

**Non-notified Concession Report to Decision Maker on National WARO Permit Offer.**

Report to Decision Maker: Deputy Director General – Conservation Services

The purpose of this report is to provide a thorough analysis of the application within the context of the legislation, the statutory planning framework and actual and potential effects, so the Decision Maker can consider the application and confirm that it should not be notified and decide whether it should be granted or declined.

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## 1.0 Summary of proposal

### **Back ground:**

In 2009 a comprehensive review of the Department's national Wild Animal Recovery Operation (WARO) permit was undertaken which resulted in the wild animal recovery activities being available under the national permit narrowed down to the specific activities below and requiring applicants who wish to undertake other activities to apply for separate permits to do this. Please refer to Appendix 1 (docdm-489005) for the Officer's Report which outlines that review.

The 2015 national permit offer is essentially a continuation of that same activity (i.e. wild animal recovery - noting, however, that wallabies are no longer classified as a wild animal under the Wild Animal Control Act and so have been removed from the South Island schedule of the permit). This activity, as described above, has previously been assessed as not being contrary to the relevant legislation and not inconsistent with statutory plans. However as part of this review the Department has:

- re-assessed the public conservation land that is to be made available to or excluded from the activity to ensure the assessment is current and reflects any changes in statutory management plans or other mitigating factors eg increases in animal numbers at site, and
- sought feedback from existing operators and the newly established Game Animal Council. This feedback is further detailed and addressed in Section 2 of this report.

This report has been prepared for applications that will be received in response to an offer made by the Department for the national WARO permit 2015 which includes the following activities:

#### North Island Schedule

Deer carcass recovery (all species)  
Live deer capture (all species)  
Pig and goat carcass recovery  
Live pig and goat capture

#### South Island Schedule

Deer carcass recovery (all species)  
Live Deer capture (all species)  
Pig, goat, and chamois carcass recovery only

The purpose of this report is to consider those applications in accordance with the relevant legislation and policy and recommend whether these should be approved or declined.

Once decisions have been made on the recommendations of this report, it is expected that, unless there is an applicant-related specific issue, the decision will apply to all eligible applicants for a national WARO permit.

### **Information about the applicant:**

The national permit is being made available to applicants who meet the requirements of 17S (1)(f) of the Conservation Act 1987 in regards to providing information relevant to the applicant's ability to carry out the proposed activity including:

- Hold a supply contract with a Ministry for Primary Industries (MPI) approved processing facility or a supply contract with a marketing company (or equivalent) who use a MPI approved processing facility for the processing of their product - and can demonstrate that link, and
- Be listed as a certified supplier of wild animals to a primary processor in accordance with the Animal Products Act (APA) 1999, and
- Hold appropriate licences/ approvals from the Civil Aviation Authority (CAA).

### **Type of concession sought:** Non-notified Permit

**Term sought:**

The Department wishes to offer a national WARO permit. Depending on your decision, the options for the permit term are:

- a term of three to five years, to allow for further research to be undertaken into alternative activity models, with a further concession process to occur prior to the expiry of this permit; or
- a term of five years plus a renewal option for a further five year term providing for a maximum term of ten years, which will finally expire on 31 May 2025 should the renewal option be taken up (the expiry date is 31 May 2020 if the permit is not renewed by the applicant).
- a term of ten years, being the maximum allowed for a permit with no review/renewal option. The final expiry date would be 31 May 2025.

Whichever option is adopted, all national WARO permits will have a common expiry date(s). Any applications after the first set of permits issued for day one of the permit term (1 June 2015) will also expire on the common expiry date(s).

**Description of the proposed activity:**

The proposed activity is to undertake the following wild animal recovery operations:

The use of aircraft (whether or not for hire or reward) to carry out one or more of the following activities:

- (a) the searching for, shooting, or immobilising of deer
- (b) the searching for, shooting of pig, goat and chamois (chamois - South Island permit only).
- (c) The recovery of dead deer, pig, goat, chamois (chamois - South Island permit only) or any part of such deer (including velvet), pig, goat, chamois for supply to a MPI registered processing facility:
- (d) The recovery of dead deer, pig, goat, chamois (chamois - South Island permit only) or any part of such deer (including velvet), pig, goat, chamois (chamois - South Island permit only) for the personal consumption of the Concessionaire or its employees
- (e) The capture and conveyance of live deer only: (South Island permit)
- (e) The capture and conveyance of live deer, pigs and goats: (North Island permit)
- (f) The carriage of persons, supplies, equipment, firearms, ammunition, or other things that may be used for the purposes of paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e):
- (g) The use of aircraft to facilitate the offloading of recovered deer, pig, goat, or chamois carcasses to a refrigerated truck or similar vehicle for transport. (South Island permit)
- (g) The use of aircraft to facilitate the offloading of recovered deer, pig, or goat carcasses to a refrigerated truck or similar vehicle for transport. (North Island permit)

**BUT EXCLUDING THE FOLLOWING ACTIVITIES**

- (1) Live capture or carriage of other species of live wild animals including pig, goat, and chamois. (South Island permit)
- (1) Live capture or carriage of other species of live wild animals. (North Island permit)
- (2) Carriage of any other species of wild animal
- (3) Carriage of recreational hunters involved with the searching for, shooting or immobilising and recovery of wild animals (i.e. aerially assisted trophy hunting)
- (4) Carriage of ground-based hunters who are not employees of the Concessionaire
- (5) Carriage of individuals who are providing a guided hunting service
- (6) Carriage of any passenger other than employees of the Concessionaire who are engaged in the Concession Activity
- (7) Subject to (d) above the recovery of wild animals for the purpose of personal consumption.
- (8) Recovery of wild animals for trophy mounting purposes

The description of the proposed concession activity above specifically excludes the carriage of recreational hunters or fee paying passengers or anyone else who is not engaged in the concession activity. It is also very clear about which wild animals can be shot/ recovered under each permit. Any activity that is not listed in the permit needs to be applied for/assessed/authorised separately.

Unlike the original version of the 2009 permit, the proposed concession activity provides in paragraph (g) for aircraft landings to offload carcasses to chiller trucks or similar vehicles. This clarifies a matter which caused some confusion in the 2009 permit. When undertaking this part of the concession activity operators will be able to land on “non-permitted” areas where these are legally accessible by motor vehicles for this purpose only. This could include formed roads, road ends and car parks. Feedback was sought from operators on the proposed special conditions to see if the areas where this part of the proposed concession activity may occur could be better defined. However, operators will not be permitted to undertake any other part of the proposed concession activity ie hunting activity, covered by paragraphs (a) – (f) inclusive, on these areas.

