-F and section 360 regulations
- Visibility of freshwater work across central and local government sectors
- Advice and support for central and local government on engaging with iwi, hapū and Māori

- Identification of best practice approaches that can be utilised to facilitate and support implementation
 - Improved co-ordination within central government, and among regional councils, recognising all the strategic drivers that interact with fresh water
 - Identification of impediments, and opportunities to progress faster toward the objectives of the new national direction
 - Joint development of advice to Ministers on options for strengthening central oversight of the freshwater management system.
11. While resolving Māori rights and interests, especially water allocation, is important, it is acknowledged that resolution of these matters goes beyond the scope of this Group. Where the Group encounters allocation matters as part of the implementation programme, it will of course be able to express its views.
 12. Alongside the Group's work as described above, there are several other workstreams with their own steering group structures, such as He Waka Eke Noa, Jobs for Nature, **Three Waters policy and projects, and other infrastructure projects and policy, forestry policy**, and work on the farm planning system. The Group may choose to seek information about those workstreams in an effort to align outcomes, but will not have responsibility for those workstreams.

Details on the operation of the Group (scheduling of meetings etc) are to come.