

28 August 2020

To: Mike Slater, DDG Operations

From: Ben Reddiex, Director Operations Issues and Programmes

# Decision Document: Reconsideration of the Tahr Control Operational Plan

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## Purpose of this document

1. This document recommends that you approve a new Tahr Control Operational Plan (TCOP) to replace the existing TCOP for the 2020/21 control season and sets out the relevant matters that you need to consider.
2. It sets out as context: why you need to consider a new TCOP, the consultation completed to support your decision, the Treaty relationship, official control work completed to date, relevant legal matters and contextual matters raised in submissions.
3. Analysis of the issues raised in submissions is then provided to support you in deciding on the content of the new TCOP and on commitments you might want the department to make in implementing it. These need to be read along with the full analysis of submissions and the proposed text of the new TCOP so that you can be satisfied that in adopting my recommendations the matters raised in submissions have been adequately addressed. Note that all recommendations can be achieved within the resources you have assigned for tahr control in this financial year.

## Why you need to agree to a new TCOP

4. The Department is required by the Himalayan Thar Control Plan 1993 (HTCP) to produce an annual Tahr Control Operational Plan (TCOP) specifying planned actions for each management unit.
5. You approved a TCOP on 30 June 2020 for the period from 1 July 2020 to 30 June 2021. That TCOP was challenged in the High Court. The Judge's decision is attached. In summary:
  - The Judge found that you had considered the correct legal matters in your decision to approve the TCOP.
  - The Judge found that there was a partial inadequacy by the Department in the steps it took to meet its obligations to consult with stakeholders.
  - The Judge directed the Department to reconsider its decision to proceed with the TCOP after consulting with stakeholders and to produce a reasoned decision reflecting its reconsideration for either amending parts of the TCOP or providing reasons for not doing so.
  - The Judge did not ban ongoing control work while consultation was undertaken but directed the Department not to undertake more than 125 hours of control effort until it had consulted and made a further decision on the TCOP.
6. In accordance with the Judge's directions, the Department has undertaken some control work. It has also consulted with stakeholders.

## Consultation process

7. The Department contracted Martin Jenkins to oversee the consultation process with support from DOC staff and contractors. Consultation was limited to members of the Tahr Plan Implementation Liaison Group and concessionaires with a direct interest in tahr hunting. A list of consultees is in the bundle of documents that have been provided to you for your consideration.
8. A meeting was held in Christchurch on 3 August 2020. Prior to that meeting parties received all information which the Department considered relevant to the decision on a new TCOP. Parties who attended were given 20 minutes to present their views and to ask and be asked questions. At the end of the meeting parties also had an opportunity to indicate if what they

had heard from others had altered their view, and to ask further questions. 12 oral submissions were received.

9. Written submissions were invited, and 13 submissions were received. Unless requested otherwise, written submissions replaced oral submissions as the definitive view of the submitter.
10. A summary of oral and written submissions was prepared by an independent contractor and checked by the contractor who chaired the consultation meeting. I have also read the submissions and am satisfied that all the relevant points raised have been taken into account in preparing this document. The submissions and an analysis of submissions have been included in the bundle of documents for your consideration.
11. I note that there were also points raised that are not relevant to this decision but may be relevant to any review of the HTCP, the Policy or the Act, if those were initiated in the near future. Those issues are not presented in this document but are covered in the summary of submissions that is appended.

## Work with the Treaty Partner

12. Throughout the process we have been working with Te Rūnanga o Ngāi Tahu (Ngāi Tahu), the Department's Treaty partner. The arrangements for that have been agreed between the two partners. Ngāi Tahu has not formed an official position on this reconsideration although they have been kept informed of progress. As noted in my memo to you on 30 June 2020 'Decision on the Tahr Control Operational Plan 1 July 2020 to 30 June 2021' Ngāi Tahu advised "In considering the Ngāi Tahu view in relation to the proposed annual Tahr management plan for 20/21, we are not in a position to make a collective judgement on the provisions of the plan". Further engagement with Ngāi Tahu following the more recent consultation process has not resulted in a change to the views expressed in that memo.

## Tahr Control work completed to date (2020/2021)

13. As of 14 August 2020, tahr stakeholders were advised that 77 hours of aerial tahr control within the management units had been verified (detail was notified to stakeholders and provided on the Department's website). As of 27 August 2020, tahr stakeholders were advised that a further 41 hours of aerial tahr control within the management units had been verified (detail was notified to stakeholders and provided on the Department's website).
14. The adjustments to the TCOP proposed in this document take into account the fact that control has already been undertaken, and that there has been some verification of the numbers of tahr controlled. That control is consistent with the proposed new TCOP (so no savings or transitional arrangements are required). Your decision on a new TCOP obviously cannot affect past work. The advice from the technical team is that there is nothing in the data now available that would cause them concern that reliance on the data that was available for the original decision (and to submitters) would be inappropriate for your decision on the proposed revised TCOP.
15. The data derived from recent control can inform design of operations for the remaining hours of aerial control in the management units outside the national park. The proposed revised TCOP therefore suggests including a 'learning as we go' step. The proposed revised TCOP notes that the Game Animal Council (GAC) be invited to participate in that process. The Department would consider any Council advice in determining the operational detail of work for the remaining control effort outside the national park management unit (MU4).