The use of aircraft to undertake wild animal recovery activities, more particularly the recovery of deer carcasses and live capture of deer dates back to the 1960’s. Since that time it has made a significant contribution to the control of wild animals on public conservation land.

The level of activity nationally has been relatively constant over the last five years – on average 16123 deer annually have been recovered by WARO operators across land of all tenure (including public conservation land).

The Department recognises that this activity still has a significant role to play in the control of wild animals on public conservation land as part of the range of control tools available (including the recreational hunting effort) to achieve the purpose of the Wild Animal Control Act, and this activity can reduce the amount of vote Conservation monies used for this task. Some of the feedback that has been received in this process (refer 2.0) has commented on the long term sustainability of the industry and the industry’s contribution to conservation outcomes.

In 2009 a comprehensive review of the ‘national WARO permit’ was undertaken to in response to feedback from stakeholders, industry, NZ Food Safety Authority (NZFSA, now MPI), CAA and DOC staff to make the permits ‘fit for purpose’. This involved extensive consultation outside the formal concession process. This led to a national WARO permit being developed for the prime function of deer carcass recovery and live deer capture (with other wild animal recovery activities of aerially assisted trophy hunting, and tahr carcass and live capture being separated to different permits and processes) and offered to operators who held genuine supply contracts to a processor, who held the appropriate (then) NZFSA accreditation for supplying wild animals and who met CAA requirements.

The proposed permit is for the continuation of that previously authorised activity, and now specifically covers offloading carcasses to chiller trucks which was not previously clear.

#### **Description of locations where activity is proposed:**

The Department assessed public conservation land across the country to determine whether or not it will be available, restricted or excluded to the national WARO permit.

This original assessment is Appendix 2 (docdm-1596473)<sup>1</sup>. This was signed off by Directors in docdm-1567797 (Appendix 3). The results have been arrived at having regard to the provisions of the Wild Animal Control Act 1977. In particular Part 2 and Section 23 which, in addition to applying Section 17U of the Conservation Act 1997, requires the consideration of:

- (a) the provisions of the Act under which the land is held and its purposes,
- (b) the purpose of the Wild Animal Control Act, and
- (c) the role of persons engaged in recreational hunting in achieving the purposes of the Wild Animal Control Act.

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<sup>1</sup> Please note that this changed following industry comment and the revised assessment is noted later in this report.

Where land is recommended to be restricted or excluded in this national permit offer, this does not preclude such land being open to WARO activities in the future either on a one-off basis for conservation management reasons, or in future offers. Nor does this preclude an operator applying to undertake the activity on such land outside of the national offer and that application being assessed on its own merits (against the usual statutory framework).

The Land is shown on the maps attached. Once the decision maker has made a decision a CD will be produced for each of the permits that are issued.

## **2.0 Information available for consideration**

### **2.1 Information received:**

#### **2.1.1 From DOC staff (including Area, technical, legal, and non-lead comments):**

At the beginning of the process a draft scoping paper was sent to representatives from a range of teams in the department (Threats Southern, Terrestrial Ecosystems, Commercial Partnerships Unit, Legal Services, Conservation Services) advising that the 2009-2014 permits were expiring and development of the new national WARO permit was required, and to see if any current thoughts that might inform any changes to the permit to ensure it was fit for purpose for the Department and industry. The feedback generally suggested the current permit system was appropriate for the Department's needs but needed to fine tune aspects such as: when assessing land taking into consideration its importance to managing pressures in our priority ecosystem units, and associated monitoring and reporting on this.

Subsequent to this the Science and Technical Planning, Monitoring & Reporting team requested the Department seek that activity information be made available on an annual basis so that it could be included in the ongoing national Tier One monitoring programme. A new special condition has been developed to address this need.

A meeting was had with the South Island Directors Conservation Services to commence the land assessment process. At this meeting various issues were discussed, including, about ongoing management issues in Fiordland National Park. Following this meeting a request (Appendix 4 docdm-1567790) was sent to all Directors Conservation Services requesting their staff undertake an assessment of current public conservation land against the relevant legislation and statutory frameworks to provide a summary of exclusions and restrictions.

During the time that the internal assessment of the public conservation land was taking place, a separate report was commissioned by the Director Conservation Services – Southern South Island Region: “Fiordland National Park Management – Commercial Industry and Environmental Status and Recommendations for Future Management, November 2014”. Subsequent to this report being produced, it was discussed in regards to the development of the new national WARO permit. It was confirmed as being a standalone document which provided a snapshot of information, and that the Director was not necessarily seeking to have all its recommendations implemented through the current development of the new national permit.

#### **2.1.2 From other sources**

##### **Industry**

At the beginning of the review process, feedback was sought from operators on the 2009 – 2014 framework and permit. Appendix 5 (docdm-1520784) is the summary of information that was received from all operators.

- North Island operators essentially were supportive of the status quo, but asked for some improvements in the land offer. No further discussions were had with North Island operators as no request for a meeting was made and no significant issues were identified.

- South Island operators requested a meeting, which was held in September 2014. Feedback from South Island operators was more varied and ranged from: those who wished to see restrictions as to numbers of operators that should be able to undertake the activity at particular locations; to more proactive management of the permits themselves – i.e. using the annual check process to see if operators still hold a supply contract with processor (and remove permit if they do not),
- Some operators now have contractual arrangements with marketing companies who are using MPI approved processors as a ‘toll plant’ to process the meat on their behalf. Therefore the eligibility criteria and special conditions around annual checks should be changed to reflect this.

Further feedback was sought in March 2015 from South Island operators due to the issues that had been raised around the South Island over the previous few months, to ensure we had up to date information.

