



OIAD-3216

1 September 2023

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Tēnā koe Nicky

Thank you for your request to the Department of Conservation, received on 6 July 2023, in which you asked:

Can you please also provide F&B any economic analysis that the Department has undertaken to inform the negotiations?

We have considered your request under the Official Information Act 1982.

On 11 July you clarified your request to:

Can you please provide F&B with any economic analyses that the Department has undertaken on the impact of the Waitaki Power Scheme on indigenous biodiversity, that helped to inform the negotiations for DOC's new agreement with the Scheme owners for the renewal of the resource consents?

On 26 July you further clarified your request to:

Can you please provide F&B with any economic analyses that the Department has undertaken on the impact of the Waitaki Power Scheme on indigenous biodiversity, that helped to inform the negotiations for DOC's new agreement with the Scheme owners for the renewal of the resource consents? The request to include the core reports provided by the Department's technical advisors as well as email conversations that resulted in further iterations/refinements to those core reports.

On 3 August we extended the timeframe to respond to your request to 1 September 2023 due to the large quantity of information sought and due to the consultation necessary.

The negotiating team who negotiated the new agreement were appointed in early 2022. The lead negotiator was Ken Hughey, ex Chief Science Advisor.

The Department's approach to the negotiation of the current agreement was to identify the biodiversity outcomes being sought across the catchment. Once these were determined, these were costed. This approach drew on data provided by biodiversity technical specialists within the wider Biodiversity Heritage and Visitor Group. The negotiations reflected that the consent applications were for a known activity with 'controlled activity status' under the RMA.

DOC's negotiations deliberately left the matter of tuna/eel management to the Waitaki rūnanga to negotiate.

DOC's assessment is that this agreement is a better mechanism than seeking environmental mitigation or remediation through the formal consenting process. We consider it will provide a better outcome for biodiversity conservation and is more timely and more certain. It will also continue and expand an effective existing work programme.

The documents provided to me that are in scope of your request are in the table below. Please note that we have not included correspondence to or from the Generators. Where there is duplication of documents, we have sought not to repeat these unnecessarily.

The first two items are what were considered core reports. The first by Lewis and Maloney was commissioned in 2020 prior to the appointment of the negotiating team. The second document was commissioned by the Ngā Awa team with respect to the Lower Waitaki. The remaining documents are emails and attachments as requested.

Item	Date	Document description	Decision
1	2020	PRR costing report – Lewis and Maloney (core document 1)	Released in full
2	2022	Lower Waitaki River Catchment Conservation and Restoration report – Instream Consulting (core document 2)	Released in full
3	2022	OIAD-3216 Document 3 – RM Emails (emails and attachments to/from lead technical advisor to lead negotiator)	Released in part
4	2022	OIAD-3216 Document 4 – KH Emails 1 (emails and attachments to/from technical advisors to lead negotiator)	Released in part
5	2022	OIAD-3216 Document 5 – KH Emails 2 (emails and attachments to/from technical advisors to lead negotiator)	Released in part
6	2022	OIAD-3216 Document 6 – KH Emails 3 (emails and attachments to/from technical advisors to lead negotiator)	Released in part
7	2022	OIAD-3216 Document 7 – KH Emails 4 (emails and attachments to/from technical advisors to lead negotiator)	Released in part

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the Official Information Act, as applicable:

- personal contact details of officials, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people;



- commercially sensitive information, under section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information;
- free and frank expression under section 9(2)(g)(i) – to maintain the effective conduct of public affairs;
- advice subject to legal privilege, under section 9(2)(h) – to maintain legal professional privilege;
- commercially sensitive information, under section 9(2)(i) – to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; and
- confidential information, under section 9(2)(j) – to enable the Crown to negotiate without disadvantage or prejudice.

You may note that within the documentation there are numerous references to entities that are withheld and not referenced due to the administration required to do so. These are withheld under section 9(2)(j).

Within these emails three attachments have been withheld in full under section 9(2)(h) being:

- DOC-7031836: Waitaki Catchment Hydro Electric Power Scheme (HEPS) Reconsenting Strategy. Dated 30 May 2022
- DOC-7039324: Waitaki Catchment Hydro Electric Power Scheme (HEPS) Reconsenting Strategy. Dated 2 June 2022
- DOC-7167639: Waitaki Hydro Electric Powerscheme (HEPS) Proposed Side Agreement: Memo. Dated 30 September 2022.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

If you would like to discuss this response with us, please contact Janine Sidery, Regional Issues Manager ESI, by email to jsidery@doc.govt.nz.

Nāku noa, nā

Jo Macpherson

Director Operations, Eastern South Island
Department of Conservation *Te Papa Atawhai*