## Relevant legal matters

16. The TCOP gives effect to a requirement in the HTCP, which was developed under the 1991 Himalayan Tahr Management Policy (the Policy). The Policy includes a goal of preventing range expansion and keeping numbers within the feral range below 10,000 animals. It also gives effect to the purpose of the Wild Animal Control Act 1977 (the WAC Act).
17. A copy of the High Court judgment has been included in the bundle of documents provided to you. Key findings were:
  - a. The need for concerted action arguably requires the Department to cooperate with and provide for private sector contributions to wild animal control (at para [53] of the judgment);
  - b. The Department may have regard to the impact on commercial and recreational hunters of any particular control of tahr numbers that it is considering but this is a discretionary rather than a mandatory consideration (at para [54]);
  - c. The Department's obligation on effecting control of tahr in the national park is subject to the additional standard of seeking to exterminate them as far as possible (at para [86]).
18. The latter finding recognises that control needs to give effect to statutory and policy requirements for relevant public conservation land (PCL) such as national parks.
19. Past court decisions have also made clear that section 4 of the Conservation Act applies to administration of the Acts listed in Schedule 1 of that Act. These include the WAC Act and National Parks Act.

## Submissions relating to legal considerations

20. The submission of Safari Club International (SCI)<sup>1</sup> raised some issues about the existing legislation, which are not relevant to this decision. It rightly pointed out that there is discretion within the legislation, which you are exercising in making this decision. That submission focuses on how various parts of the Conservation Act could be interpreted, and matters relating to the Biosecurity Act. Those are not directly relevant to your decision, which is being made under the WAC Act, and which relates to the level of control needed to achieve the intent of the HTCP. You must, however, in prioritising effort or interpreting the requirements of the HTCP have regard to the statutory and policy requirements for specific PCL, such as that in the National Parks and Conservation Acts.
21. Some submissions argued for hunting interests to be given equal weight with environmental protection<sup>2</sup>. The Court held that there was nothing in the legislation that gave rise to a requirement for the TCOP to have regard to the interest of the hunting industry. Tahr must be controlled in terms of the WAC Act and exterminated as far as possible within national parks. That said, in considering what level of control the Department should undertake in any new operational period, you may take into account the level of control that other parties are likely to exercise. You cannot, however, adjust the level of control specifically to provide for non-control purposes, such as to foster a recreational activity or maintain a commercial industry, if doing so would mean that the objectives of the WAC Act and the HTCP were not achieved.

<sup>1</sup> See page 14 of the Submissions Analysis.

<sup>2</sup> See [REDACTED] page 16 of the Submissions Analysis and NZPHGA on page 55 and 56 for example.



22. It is also open to you to make decisions which are consistent with the HTCP and also benefit the hunting sector – win-win opportunities. A number of submitters emphasised that providing for the hunting sector and achieving effective tahr control are not necessarily conflicting objectives.
23. The TCOP that you approved on 30 June 2020 restricted bull tahr culling to the national parks and outside the feral range. Some submissions supported and others opposed this approach<sup>3</sup>.
24. Some submissions drew a parallel with farming<sup>4</sup>. The legislation does not direct DOC to “farm” any wild animals as an asset. The Act states that it is “for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.” The aim of control under the Act, particularly on PCL, is to prevent damage to other values, not to maintain any perceived value of the animals themselves. That is not to say that those values are irrelevant in terms of how control is achieved, but they do not trump the need for control.
25. Some submissions commented on the status of tahr as a threatened species in their home range. That is not a relevant consideration under the WAC Act and there is no risk that tahr would be eradicated or lose genetic diversity as a result of the current control operations. In general, work on other species has concluded that PCL is not the right place to manage valued introduced species, such as rare breeds, and that achieving international biodiversity objectives through *ex situ* conservation should not be at a cost to indigenous biodiversity. There are private lands where tahr could be conserved for hunting access and international conservation purposes.

## Implications of Covid-19

26. Some submissions commented on the effects of the COVID-19 pandemic. The decision you are making is about what intervention the Department will make to supplement control that is already occurring (via recreation and commercial hunting) or would occur in the near future. It would, therefore, be appropriate for you to consider the effect of the current situation on the level of non-departmental control that is likely to occur. That has been factored into the proposed revised TCOP.

## Management areas and animal numbers at which intervention is required

27. The HTCP states that “Ideally the Department would seek zero thar densities across the feral range. This is currently not practical, and to ensure conservation goals are maintained the Department will discipline itself by setting maximum thar densities at which it will intervene.”
28. The HTCP then sets intervention densities which it was anticipated, on the basis of information available at that time, would be consistent with “management goals and conservation objectives”. They were the densities at which the Department would initiate control. Not to initiate control to achieve those densities would be contrary to the plan, unless further work had shown that the management goals and conservation objectives would still be achieved.

<sup>3</sup> See for example NZCA on page 52 of the Submissions Analysis and NZTF on page 54.