- There was almost a consistent request for the Department to support the people who hold a WARO permit for genuine reasons and to do this by a variety of methods:
  - ensure an annual check was done with processor/marketing company to confirm who held a contract and to remove WARO permits from operators if they did not hold a valid supply contract. This essentially supports the processors ability to control the level of activity rather than the Department – i.e. the businesses who are developing the markets manage who they have supplying them/from where etc. etc.
  - Some operators, not all, asked the Department to implement a ‘use it or lose it’ clause that could be used to remove permits from operators who were not very active in the activity and to reward the ones who were undertaking the activity more consistently. It was suggested the Department could ask processors to verify the numbers of animals that an operator put through their plant and if it was less than a particular number (except for when the processors are not requesting carcasses, or the operator had a genuine reason for not undertaking the activity to the required level in an particular year) that a permit could be revoked (and thereby potentially reduce the number of operators). The numbers that were suggested as minimums ranged between 200 – 1000 per annum.
  - Some operators asked that as part of the application process an applicant should have to demonstrate a history in the activity and some at particular sites, or evidence of their financial viability into the future. However, some operators did not like these concepts as they felt it may restrict the long term succession of the industry. The current application/Part 3B process requires the Department to undertake an assessment of the applicant’s ability to carry out the proposed activity.
  - A small number of operators also suggested that applications should only be received at the beginning of the term of the National WARO permit, and no subsequent permits be issued unless any of the Concessionaires surrendered or had their permits terminated for any reason.
  - A small number of operators asked for a regional permit to be introduced for Fiordland National Park, and some of those suggested the local DOC office could manage the permits.
  - The majority favoured a South Island wide permit for business flexibility – e.g. ability to move areas if toxins/ pest control prevented take from a particular area, or ability to undertake work on public conservation land when also undertaking work on private land which could be at various locations around the South Island
  - Several operators noted the current state of the industry is not something that the Department can control – the issue has been there is a lack of market for the product – and the activity framework and permit could not address that. However they did say they would be keen to for the Department to work with them at an industry level to support them in other ways, e.g. a forum for industry and the Department to meet and discuss and influence matters that affect the industry that are beyond the role of a permit, but could contribute towards the long term

- sustainability of the industry on public conservation land, and working to maximise conservation benefits this can bring. These could include (but not be limited to) improving communications, assisting with common issues e.g. improving pesticide summaries, and may include working with the group in such things as providing conservation stories to assist with marketing etc.
- Several operators also commented they wish to work directly with the Department on the issues.

### **Game Animal Council**

The Game Animal Council (the Council) is a statutory body established on 28 November 2013 under the Game Animal Council Act 2013. It represents the interests of the hunting sector in relation to game animals and improves the management of hunting resources while contributing to positive conservation outcomes. Key functions of the Council include advising and making recommendations to the Minister of Conservation on hunting issues, providing information and education to the sector, promoting safety initiatives, conducting game animal research, and undertaking management functions for designated herds of special interest (compatible with management of public conservation land and its resources generally).

Department representatives sat in on, and were introduced to the Council at its meeting on 4 August 2014, but no discussion of the national WARO permit process then took place.

At the beginning of the review process, feedback was sought from the Council on the 2009 – 2014 framework and permit. Appendix 6 (docdm-1499555) is the initial response received from the Council on 15 October 2014.

Some Council members requested a meeting with the Department to talk to their initial response which took place on 3 November 2014. (refer Appendix 7 - Docdm-1509555)

The Council's final feedback was tabled at their meeting in December 2014 and is at Appendix 8 (docdm-1527615).

In its papers, the Council identified that it undertook its own consultation with “a number of venison recovery industry leaders and recreational hunters” and its findings were the current system is not working for industry, recreational hunters or conservation. The Council considers that a management system is required that will address: *“the fundamental issue of how to retain or enhance benefits to conservation whilst maintaining a viable game animal control industry, taking into account other users of the resource including recreational hunting, guided hunting, game estates and the deer farming industry”*.

To this end, and for the reasons outlined in their final feedback paper (Appendix 8), the Council suggests a possible alternative proposal and associated justifications:

#### ***“Proposal:***

- 1. Hunting areas should be large enough to support a single efficient operator*
- 2. 10 years duration with annual review provisions and rights of renewal*
- 3. Exclusive rights to a single operator in individual areas*
- 4. Minimum harvest requirements specified to meet conservation objectives*
- 5. Harvest requirements that address recreational hunter's needs to some degree.*
- 6. Rights auctioned*
- 7. Rights may be traded*
- 8. Address impacts on other users*

#### ***Justification:***

##### ***Size of concession area***

- *This will need to be assessed in consultation with the industry. Big enough for viability. Small enough to avoid excess market power.*

#### Exclusive aerial hunting rights would

- *Minimise the amount of flying for any level of harvest. This happens because (a) operators can plan their hunts without having to anticipate the actions of others and (b) deer are less likely to become helicopter shy, which may result in them becoming nocturnal or living in inaccessible places. Minimising flying time aligns with three objectives:*
  - (1) Improved environmental outcomes because aerial hunters will harvest more deer*
  - (2) Reduced impacts on other resource users, e.g. trampers, climbers, recreational hunters*
  - (3) Increased profitability of aerial hunting, supporting WARO industry viability*
- *Increase the revenue earned because the WARO operator can time their harvest to coincide with price peaks. Open access creates a “race to harvest” in which concessionaires compete temporally, which reduces the incentive to time harvest to coincide with market price peaks.*
  - (1) Increased revenue per animal will increase overall harvest*
- *Allow specification of age and sex of harvested deer in specific locations.*
- *Improve safety because there is no “race to harvest”.*
- *Provide an incentive to “farm” deer where there is security of tenure.*

#### Duration of tenure

- *Permanent and long-term exclusive concessions create conditions that may foster “farming deer” because deer population growth rates (20-40% p.a.) exceed prevailing market interest rates. Recreational hunting and/or minimum harvest requirements mitigate the tendency to farm deer.*
- *Short tenure does not provide adequate incentive to invest in capital equipment or to develop businesses.*
- *Longer tenures minimise transaction costs associated with concession allocations.*
- *10 years is a workable compromise as long as interim review is included and with rights of renewal.*

#### Minimum harvest requirements and harvest specifications

- *Minimum harvest requirements are required to prevent “farming” with exclusive rights and long term tenure.*

#### Initial allocation and trade of rights

- *Auction of rights generates income for the Department, but will increase administrative costs*
- *The most efficient hunters are most likely to win the auction, improving success on other objectives*
- *Tradable rights allow poor operators to exit whilst ensuring that WARO activity continues*
- *Successful operators buying rights will increase harvests and improve conservation outcomes*
- *There is a strong incentive for innovation*

#### Impact on other users

*Recreational Hunters harvest more deer, more species of deer and a more consistent harvest irrespective of price, yet their interests are basically not taken into account within the existing regime. Current roar closures only remove the social conflict for a very short period and do not address the management of deer for both recreational and commercial hunting.*

*The proposed regime will allow for recreational hunting interests to be addressed through the specification of commercial hunting in both time and place and also by species, age or sex. Recreational and commercial hunting should be complementary not conflicting.”*

The Council made three main recommendations:

*Recommendation 1: The current review of WARO concessions should be put on hold while the GAC and DoC develop a more effective management system for the harvest of wild game animals that addresses the following issues and points raised*

*Recommendation 2: A working group consisting of the main sector interests should be commissioned to design and conduct the trial of such a new system.*

*Recommendation 3: An independently peer reviewed trial of the rights system outlined above be applied in a suitable case study area. The trial should run for 3 years with annual review, after which a peer reviewed evaluation will be undertaken. In other areas WARO concessions will be granted for 5 years with the facility for amendment to allow lessons from the trial to be applied as early as possible. Granting long term WARO concessions would prevent access to conservation and other gains from the trial (should there be any) in the short term, and possibly in the long term if irreversible environmental damage occurs in the interim.*

### **2.1.3 Department comment:**

The Department has received a diverse range of feedback and recommendations from individual WARO operators, representatives from some of the processing factories and from the Game Animal Council. The Department understands the various motivations behind the differences in feedback and knows that in any recommendation that is made (and resulting decision) – there will be compromise and some disappointments, and it does not mean to trivialise the concerns that led to the recommendations being made to the Department by the various parties.

The Department has considered the feedback received from the various parties, and has decided that at this point in time the national WARO permit will continue in its current form for a maximum recommended term of ten years. Depending on the decision there are options to grant: a) a shorter 3 – 5 year term permit, while a further review of WARO options is undertaken; b) a “5 + 5” permit with a five year renewal option providing for a maximum 10 year term; or c) a 10 year permit.

The Department has a role in managing the activity on public conservation land, but the activity is wider than just public land and the permit structure needs to reflect that operators undertake the activity across land of multiple tenures. In saying this however, the Department’s role is to manage public conservation land for a particular set of outcomes as required by conservation legislation (e.g. Wild Animal Control Act, Conservation Act, National Parks Act etc) including the Game Animal Council Act.

The Department also has to respect that the harvesting of animals by operators for supply of carcasses to processors is not supplier/WARO operator driven, and that the marketing entities/processing companies who are developing the markets for the product are the ones who ‘control’ the numbers and frequencies at which wild animals are recovered. For example in early April 2015 two of the established factories which have traditionally supplied export markets were temporarily not taking deer (however this is no longer the case), whereas some of the newer/niche market businesses continued to do so.

The Department considers from the feedback that it has received over the last few months, that at this time there is not a need (for conservation reasons), nor enough industry wide buy-in to implement a wholesale change of the WARO management regime on public conservation land. The proposed permit’s standard conditions will allow the Department some flexibility to manage the public conservation land as is required for conservation management reasons during the term of the proposed permit.

The Department acknowledges that the Game Animal Council recommended the new national WARO permit process be put on hold while the Council worked with the Department and industry to develop an alternative model. This recommendation was made with a view to undertake an independently peer reviewed trial of a new rights based system for three years (with annual review periods) in a case study area along side five year permit for the non trial areas.

The Department considers that the recommendation in this report to issue a new national offer does not affect the Council carrying on working with the industry to consider alternative models, nor prevent the Council work on establishing herds of special interests and associated management plans, which would

impact on how commercial activity would be managed in those designated locations. Should any herd of special interest be established under the Game Animal Council Act, then animals within such herds are no longer defined to be “wild animals” under the Wild Animal Control Act, and those animals would therefore be excluded from the activity under the national permit.

During the term of the proposed new national permit, the Department can work with the various parties to consider what might be appropriate in the future. However, by continuing the current activity it ensures some certainty for those already invested in the activity (at a processor/marketing and operator level) and operators who will continue in the activity if they meet the eligibility criteria for the new national permit.

It is noted that any move to a form of competitive allocation model will have complexities in how it would be set up and its ongoing management – from establishing who will be invited to apply (determining who are the incumbents in such a process – is it the operators and/or processors/marketers; and more specifically is it all of the current operators and processors/marketers or a subset of these), and how any rights would be allocated. If after due consideration this was decided to be implemented and run under a Part 3B concession process – this may also need to be a publically notified process (although this may depend on the level of public consultation during any review).

The Department does not consider there is an immediate risk to conservation values in continuing to manage commercial activity on public conservation land in the proposed manner. The proposed permit conditions will allow the Department to amend the activity should it need to (whether that be to withdraw land totally from, the permit or change the way the land is being managed to increase the level of control by different means at the site). As has been discussed earlier and below, the integration with the Department’s tier one monitoring programme will allow data to be collected and collated to better inform decisions about ongoing activity at sites. For example, it could be that data that is collected and assessed may inform decisions to open areas to WARO (either on a one-off or ongoing basis) that have been closed to WARO previously based on the assumption that current control by recreational hunters is adequate, if the data shows that it is not and further control is required.

The Department has recognised in its land assessment the role of recreational hunting in controlling wild animals at specific locations, as well as respecting that there are some locations where recreational hunters seek WARO-free hunting experiences.

The Department will continue to work with the Game Animal Council in its role as a statutory body advising the Minister of Conservation on hunting matters for game animals.

While a decision not to implement wholesale change could be seen as a continuation of the same permit regime there will be four key changes to the management of proposed permits over the permit term which will further assist the Department and industry and alleviate some of the common concerns.

1. The Department will be more proactive in its management of the permit itself, and use the tools within it and commit to undertaking the annual reviews of concessionaire’s activity and supply contract status, and will take steps to remove permits from concessionaires who are not using the permits for the concession activity.
2. The Department will also implement a ‘use it or lose’ it clause where operators must demonstrate that they have shot/recovered, as per the terms and conditions of their permit, a minimum number of 200 animals per annum. The Department will require the operators to provide verification of this from their processor/marketer. If the operator can demonstrate a genuine reason why the limit was not reached the Department will assess this on a case by case basis. Any operator who does not meet the minimum limit, or does not have genuine reason as to why they have not achieved this, is liable to have their permit revoked .
3. By integrating the data from the concession activity with the Department’s tier one monitoring programme data (refer proposed special condition 9) – this will allow the Department to have up-to-date data to assist with conservation management decisions. It may manifest itself in such ways as identifying if, in the short term there are an areas of need that require attention, that can then be

communicated to conservation managers and operators , and may include either opening or restricting areas in the permit, and also provide some nationwide monitoring that can better inform the subsequent permits as to the effects and effectiveness of WARO activity at sites.

