



25 October 2013

Mr Morgan Varaine

<http://www.fyi.org.nz/request/1143-ruataniwha-water-storage-scheme>

Dear Mr Varaine,

Release of official information relating to Ruataniwha Water Storage Scheme

I refer to your request dated 19 September 2013, in which you sought the following:

1. Correspondence within the Environmental Protection Authority (EPA) about the Ruataniwha Water Storage Scheme.
2. Correspondence between the EPA and the Department of Conservation about the Ruataniwha Water Storage Scheme.
3. Correspondence between the EPA and the Minister of Conservation about the Ruataniwha Water Storage Scheme.
4. Correspondence between the EPA and the Hawke's Bay Regional Council about the Ruataniwha Water Storage Scheme.

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

Scope of the request and the due particularity requirements of s 12(2) of the OIA

Because your request refers to the Ruataniwha Water Storage Scheme, any correspondence referring to the Tukituki Catchment Proposal as a whole is also within scope of your request because the Proposal includes the Ruataniwha Water Storage Scheme. This makes the scope of your request very broad.

The EPA contacted you on 25 September 2013 noting that your request was broad in scope and that it could take a significant amount of time to collate the information requested. We stated that we were considering either charging for the information or extending the timeframe for responding to the request. However we considered it might be possible to refine the scope of your request (particularly if there were any specific elements of the Ruataniwha Water Storage Scheme that you were interested in).

You responded to the EPA that same day asking the EPA to clarify which of the queries we considered to be too broad in scope. We subsequently offered to make appropriate staff available to help you scope the request in more detail and asked for your contact details to enable this to happen (27 September 2013).

On 17 October 2013 the EPA contacted you to state that we were extending the timeframe for responding to your request under s 15A of the OIA until 25 October 2013 in order to collate the relevant documents and consult relevant parties.

We have been unable to discuss refining the scope of your request with you. We have reviewed the scope of your request and as it stands, we consider that the request is not specified with due particularity (as required by s 12(2) of the OIA). This has informed our response to your request.

Information to be released by the EPA

In response to your request we are releasing the following documents:

1. Correspondence between the EPA and the Department of Conservation relating to the Ruataniwha Water Storage Scheme;
2. Correspondence between the EPA and the Minister of Conservation relating to the Ruataniwha Water Storage Scheme;
3. Correspondence of a non-administrative nature between the EPA and the Hawke's Bay Regional Council relating to the Ruataniwha Water Storage Scheme;
4. Correspondence of a non-administrative nature within the EPA relating to the Ruataniwha Water Storage Scheme; and
5. Joint briefing notes between the EPA, Department of Conservation and Ministry for the Environment to the Minister for the Environment and Minister of Conservation.

As we were unable to discuss scoping your request with you, we interpreted it to mean correspondence between the EPA and Hawke's Bay Regional Council of a substantive or non-administrative nature. We have decided to release such information to you.

We have also interpreted your request in relation to the EPA's internal correspondence to mean correspondence of a substantive or non-administrative nature. We have decided to release such information, including information relating to public notification and assessment of the completeness of the Tukituki Catchment Proposal application.

Our reasoning for withholding correspondence of an administrative nature between the EPA and the Hawke's Bay Regional Council, and within the EPA, is set out below. Note that administrative information relates to matters like arranging meeting times and places.

Information withheld by the EPA under section 18(f) of the OIA

Based on your request and the quantity of correspondence within scope, the EPA is withholding under s 18(f) of the OIA the correspondence of an administrative nature between the EPA and the Hawke's Bay Regional Council. This is due to the fact that this correspondence contains a large number of administrative emails which would require substantial collation in order to make available.

The EPA is also withholding all correspondence of an administrative nature within the EPA relating to the Ruataniwha Water Storage Scheme under s 18(f) of the OIA as it will require substantial collation.

In making this decision the EPA considered the public interest in making the information available in terms of s 9(1) of the OIA. We also note that the EPA's Tukituki Catchment Proposal website (<http://www.epa.govt.nz/Resource-management/Tukituki/Pages/default.aspx>) contains a large amount of information on the Ruataniwha Water Storage Scheme, including application documents, submissions and evidence which may help inform your request.

While you have a right, by way of complaint to the Ombudsman under s 28(3) of the OIA, to seek an investigation and review of this refusal, we would encourage you to consider whether the information we have provided and is available on the website meets your needs. You could make a further OIA request to the EPA specifying which elements of the Ruataniwha Water Storage Scheme or related information you are particularly interested in.

Information withheld under other OIA grounds

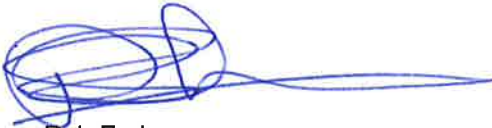
We have also withheld other information as follows:

- Names and contact details of certain natural persons have been withheld under s 9(2)(a) to protect their privacy; and
- Certain information has been withheld under s 9(2)(h) of the OIA from the correspondence as it is subject to legal privilege.
- The cabinet paper referred to in the released information is not an EPA document and therefore has not been included.

In withholding this information the EPA considered the public interest in making the information available in terms of s 9(1) of the OIA. You have a right by way of complaint to the Ombudsman under s 28(3) of the OIA in relation to this decision.

Please do not hesitate to contact Shaun Lewis, Project Leader for the Tukituki Catchment Proposal on (04) 474 5479 if you would like to discuss your OIA request.

Yours sincerely



Rob Forlong
Chief Executive