29. The HTCP does not require that control only be initiated when densities are higher than the intervention densities, and states that it is important to avoid "boom-bust fluctuations in animal numbers". It is also implicit that management to achieve the "ideal" of zero densities across the range would also be consistent with the HTCP.
30. It is also clear that the HTCP expects achievement of zero density of breeding animals outside the feral range. *"The purpose of the exclusion zones is to maintain two areas with a zero density of tahr and which will provide a barrier to their further dispersal."* The southern exclusion zone (zone 2) was described as the highest priority control area.
31. For each of the seven management units, a conservation objective is stated, and an intervention tahr density at which official control should be initiated is stated. It is implicit in the Plan that if the conservation objectives are not being met because of tahr densities, control should also be initiated even if the densities are lower than the number stated (noting that the stated density was an estimate at the time of the level at which the conservation objectives could be achieved).
32. The figures for each management unit are:

Management unit	Density (km <sup>2</sup> )	Estimated Number
1	2.5	2000
2	2	1500
3	2	3000
4	<1	500
5	2.5	1800
6	1.5	900
7	<1	100

33. There are also several guidelines that apply to the management units, including for tahr densities not to exceed 5/km<sup>2</sup> for any localised area and for the female-kid groups to be restricted to fewer than 10 per group.
34. Implementation of the HTCP would be likely to achieve the Canterbury CMS policy, a matter raised by the Conservation Board in their submission:  
*The Canterbury (Waitaha) Conservation Management Strategy natural heritage policy 1.5.1.16 is also clear: "Contain Himalayan tahr within the feral range set out in the Himalayan Tahr Control Plan 1993 and seek to ensure that new populations of wild animals and pest animals are not established." (page 32).*
35. Notwithstanding the arguments put forward in submissions from hunting interests, as noted earlier, the Court held that the interests of the hunting industry are not a mandatory relevant consideration for purposes of a TCOP and, as discussed elsewhere in this report, you cannot agree to a TCOP that is not designed to achieve the objectives of the HTCP. You therefore need to ensure that the TCOP will achieve (or at least make progress towards) the

objectives for each management unit, not to seek to maintain a specific population of tahr in the interests of the hunting sector.

## Current numbers and densities

36. The work done to inform the TCOP that you approved included estimates of tahr numbers (see associated documents which include the summary of that information provided in the consultation process). That information clearly indicates that the past level of control has not kept numbers below the intervention densities in the exclusion zones and in at least 6 of the management units, and that numbers are far in excess of the intervention densities in a number of management units. For example, in management unit 4 (the national parks) the estimates were 4.7/km<sup>2</sup> and 6973 animals in Autumn 2019 (noting that official control has been undertaken in this management unit in July-November 2019 where approximately 3,000 tahr were controlled, and there has been a further breeding season). The intervention density in this management unit is 500 tahr, therefore, unless there is evidence that these figures are incorrect, or there are other reasons not to initiate control, control by the Department is required by the HTCP.
37. A number of submissions commented on how reliable these estimates were<sup>5</sup>. They provided commentary on what the likely level of animals were in each management unit. Submissions also commented on the number of animals killed by their sectors, which they consider would have reduced numbers since the estimates were done<sup>6</sup>.
38. The Game Animal Council submission included their analysis of numbers. This looked at the estimates in the Ramsey and Forsyth report and what has probably been killed since. The projections based on what the Operational Plan 2020/2021 quantum of control would likely mean for tahr populations varied across management units, ranging from “highly likely to eliminate all non-male tahr from MU7”, to “likely to reduce the PCL density to at or below the HTCP-target” to “highly unlikely to attain the HTCP PCL target density”. That analysis shows that there would still be more tahr than the intervention densities in most management units.
39. Some submissions also argued that the recent bias in control towards females will have reduced the breeding potential of the population and therefore the need for control. There is no empirical evidence to suggest significant skewing of the population, and culling results from control done in 2019 do not support that argument.
40. It was clear when you made your decision on the TCOP that there was not perfect information on tahr numbers, densities and localised effects. As with any conservation decision, you cannot defer a decision until perfect information is available. You must instead decide how to deal with uncertainty in the information. None of the relevant legislation contains provisions guiding you in that, but generally it is accepted that statutory decision-makers should use the best available information, recognise the uncertainties in the information, not use lack of information as a reason for not making a decision, and make a decision that will provide reasonable assurance that the objectives of the decision will be met (the precautionary principle).
41. Some submitters consider that uncertainties are a reason to delay further control. Given that the best information available to you shows that numbers are almost certainly far above the intervention density in the HTCP for all units (except management unit 7), control is clearly required. I note that the intervention densities in the HTCP were described as being

<sup>5</sup> See pages 20 and 21 of the Submissions Analysis.

<sup>6</sup> See page 19.

to “discipline” the Department, to ensure that intervention occurs and is not endlessly delayed.