4. The Department would like to increase its engagement with industry and work towards the common goals of improved conservation gains and associated industry sustainability. The Department will establish a forum for industry to discuss and influence current matters that affect the industry that are beyond the role of a permit, but could contribute towards the long term sustainability of the industry on public conservation land, and working to maximise conservation benefits this can bring. These could include (but not be limited to) improving communications, assisting with common issues e.g. improving pesticide summaries, and may include working with the group in such things as providing conservation stories to assist with marketing etc. This forum and its ongoing work would also inform subsequent permits. This might be led by the Commercial Partnership Unit of the Department of Conservation with key input from the various parts of the organisation depending on the topics being discussed.

**Requested information not received:**

*Not applicable*

**3.0 Acknowledgement of complete application (s17S)**

The proposed activity is a longstanding and well understood one on public conservation land. The Department has assessed the activity against the current legislation and statutory frameworks, has sought internal advice on whether any changes to management are needed, and has received feedback from operators and the Game Animal Council. The Department makes its recommendations for a proactive offer to eligible applicants subject to the assessment in this report.

**4.0 Analysis of proposal (s17T, 17U, 17V, 17W, 17X, 17Y)**

Section 17T(2) requires the Minister to decline an application within 20 working days of it being deemed complete, if “...*the application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan...*”. The land assessment process (see docdm-1596473 Appendix 2) considered relevant legislation, conservation management strategies, national park management plans and other relevant statutory planning documents, and the final assessment ensures consistency with these documents.

**Public notification s17T(5):**

Under this provision of the Conservation Act a publicly notified concession process is appropriate “... *if, having regard to the effects of the licence, permit or easement, [the Minister] considers it appropriate to give the notice.*”

The effects of the concession activity are the ONLY basis on which a Decision-Maker can decide to publicly notify a concession. The “public interest” is not an “effect” of the proposed activity and cannot be a basis for public notification, nor is the role played by recreational hunters in wild animal control.

As wild animal recovery is a long standing activity, it is considered that the effects of this activity are well understood. In most cases the activity has been undertaken in the areas identified for over 30 years. Historically there has been extensive consultation with stakeholders, including through management planning processes resulting in conservation management strategies, national park management plans and the like, which has identified relevant effects resulting in objectives and policies being put in place to manage the effects of this activity .Therefore it is not considered there is a need to publicly notify the intention to grant these concessions.

In addition, the Department has also (as per 2 above) sought feedback from the Game Animal Council on the current framework and permit. The Game Animal Council is a statutory body and it represents the interests of the recreational hunting sector and aims to improve the management of game animal hunting resources while contributing to positive conservation outcomes.

The assessment of what public conservation land will be made available, restricted or excluded from the activity has been undertaken by the regional conservation services teams against the relevant legislation and statutory frameworks, which include their local conservation management strategies and national park and other management plans which represent what the Department has agreed with local communities to manage public conservation land. Some of the restrictions and exclusions in the assessment also reflect local agreements with stakeholder groups on how areas will be managed.

It is for the reasons above that it is considered that public notification is not necessary.

**Analysis of Effects s17U(1) and (2):**

The effects of this activity are well understood and were documented in the Officer's Report in 2009 (see Appendix 9 docdm-572208). The range of effects have not changed, however in making the assessment of what land would be excluded, restricted, or permitted in the proposed permit consideration has been given (in addition to the relevant legislation and statutory planning documents) to factors such as outcomes of Treaty settlements, animal number trends, changes in statutory management planning documents for places, changes in visitor use, management agreements with community groups and tenure review outcomes – all to ensure that the current assessment of where the activity should take place reflects the current state.

The proposed permit conditions have been reviewed and, where appropriate, revised to provide better management and compliance options for the Department and consequently other users of public conservation land, as well as the permit holders themselves.

It is considered that the revised land assessment and the revised proposed permit conditions will avoid, remedy or mitigate the negative effects of the activity.

**Purpose for which the land is held s17U(3):**

The status of the lands affected by the assessment is all that land that is :-

- i. Conservation area as defined by Section 2 (1) of the Conservation Act 1987:
- ii. National Park under the National Parks Act 1980, and land administered as national park:
- iii. Reserve under the Reserves Act 1977 – administered by the Department of Conservation:
- iv. Wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act of 1953.

As provided in the officer's report in 2009:

The areas under application are managed under the Conservation Act 1987, National Parks Act 1980, Wildlife Act 1953 and Reserves Act 1977. Section 17U(3) provides that the Minister shall not grant an application for a concession if the proposed activity is contrary to the provisions of the Conservation Act or the purposes for which the land concerned is held. These purposes are addressed below.

**Conservation Act 1987** - Land held under the Conservation Act is held for conservation purposes. "conservation" is defined by the Act to mean the "preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations" (Section 2). "Natural resources" includes plants and animals of all kinds and ecosystems.

The Long Title to the Act states that it is an Act to promote the conservation of New Zealand's natural and historic resources, and for that purpose to establish a Department of Conservation.

Generally the removal of wild animals from conservation areas will be consistent with the Conservation Act. There is a specific “classification” of conservation area which is discussed next.

In respect of conservation areas which are classified as wilderness areas, their indigenous natural resources shall be preserved, and no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking any passengers or goods in a wilderness area: section 20(1). This is subject to section 20(2) which provides the Minister may authorise the doing of anything on a wilderness area provided it is in conformity with the conservation management strategy or conservation management plan, and the Minister is satisfied that its doing is desirable or necessary for the preservation of the area’s indigenous natural resources: section 20(2). Whether there is this “conformity” will depend upon the provisions of the relevant CMSs or CMPs and this is reflected in the assessment of whether this land is available for the WARO activity. It is considered that in principle the control of wild animals is desirable for the preservation of the indigenous natural resources in a wilderness area, under section 20(1)(a).

**National Parks Act 1980** - Section 4(1) sets aside National Parks “for the purpose of preserving them in perpetuity for their intrinsic worth and for the benefit, use and enjoyment of the public” areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique, or scientifically important that their preservation is in the national interest.

Section 4(2) provides that:

*“...having regard to the general purposes specified in subsection (1) of this section, national parks shall be so administered and maintained under the provisions of this Act that -*

- (a) They shall be preserved as far as possible in their natural state;*
- (b) Except where the Authority otherwise determines, the native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated;*
- (c) Sites and objects of archaeological and historical interest shall as far as possible be preserved;*
- (d) Their value as soil, water, and forest conservation areas shall be maintained;*
- (e) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, “the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation, and other benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers and other natural features”.*

There are similar provisions in this Act (as there are in the Conservation Act- discussed above) relating to gazetted wilderness areas in section 13.

Certain other land is also administered by the Department as national park so as to preserve the natural flora and fauna on that land, e.g. land held under the Waitutu Block Settlement Act 1997. For these lands the National Parks Act provisions will also apply.

**Wildlife Act 1953** - The purposes of the Wildlife Act are not expressed in any particular section but are found generally through the Act. In particular the Long Title to the Act includes that it is “*An Act to consolidate and amend the law relating to the protection and control of wild animals and birds ...*”, and section 3 provides that all wildlife is absolutely protected except for specified wildlife listed in Schedules to the Act. “Wild animals” are specifically excluded from being protected wildlife.

Land is held under the Wildlife Act as follows:

- (a) Land may be held for the purpose of a Wildlife sanctuary for the purposes of the Wildlife Act specified in sections 9, 10 and 11 of the Act.*
- (b) Land may be held for the purposes of a Wildlife refuge under section 14 of that Act for the purposes of the Wildlife Act.*
- (c) Land may be held for the purpose of a wildlife management reserve for the purposes of the Wildlife Act (see section 14(A) Wildlife Act), but may also be classified to be a Government purpose reserve for wildlife management purposes (see section 22 of the Reserves Act 1977).*

**Reserves Act 1977** - Land held under the Reserves Act is held for the purposes of -

- (a) *Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:*
  - i. *Recreational use or potential, whether active or passive; or Wildlife; or*
  - ii. *Indigenous flora or fauna; or*
  - iii. *Environmental and landscape amenity or interest; or*
  - iv. *Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:*
- (b) *Ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:*
- (c) *Ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.-*

### **General Comment**

It is considered that the undertaking of the proposed activity of the national standardised Wild Animal Recovery Operation (WARO) is not contrary to the provisions of the relevant Acts and the purposes for which the land is respectively held.

### **Wild Animal Control Act 1977**

Concessions for WARO on public conservation land are dealt with under Part 2 of the Wild Animal Control Act. This provides the power for the Minister to grant WARO concessions in section 22, with the matters to which the decision-maker must have regard set out in section 23.

Section 22 of the Act relevantly provides:

*“(1) Despite any other Act, the Minister has exclusive authority to grant, in accordance with Part 3B of the Conservation Act 1987, concessions authorising the holder of the concession to enter any land described in subsection (2) and engage in wild animal recovery operations.*

*(2) The land is—*

*(a) Crown-owned land that is—*

*(i) a conservation area, or deemed to be a conservation area, under the Conservation Act 1987:*

*(ii) a national park under the National Parks Act 1980:*

*(iii) a reserve under the Reserves Act 1977,—*

*(A) including a reserve that is controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36 of that Act; but*

*(B) excluding a reserve vested in an administering body under that Act or another Act:*

*(iv) a wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953:*

*(b) other land to which the National Parks Act 1980 is applied as if the land were a national park.*

*(3) For the purposes of subsection (1), Part 3B of the Conservation Act 1987 (except for sections 17O(4) and 17U(3)) applies as if references in that Part to a conservation area were references to—*

*(a) a national park in the case of land described in subsection (2)(a)(ii):*

*(b) a reserve in the case of land described in subsection (2)(a)(iii):*

*(c) a wildlife sanctuary or wildlife refuge or wildlife management reserve, as appropriate, in the case of land described in subsection (2)(a)(iv):*

*(d) land administered as if it were a national park in the case of land described in subsection (2)(b),—*

*and in each case with any other necessary modifications.”*

Section 23 of the Act provides:

*In considering an application for a concession under section 22, the Minister must have regard not only to the matters specified in section 17U (other than subsection (3)) of the Conservation Act 1987 (as applied by section 22), but also to—*

- (a) the provisions of the Act under which the land concerned is held and the purposes for which that land is held; and*
- (b) the purposes of this Act; and*
- (c) the role of persons engaged in hunting for recreation in achieving the purposes of this Act.*

#### **Comment on the Wild Animal Control Act 1977**

- (i) Other parts of this report address the provisions of the Act(s) under which the land concerned is held and the purposes for which the land is held.
- (ii) The purposes of the Wild Animal Control Act 1977 are set out in section 4 of that Act which provides:
  - (1) *This Act shall apply to all land, having regard to the provisions of any Act applying to the land, and shall for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.*
  - (2) *This Act shall be administered, having regard to the general purposes specified in subsection (1) of this section so as to -*
    - (a) Ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters and wildlife; and*
    - (b) Achieve co-ordination of hunting measures; and*
    - (c) Provide for regulation of recreational hunting, commercial hunting, wild animal recovery operations, and the training and employment of staff.*
- (iii) The role of persons engaged in hunting for recreation in achieving the purposes of the Act are addressed through the proposed conditions in the concession as well as the land assessment, which recognise and exclude some areas where recreational hunters provide sufficient control of wild animals.

Part 3 of the Wild Animal Control Act provides for the declaration of Recreational Hunting Areas where hunting as a means of recreation is to be used to control (though not exclusively) the numbers of wild animals: section 27(1). There is no proposal in this permit to permit WARO activity in any gazetted Recreational Hunting Areas.

It is considered that the undertaking of the proposed activity of the national standardised WARO is consistent with the provisions and purposes of the Wild Animal Control Act 1977.

Throughout the lengthy consultative process the long standing conflict between the interests of the commercial (usually airborne) operators and purely recreational hunters continued to be evident. It is one of the features that underlie many decisions on the type of hunting activity that is recommended.

Both sides can claim statutory support for their involvement in deer hunting because the purposes of the Wild Animal Control Act 1977 contemplate both: concerted action to control wild animals using aircraft, and by recreational hunters (who often may have used an aircraft to position themselves for the hunt).

Similarly, the Conservation General Policy 2005 (which is also a general policy for the Wild Animal Control Act 1977, has policies encouraging both commercial hunting of wild animals and recreational hunting of wild animals at 4.2 (e) and 4.2 (f).

*4.2 (e) Commercial hunting of wild animals and animal pests should be encouraged to maximise the effective control of them, while minimising any adverse effects of hunting on planned outcomes at places.*

4.2 (f) *Recreational hunting of wild animals and animal pests should be encouraged where this does not diminish the effectiveness of operations to control them and is consistent with the planned outcomes at places.*

This report and recommendation is an earnest attempt by the Department to have regard to the purposes of the Wild Animal Control Act 1977 as set out in section 4, Part 2 which allows for concessions to undertake wild animal recovery operations on public conservation land, and Part 3 which provides for the establishment of Recreational Hunting Areas. In doing so it is recognised that it will never be possible to completely satisfy all those who have an interest in hunting.