42. The recommendations in this report are based on technical advice that takes into account the information provided in submissions and ensures that the best available information is interpreted using best available science.
43. Some submissions emphasised the importance of understanding populations on non-PCL lands. The TCOP you approved only related to control work within PCL. It does not rely on use of WAC Act powers to control animals on private land. The estimates of tahr numbers only looked at tahr on PCL.
44. You need, in your decision, to consider the possible contribution of control by other landowners to achievement of the objectives of the HTCP. You also need to consider how Departmental resources will be spread across all land categories. Some submissions noted that the risk of high levels of control on other lands increased the concern of hunters about control on PCL. That is not directly relevant to your decision, as you are required to achieve the objectives for each management unit in the Plan, not maintain a hunting resource.
45. Some submissions questioned whether tahr were having any impacts<sup>7</sup>. As there is no empirical evidence of a lack of impact of browsing, or new science to more accurately relate animal densities to vegetation effects, there is no reason not to use the intervention densities in the HTCP as the trigger for control to achieve the ecological outcomes intended for each management unit. As the New Zealand Conservation Authority (NZCA) stated in its submission, the purpose is not to prevent species from becoming threatened, but to maintain the integrity of the ecosystems within PCL.
46. In their oral submission Federated Mountain Clubs (FMC) argued that conserving tahr is not DOC’s responsibility and native species should not suffer because tahr have not been protected in their own environment. They also spoke of tahr moving down into forested areas.

### Level of effort needed to achieve the 1991 Policy objectives

47. The TCOP that you approved focused on the management effort that should be used to seek to achieve the intent of the HTCP. That recognised past kill rates per unit effort at different places, the existing capacity to kill animals, the likely effect of other forms of control such as recreational and commercial hunting, and the likely operating hours available (given weather and optimal hunting season). It included the following levels of effort:
  - 145 hours of aerial effort supplemented by ground control where appropriate outside the feral range
  - 110 aerial control hours for national parks (Management Unit 4)
  - Effort in the other management units (management units 1,2,3,5,6 &7; noted as approximately 140 aerial control hours).
48. The TCOP estimated the following hours for the management units:

Management unit	1	2	3	4	5	6	7	Total
Control hours	25	25	20	110	10	40	20	250

<sup>7</sup> For example, see GAC on page 35 of the Submissions Analysis and a counter view from NZCA on page 70.



49. The TCOP did not envisage that this level of control would achieve the intervention densities and other requirements of the HTCP, but it would result in a reduction in densities.
50. Submissions relating to the way effort is spread across the units are considered later in this report.

### Is “effort” the correct way to manage control in the TCOP?

51. In their submission, Royal Forest and Bird Protection Society (F&B) questioned the focus of the TCOP you approved on hours of control and the ability of a TCOP to deliver the desirable outcomes<sup>8</sup>. They proposed “*the addition of a targeted number of tahr to be controlled in each management unit*”. There are three issues relevant to that submission. One is whether the way the TCOP that you approved directed available effort was optimal. A second is whether the available effort is sufficient to achieve the objectives of the HTCP. A third is whether effort expended is efficiently delivering a reduction in animals.
52. The second issue is a budget question, which I do not address in this report. If significant additional funds become available for tahr control in this operational period, a new TCOP may be required. This report is based on the assumption that the purpose of a TCOP is to direct currently available effort to where it will make the most contribution to the HTCP objectives. Available effort is most directly related to helicopter hours, which is why that was used in the TCOP you approved. I recommend that the new TCOP also use helicopter hours.
53. The third question is being addressed through careful consideration of where to focus effort, and auditing of operations, including using cameras to verify reported kills.
54. As the F&B submission notes in relation to the first issue, there has been a rule of thumb used in discussions of 30 animals per helicopter hour, but this will clearly vary depending on the density of animals. Depending on the objective, operators may be instructed to spend more time in a location if that is necessary to cull all visible animals, or to focus on large groups and spend less time searching for individual animals. Long periods of searching where there are low numbers of animals would only occur in areas where the target for this operational year is zero animals (i.e. the exclusion zones). Instructions to target high densities of tahr outside the national parks will mean that high density areas will be effectively brought down to a density where severe impact on vegetation is less likely. That will achieve the priority objective proposed or supported in a number of submissions, such as that of the GAC, and that is of concern to F&B.
55. In summary, we have not determined in advance the number of tahr to be controlled because this will depend on a number of matters such as tahr densities, available resources for purposes of control, weather conditions and so on. The HTCP does not specify the numbers of tahr to be controlled and even if it did those numbers would have little or no bearing on the size of the current population. During all control operations there is a robust methodology to ensure all control data (e.g. location and number of tahr controlled) is accurately captured and verified. This includes GPS enabled tablets and cameras fitted to helicopters. This information will over time build further knowledge on the relationship between helicopter hours of aerial control and the number of tahr controlled in a range of circumstances.

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<sup>8</sup> See page 27 of the Submissions Analysis.