### **Game Animal Council Act 2013**

This is a new piece of legislation since the last national WARO permit offer was made in 2009.

The purposes of the Game Animal Council Act 2013 (GACA) are: to establish the Game Animal Council and provide for its functions; to create powers for the Minister to manage herds of special interest; to allow the Minister to delegate his or her powers to the Council under the GACA; and to provide for fees and levies to fund the Council and its functions. It should be noted that “game animal” only covers chamois, deer, tahr and feral pigs. It does not include goats or any other animal declared to be a “wild animal”.

The functions of the Council are set out in section 7 of the GACA:

- (1) The Council has the following functions in relation to game animals:
  - (a) to advise and make recommendations to the Minister:
  - (b) to provide information and education to the hunting sector:
  - (c) to promote safety initiatives for the hunting sector, including firearms safety:
  - (d) to advise private landowners on hunting:
  - (e) to develop, on its own initiative or at the direction of the Minister, voluntary codes of practice for hunting:
  - (f) to raise awareness of the views of the hunting sector:
  - (g) to liaise with hunters, hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation to improve hunting opportunities:
  - (h) to conduct research, including research on the hunting of game animals:
  - (i) in respect of herds of special interest for which the Minister has delegated management powers under [section 20](#) to the Council,—
    - (i) to undertake management functions that are compatible with the management of public conservation land and resources generally; and
    - (ii) to exercise its powers for the effective management of the herd:
  - (j) to operate voluntary certification schemes for professional hunting guides and game estates:
  - (k) to promote minimum standards and codes of conduct for certified hunting guides and game estates:
  - (l) to investigate complaints and take disciplinary action in relation to certified hunting guides and game estates:
  - (m) to provide any other services to hunters that the Minister is satisfied are ancillary to the Council's other functions:

- (n) to perform any other functions conferred on it under this Act or any other enactment:
  - (o) to assess the costs of managing herds of special interest and make recommendations to the Minister on ways to recover those costs.
- (2) In performing functions other than the functions in subsection (1)(a) and (f), the Council must have regard to any views expressed in writing by the Minister to the Council.

The GACA provides for the establishment of herds of special interest. A “herd of special interest” means a species of game animals in a specified area designated by the Minister as a herd of special interest under section 16.

At this time there have not yet been any herds of special interest proposed or established. In the development of this national permit, the Council has provided advice and recommendations to the Department as to how the Council considers WARO should be managed on public conservation land.

#### **Consistency with Relevant Management Strategies and Plans s17W:**

The assessment of public conservation land has included an assessment of the justifications for excluding, restricting or permitting the concession activity against the current relevant statutory management plans (e.g. conservation management strategies, national park management plans, and other management plans).

As some plans have been reviewed and new plans approved since December 2009, there are some changes to the land assessment based on these – for example there is now a new restriction for land within Mount Aspiring National Park during the Roar period. Also some of the proposed exclusions or restrictions in Canterbury are based on the current review of the Canterbury Conservation Management Strategy and reflect public submissions and the Department’s response to those.

The proposed activity is considered to be consistent with current Conservation Management Strategies and Conservation Management Plans.

#### **5.0 Relevant information about the applicant**

As individuals apply the following considerations will be applied to their application.

1. **Ability to undertake the activity – including that they meet the prerequisites of holding a national WARO permit, and demonstration that they have either undertaken the activity in the past or have the ability to undertake it in the future.**
2. **Convictions on any charge related to the activity applied for or on any conservation related issue.**
3. **Past compliance with concession conditions.**
4. **Credit check result.**

**Concession Activity:**

**Description of the proposed activity:**

**Description of the proposed activity:**

The proposed activity is to undertake the following wild animal recovery operations:

The use of aircraft (whether or not for hire or reward) to carry out one or more of the following activities:

- (a) the searching for, shooting, or immobilising of deer
- (b) the searching for, shooting of pig, goat and chamois (chamois - South Island permit only).
- (c) The recovery of dead deer, pig, goat, chamois (chamois - South Island permit only) or any part of such deer (including velvet), pig, goat, chamois for supply to a MPI registered processing facility:
- (d) The recovery of dead deer, pig, goat, chamois (chamois - South Island permit only) or any part of such deer (including velvet), pig, goat, chamois (chamois - South Island permit only) for the personal consumption of the Concessionaire or its employees
- (e) The capture and conveyance of live deer only: (South Island permit)
- (e) The capture and conveyance of live deer, pigs and goats: (North Island permit)
- (f) The carriage of persons, supplies, equipment, firearms, ammunition, or other things that may be used for the purposes of paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e):
- (g) The use of aircraft to facilitate the offloading of recovered deer, pig, goat, or chamois carcasses to a refrigerated truck or similar vehicle for transport. (South Island permit)
- (g) The use of aircraft to facilitate the offloading of recovered deer, pig, or goat carcasses to a refrigerated truck or similar vehicle for transport. (North Island permit)

**BUT EXCLUDING THE FOLLOWING ACTIVITIES**

- (1) Live capture or carriage of other species of live wild animals including pig, goat, and chamois. (South Island permit)
- (1) Live capture or carriage of other species of live wild animals. (North Island permit)
- (2) Carriage of any other species of wild animal
- (3) Carriage of recreational hunters involved with the searching for, shooting or immobilising and recovery of wild animals (i.e. aerially assisted trophy hunting )
- (4) Carriage of ground-based hunters who are not employees of the Concessionaire
- (5) Carriage of individuals who are providing a guided hunting service
- (6) Carriage of any passenger other than employees of the Concessionaire who are engaged in the Concession Activity
- (7) Subject to (d) above the recovery of wild animals for the purpose of personal consumption.
- (8) Recovery of wild animals for trophy mounting purposes

**Term:**

The Department wishes to offer a national WARO permit. Depending on your decision, the options for the permit term are:

- a term of three to five years, to allow for further research to be undertaken into alternative activity models , with a further concession process to occur prior to the expiry of this permit; or
- a term of five years plus option of renewal for a further five year term providing for a maximum term of ten years, which will expire on 31 May 2025 should the renewal option be taken up (the expiry date is 31 May 2020 if the permit is not renewed).
- a term of ten years, being the maximum allowed for a permit with no review/renewal option. The final expiry date would be 31 May 2025.

During the development of this new national WARO permit there have been requests by operators and representatives from other parts of the industry, such as the processing factories, for the Department to look at ways in which it can contribute to sustainability of the industry into the future. A variety of suggestions have been put forward on how this might be done, and these are discussed earlier in this report.