## Is there a risk of excessive control?

56. The Game Animal Council proposed a *“stopping point”* for control, essentially at the *intervention density* for each management unit.
57. The numbers in the HTCP are levels at which intervention is expected to happen. They are not targets or a statement of a desirable density. As set out above, the HTCP states that *“Ideally the Department would seek zero tahr densities across the feral range”*. It uses the intervention numbers to ensure that intervention is undertaken, rather than as levels at which intervention would cease.
58. As the Game Animal Council submission comments on assessing tahr densities makes clear, implementing a stopping point that relied on determining whether a set density had been achieved would require resources and complicate operations.
59. The approach recommended above to move effort away from a management unit once high densities have been addressed is likely to ensure that significant numbers of animals remain in all management units, given the limited control resources available.
60. It is accepted that it would, in theory, be possible to jeopardise future control if the level of control now meant that the hunting sector ceased to be available as a control mechanism, and the Department was unable to compensate for that. In considering whether to recommend factoring that into choices in this operational year, I have considered two matters:
  - Is it likely that the effect of control would be to lose the contribution of other sectors; and
  - If that occurred, could the Department compensate for a lack of other control mechanisms
61. On the evidence available, it is clear that non-departmental control within PCL is removing animals but has not been able to achieve densities below the intervention densities. It is not, therefore, removing a need for departmental control.
62. It is not clear what a reduction in non-DOC hunting effort would have on the costs of official control. Costs are not directly related to the numbers of animals present, as search time is a significant factor in costs of control.
63. If non-DOC control resulted in some areas not needing official control, that would be likely to generate significant cost-savings for DOC. Based on the data we have, that is not the case, as the estimates of numbers provided by Forsyth & Ramsey 2019 report plus knowledge on control operations last year and staff observations indicate that control is required in almost all units and outside of the feral range.
64. The situation may be different on non-PCL land, particularly pastoral lease, although the LINZ submission indicates that non-DOC control is not achieving management goals on at least some pastoral lease land. I note that the proposed revised TCOP includes further assessment of tahr densities on pastoral lease land.
65. I consider that the level of control in the proposed revised TCOP is unlikely to reduce non-DOC control in future for a number of reasons:
  - The control in the proposed TCOP does not cover all land titles.
  - The control does not cover bull tahr in most management units.

- Control in this season would not, on its own, result in significant long-term changes in tahr numbers, given that if control pressure is not maintained, numbers will rapidly increase.
- New Zealand is the only country where tahr can be recreationally hunted for trophies, so it will always be an attractive destination for those interested in tahr.
- Covid-19 has temporarily halted arrivals by international trophy hunters, so any reduction in animals this year will not result in hunters who arrive this summer facing unexpected conditions.
- The proposed revised TCOP includes requirements to restrict effort around high use recreation areas.

## How that effort should be achieved

66. The HTCP includes objectives to provide for control by commercial and recreational hunting, with DOC control seen as being deployed to fill any gaps in control effort. In general, DOC will not expend its resources in carrying out control that can be effectively achieved by other parties. The conditions placed on concessions for aerially assisted trophy hunting (AATH) have also sought to ensure that AATH activities maximise control benefits, by requiring environmental contributions in addition to other forms of payment for the commercial benefits to the concessionaires.
67. A TCOP cannot direct any control other than official control work (and where the AATH environmental contributions occur), but can adjust the way the Department's control work is directed so that the Department does not pay to kill animals that the other sectors will kill. It can also require actions by the Department to facilitate control by others (e.g. sharing of information). It may also potentially adjust official control effort (in terms of location, which animals are targeted, and level of effort) to optimise the short- or long-term contribution of other sectors. As set out above, the High Court did not conclude that a TCOP needs to deliver outcomes for the hunting sector *per se*, such as ensuring that trophy hunters have a specific likelihood of success in getting a trophy animal. If, however, you consider that providing those outcomes will over the long term increase the ability to deliver the objectives of the 1991 Policy, you can take that into account. The High Court did not criticise the Department's past decisions not to cull bull tahr in order to increase the attractiveness of trophy hunting and therefore the contribution of that sector to overall control.
68. Your original decision on the TCOP in relation to official control took into account the recent hunting effort of other sectors, based on information from sources such as concessions returns.
69. In their submission, Mt Cook Trophy Hunting argued for one specific form of control – relocation to safari parks and farms. Provided those animals were “controlled” as a result of relocation, i.e. were not causing impacts within the management areas and were not present in the exclusion zone, you could include that as one form of control to be undertaken by other parties and allowed for. For this operational year, you would need to be satisfied that relocation was feasible and would occur before you could agree to “leave” animals for others to remove, and that is not the case. This may, however, be a relevant matter for a future TCOP. It is not a feasible form of control for the Department to undertake, and the submitter has not applied to carry out that activity.



70. Some submitters argued for tahr to become a herd of special interest under the Game Animal Council Act<sup>9</sup>. For this operational plan, your decision must be based on the HTCP. As there has been no decision to create a herd of special interest or any other alternative management arrangement in the immediate future, it would not be reasonable to adjust control levels in this operational year in anticipation of a different future management arrangement.
71. Later parts of this document address steps that are proposed to facilitate non-departmental control.

## Objectives of control in the national parks

72. Management Unit 4 covers land that has national park status. The Department is required to achieve extermination of tahr in national parks if that is possible. If that is not possible, the onus on the Department would be to manage control to reduce as far as possible impacts on national park values.
73. The TCOP that you approved included greater effort in that management unit and targeting of all animals. *“Approximately 110 hours of search and control focusing on reducing tahr populations to as close to zero density as practicable. Control targets all tahr.”* The NZCA addressed this issue in their submission<sup>10</sup>.
74. The NZCA declined a recent request from the Game Animal Council for an exemption for bull tahr. In their letter to the Council they stated that: “Accordingly, in a meeting on 15 July 2020, the Authority resolved not to exercise our discretion under section 4(2)(b) of the National Parks Act 1980, as requested in your letter”. The NZ Deerstalkers Association in its submission stated that it does not consider that the request was adequately considered.
75. A number of other submitters opposed a focus on achieving zero densities in national parks and/or culling bulls in national parks. Some of those issues are also covered in the section on bull tahr below<sup>11</sup>. The arguments put forward included:
- The value of national parks as a hunting destination
  - That reducing that value will result in loss of the major visitor group outside the main destinations/tracks
  - That hunters provide valuable and free control, and losing that control effort would jeopardise the long-term control in national parks
  - That hunters attracted by the presence of bull tahr will also control other wild animals such as deer and chamois
  - That there is no evidence of tahr impacts on national park values
  - That bull tahr numbers do not affect long term numbers of animals, so their control is not necessary
  - That if nannies are shot, bull tahr will in any case move out of the national parks in search of nannies
76. The different requirements are set in legislation, not the HTCP, and cannot be changed except by Parliament. You therefore must consider the specific National Parks Act requirements as well as the HTCP in your decision.

<sup>9</sup> See GAC on page 17 of the Submissions Analysis.

<sup>10</sup> See NZCA on pages 39 and 40 of the Submissions Analysis and CACB on page 16.

<sup>11</sup> See [REDACTED] page 39 of the Submissions Analysis.



77. Note that the proposed revised TCOP retains the relatively higher effort within the national parks that was in the TCOP that you approved. The issue of priorities for use of effort are further considered in a later section.

## Control of bull tahr

78. The TCOP that you approved for this operational period included culling of bull tahr within Management Unit 4 (national parks), but not in other management units.
79. Earlier operational plans did not include killing of bull tahr in any management unit. It was anticipated that, as they are the primary target for the commercial and recreational hunting sectors, leaving bull tahr would encourage a higher control effort by those sectors without negatively affecting achievement of the HTCP objectives.
80. The change in approach for MU4 recognises not only the legislative and policy settings but that tahr numbers are now far higher than the intervention density and number in the HTCP, and that of 1,291 trophies recorded as removed by AATH concessionaires over the last 5 years, only 334 were from the national parks. The survey of tahr numbers has indicated that there are significant numbers of bull tahr in management units outside the national parks, so removal of these animals from the national parks was not expected to significantly affect the commercial industry (that includes AATH) or recreational hunters who are targeting trophy heads.
81. As noted above, the High Court has confirmed the Department's obligation to comply with the National Parks Act in seeking to exterminate tahr in the national parks as far as possible.
82. F&B supported ending the policy of not culling bulls in national parks.
83. The GAC opposed culling bulls on the grounds that these were of high value to hunters, they have no effect on reproduction rates, and *If time spent culling bulls reduces the number of nannies culled, there is a significant opportunity cost to the environment from culling bulls*. It questions any imperative to immediately remove all tahr from the parks, given *"the lack of an environmental imperative"*.
84. Based on studies and observations, technical advisors consider that impact is occurring, particularly where high densities of tahr are concentrating.
85. In considering my recommendations on the culling of bull tahr, I have taken into account the following:
- National parks have a specific legal requirement to eradicate introduced animals as far as possible, and the NZCA has declined to exempt bull tahr from that requirement. The Department is required to implement the direction in the Act, general policies and management plans, and consider advice from the NZCA in doing so.
  - Numbers of animals in the national parks are, on best evidence, well above the intervention densities, and even further above the zero density the Act envisages.
  - Effort by hunters in the national parks has not been sufficient to keep numbers to an acceptable level. Therefore, adjusting management and accepting significant damage to national park values in the hopes of thereby achieving higher levels of future control does not appear to be justified. The argument that hunters targeting trophy bulls also shoot other animals is accepted, but the level of control achieved does not, in my view, warrant the cost to national park values.
  - Culling bulls in the national parks does not remove access to bulls if they are not culled on other lands. While there is a suggestion in submissions that overseas hunters will be

particularly attracted to bulls in national parks, other PCL has highly attractive landscapes that would also attract hunters (also noting that the majority of AATH trophies are taken from outside national parks). There is therefore no reason why loss of hunting in national parks would reduce the overall numbers of trophy hunters or overall removal of animals – it will simply re-locate effort.

## Objectives of controls in the exclusion zone and buffer zones

86. A key goal of the 1991 Policy was to prevent range expansion. One tool for doing that was the creation of exclusion zones, where the goal would be to achieve zero density through control. Another tool that has been used is to focus hunting effort at the edges of the feral range, so that population density does not encourage tahr to move outside the range.
87. The TCOP that you approved on 30 June addressed those issues by providing the following:
- Reduce tahr populations to as close to zero density as practicable. Approximately 145 hours of search and aerial control supplemented by ground-based hunting.*
88. Control of tahr outside the feral range/in exclusion zones was supported by submissions. A number of submitters identified this as the highest priority for control work, and some criticised the Department for not maintaining control efforts outside the feral range. Accordingly, it would be appropriate to continue the approach adopted in the TCOP you approved (as above).

## Detailed operational direction

89. The TCOP that you approved provided indicative priorities for control effort, but left significant discretion to the control team to adjust where control is undertaken in light of weather, observed animal numbers, etc. For the proposed revised TCOP, you need to decide what level of discretion you wish to leave.
90. Assuming the proposed revised TCOP continues to be based on hours of effort rather than numbers of animals removed, the broad choices are:
1. Set a level of effort but provide no direction on where it is to be used.
  2. Set a level of effort and some principles/priorities to guide choices of location for control.
  3. Provide an indication of where the control should be undertaken but not make that binding (as in the current TCOP).
  4. Provide binding direction.
91. Submissions supported a focus on areas of high natural value and high tahr density. Such an approach would not be possible if option 4 above was adopted, as option 4 would not leave discretion to adjust where effort is used in light of observed densities.
92. Submissions proposed various priorities<sup>12</sup>:
- *Focus on national parks and getting numbers down as far as practicable and then focus on the two wilderness areas, the Hooker, Landsborough and the Adams.*
  - *Outside of the feral range and in the exclusion zones. Limiting spread outside of the feral range should be the highest priority. 'A stitch in time saves nine'. The judas program outside of the feral range should be utilised to its full potential.*

<sup>12</sup> See pages 29, 36 and 37 of the Submissions Analysis.

- ...the following hierarchy, consistent with the HTCP, to consider when deciding where to target tahr control. In order from highest importance these are: places of particular environmental concern (which may not have particularly high tahr numbers, but where the environment is particularly susceptible to tahr), tahr population hotspots, places where it is difficult for the hunting sector to harvest tahr and overall management unit density. ...Suggested focus locations: True left of the Copland round to Misty Peak, True left bottom of Horace Walker, Douglas/Clue to Lame Duck Flat, True left of Callery, Waikukupa and Omoeroa faces, Cook River
93. Some other submissions also supported priority being given to control outside the feral range/in the exclusion zones.
  94. Following a detailed analysis of numbers (discussed earlier in this report), the Game Animal Council concluded that: *Based on the central R&F population estimates, the biggest “surplus densities” are in MUs 2 and 3, where the bulk of culling should occur. Indeed, under all density/population estimate scenarios, the biggest reductions should occur in MU2 and MU3, with about 50% more harvest in MU3 than in MU2.*
  95. LINZ stated that: *“Additionally LINZ considers there is priority to target and eradicate tahr on pastoral leases outside the feral range, in accordance with the 1993 plan”.*
  96. A number of submissions, such as the submission of [REDACTED], NZTF and NZDA, raised issues such as what is allowed under WARO permits, culling near campsites and NZDA huts, how the timing of culling can affect recreational hunters, etc.
  97. Given the feedback in submissions, I consider that retaining the approach in the TCOP you approved (i.e. option 3 above) will provide both reasonable certainty of where effort would be focused, and flexibility to ensure that operations can be adjusted to deliver the best outcome.
  98. The proposed revised TCOP also includes additional direction on how detailed operations should be designed and undertaken to reduce unnecessary effects on recreational hunting. It also requires that other work be done where possible to remove unnecessary barriers to non-departmental hunting, including actions to encourage control by others. These cover the matters set out in recommendation 6 and are the result of a number of submissions made by various stakeholders.

## Research, monitoring and reporting

99. Many submissions explicitly or implicitly supported there being more research into tahr numbers and effects, and control efforts by all parties<sup>13</sup>.
100. The proposed revised TCOP confirms that, as a matter of priority, the commitment to developing a research and monitoring programme for tahr and sets a timeframe for that (by 10 December 2020). The programme would relate to tahr numbers and density, impacts on biodiversity and protected land values, and control effort. The programme should take into account the submissions that commented specifically on the data that should be gathered in future. The aim of the programme will be to provide the information needed to allow development of a clear plan for achieving at least the intervention densities in the HTCP (which are unlikely to be achieved with this season’s effort).
101. One submission also asked that the Department comply with the reporting prescription in the Plan. I note that the Department has held a discussion with the NZCA previously around

<sup>13</sup> See pages 70 to 73 of the Submissions Analysis.

the reporting requirements and recommend that those arrangements be further reviewed with the NZCA.

## Recommendations:

102. I **recommend** that you consider this report and the associated documents that are listed below, and:

1	<p><b>Note</b> that the proposed revised TCOP confirms and clarifies that the priorities for this year are to:</p> <ul style="list-style-type: none"> <li>• Prevent the spread from the feral range by controlling tahr in the exclusion zones to zero density and targeting other priority areas outside the feral range.</li> <li>• Take the Aoraki/Mount Cook and Westland Tai Poutini National Parks management unit to the lowest practicable density (noting that control would cease when allocated hours are expended, or if observations on tahr abundance and encounter rates per hour of aerial control suggest that control effort elsewhere will deliver greater benefits to conservation).</li> <li>• Bring the population in management units outside the national parks management unit towards the intervention levels in the HTCP 1993 by focusing on localised areas of high tahr density, where tahr have mobbed up, and on hard to access areas, thus protecting natural values at places.</li> <li>• Establish the status of tahr populations off public conservation land.</li> </ul>	Yes / <del>No</del>
2	<p><b>Note</b> that the proposed revised TCOP retains:</p> <ul style="list-style-type: none"> <li>• The total level of aerial control effort in the original plan you approved on 30 June 2020 – a maximum of 250 hours in the management units (of which no more than 110 will be in the national parks) and approximately 145 hours outside the feral range.</li> <li>• The significant effort set for the national parks.</li> <li>• The level of effort for the exclusion zones/outside the feral range.</li> <li>• The priority to address high-density populations and “mobbing” situations in all management units.</li> </ul>	Yes / <del>No</del>
3	<p><b>Note</b> that the proposed revised TCOP adds a step around about the first 125 hours of control in the management units, to consider the optimal distribution of the remaining hours outside the national parks management unit, with the GAC being invited to provide input to that consideration.</p>	Yes / <del>No</del>
4	<p><b>Note</b> that the proposed revised TCOP retains the approach to bull tahr in the existing TCOP, with control of all tahr in the national</p>	Yes / <del>No</del>



	<p>parks management unit, but identifiable male tahr not targeted in management units outside national parks.</p>	
5	<p><b>Note</b> that the proposed revised TCOP retains a priority for the establishment of a comprehensive research and monitoring programme by 10 December 2020 and commits to beginning implementation within this financial year.</p>	Yes / <del>No</del>
6	<p><b>Note</b> that the proposed revised TCOP commits the Department to the following approaches when carrying out operations:</p> <ul style="list-style-type: none"> <li>• Identifying during planning all high use popular sites the public is likely to be utilising. This includes easily accessible recreational hunting locations (intent is to avoid control in easily accessible recreational hunting locations).</li> <li>• Requiring that all helicopter operations record data in a standardised way and meet the Department's minimum requirements for tahr control.</li> <li>• Making control data publicly available once verified.</li> <li>• Visually checking road ends, huts, popular tracks, and if the public is encountered, moving away from their location.</li> <li>• If hunters are sighted, moving control to another location.</li> <li>• Undertaking no control over a public holiday weekend.</li> </ul>	Yes / <del>No</del>
7	<p><b>Note</b> that the proposed revised TCOP commits the Department to taking reasonable steps to:</p> <ul style="list-style-type: none"> <li>• Facilitate non-departmental control in this season and future seasons.</li> <li>• Encourage hunters to target priority populations.</li> <li>• Take steps to improve the relationship with and communication with the hunting sector.</li> </ul>	Yes / <del>No</del>
8	<p><b>Note</b> that although one submission requested that the new TCOP include a target of numbers of animals shot, the proposed revised TCOP instead includes:</p> <ul style="list-style-type: none"> <li>• A requirement to target areas of high density.</li> <li>• A requirement that the target of animal numbers for the exclusion zones be zero animals detected.</li> <li>• An approximate level of effort (aerial control hours) per management unit.</li> <li>• A requirement that operations be well managed and audited to ensure efficient use of available resources.</li> </ul>	Yes / <del>No</del>
9	<p><b>Note</b> that a submission sought inclusion of measures to prevent "overshooting" the intervention numbers, and that this has not been provided for in the proposed revised TCOP, but that the</p>	Yes / <del>No</del>

	proposed focus on ensuring that the control effort available is used most effectively to deliver the objectives of the HTCP means that no management unit is likely to have control that results in densities well below the intervention density.	
10	<b>Agree</b> to the proactive release of this document and the associated documents listed below once you have made a decision.	Yes / <del>No</del>
11	<b>Agree</b> to the proposed revised TCOP that is attached, to replace the existing TCOP.	Yes / <del>No</del>

Ben Reddiex

*N. J. Lake*  
*DOG Operations*  
*31/8/2020*

## Associated documents that contain information relevant to your decision

1. **Information that DOC intends to use to inform its decision on the Tahr Control Operational Plan 2020/21 (includes Annex)**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6407866>  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6407910>
2. **High Court judgment**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6407956>
3. **Written Submissions.**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6408554>
4. **Himalayan Thar Control Plan 1993 (includes the Policy)**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6407980>
5. **Submission analysis**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6407786>
6. **Submission decision summary**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6410075>
7. **Section 4 and 43 of the National Parks Act**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6408935>
8. **Tahr Control Operational Plan: 1 July 2020 - 30 June 2021 reconsidered after consultation**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6408038>
9. **Groups that DOC consulted with**  
<https://doccm.doc.govt.nz/wcc/faces/wccdoc?dDocName=DOC-6409842>