The Game Animal Council has made recommendations that they would like to work with the Department and main sector interests to develop and implement a trial of a new permit regime.

The Department would like to provide some certainty and continuation of the activity, but allow for a review period to take place to ensure that consideration is given to the matters above and how they have progressed over the years. If no progress has been made and no change is required – then the activity can continue. But if there is a need to change (e.g. either the Land assessment, or for conservation management purposes) change can take place.

#### **Fees:**

Processing Fee: \$1540 plus GST per application per permit, paid in arrears once the application has been assessed and a decision made.

Management Fee: \$1000 plus GST annually in advance.

#### **Activity fee:**

It is recommended no activity fee be applied to these concessions. Section 17X(f)(i) of the Conservation Act 1987 provides for a waiver of rent where the concessionaire makes any contribution to the management of the lands or the public interest in those lands. The removal of wild animals from public conservation land from WARO operators reduces the amount of resources that the Department would otherwise need to spend in controlling the levels of these animals and contributes to conservation management outcomes.

#### **Summary of special conditions as listed in effects assessment above:**

Refer attached permit.

### **7.0 Applicants' comments on draft report**

The draft report and permit has been sent to the current operators for their review and comment.

Feedback was received representing 17 parties (refer Appendix 10 docdm-1599927) were received from a mixture of North Island operators (2), South Island operators (12), one processor, and two marketing companies.

The feedback has been summarised into the following themes.

#### **Themes (in alphabetical order)**

##### Entry Criteria

2 specific pieces of feedback (in addition to those who just asked for status quo as part of general feedback)

- one operator requests to keep the open nature of the permit, so if they wish to apply in future (if economics improve) they can.
- One operator requests that no further permits are issued until the renewal period

##### Response:

Based on feedback received during this process and small number of operators have requested that the Department cap numbers – and one suggestion was to only issue permits at the beginning of the process, otherwise the majority view was to proactively manage the permits to ensure only genuine operators hold them. It is considered that with implementing a use it or lose it clause, and requiring supply contracts to be current that this added restriction is not required, and could potentially hinder industry growth.

Further, to date the Department has not run an open “expressions of interest” process, rather the permit has only been discussed with current industry. If the Department was to restrict access, this would require a separate public process seeking expressions of interest to participate in this.

#### Fees

- three operators would like to see management fees deleted, as they believe the activity is undertaking control work on behalf of department
- two operators suggested that if the Department retains the data collection clauses, that the management fee should be discounted by 80% to account for the time and effort this will take operators.

#### Response:

The Department has amended the proposed data collection clauses and therefore considers that there is not further administrative burden on operators to consider the waiver of management fees. There will be a cost to the Department in the management of these concessions and the Department retains the right to charge management fees. The Department acknowledges that the activity delivers conservation management outcomes and therefore recommends waiving the activity fees that might otherwise be applied to a concession in lieu of this (as per S. 17X (f)(i)).

#### Game Animal Council

- ten items expressed concern about GAC involvement in the concession process itself: some felt that the concession process is between the Department and operators only in a non notified concession process; some felt that the GAC membership does not have appropriate industry representation; some felt that the GAC report did not represent the industry viewpoint; and some felt the GAC proposal was not sound or economically viable.

#### Response:

The role of the Game Animal Council in this process is outlined in 2.1.3 of this report which includes the feedback they provided the Department and how this has or has not been incorporated into the proposed recommendations and permit.

#### Land Justifications

There was general criticism (particularly by two operators) of some of the justifications provided for the exclusion and restriction of the activity at some locations. There were also some areas identified by other operators who requested that certain areas be changed from their existing restrictions.

As advised in 2.1.1 the assessment of the land that was undertaken by Conservation Services who were provided with the assessment criteria and the Directors were asked to sign off the assessment for their region. On receipt of the industry feedback the relevant Directors were asked to review their justifications and to advise if they wished to make any changes. As a result there have been some changes to the lands that have been restricted or excluded as below, but no changes to the remaining lands and justifications for exclusion or restriction. These changes are reflected in the revised land assessment which is found at Appendix 11 (docdm-1600230).

#### Changes to the land offer in response to industry feedback:

##### Ruahine Forest Park:

- Feedback requested that the Department reassess the orange restrictions (ie only allowing hunting to take place during Winter). The Department has determined that due to a steady increase in the deer population and the expected negative impact this population increase is likely to cause to the quality of the forest and grassland ecosystems, the proposed restrictions will be relaxed.
- The removal of restricted access will allow WARO operations to continue all year round in two-thirds of the forest park, with the exception of peak hunter activity periods. This increased access will allow WARO operators to better target the higher-altitude grasslands at a time of the season when deer are increasing their use of this ecosystem.

St James Conservation Area and surrounds:

- Feedback suggested that the justifications for the exclusion of St James Conservation Area based on the draft Canterbury Conservation Management Strategy (CMS) was not robust.
- This area has been reviewed and the mapping and proposed permit conditions have been adjusted to recognise that WARO should not be excluded from the entire area, but to also reflect the results of the recent public consultation process as part of the review of the Canterbury CMS.

'Branch Leatham and Glazebrook', Rainbow Conservation Area, Conservation Area - Rainbow Run (and surrounds)

- As a result of submissions, land that had been proposed to be excluded while a community led conservation project was being set up, has been changed back to green. It is possible that in the future this land may be withdrawn (via Schedule 2, 16) because of the community led conservation project, but that will be subject to a separate process should that eventuate.
- Submissions also identified that the Rainbow Conservation Area and Conservation Area - Rainbow Run had been zoned red for no reason. This was a genuine error and has been rectified, apart from that part of the Rainbow Conservation Area which is subject to the lease for Rainbow Skifield.

Aoraki Mount Cook National Park and Westland National Park

- Submissions raised concerns about the proposed conditions that identified steps required around the notification requirements to work with the Aircraft User Group and Mandatory Broadcast Zone. Standard conditions were already in place (Schedule 2, 15) that required Concessionaires to adhere to the procedures of any relevant aircraft user groups and Schedule 2, 7.6 requires that all CAA rules are adhered to. On this basis there is no reason for that part of Westland National Park and Aoraki Mount Cook National Park to be zoned orange because of the aircraft user group conditions. As a result the land has been zoned green and the proposed clauses in Schedule 3 removed.

Other changes:

- An audit of the draft mapping and permit identified that there were some mistakes in mapping and missing conditions that:
  - o related to the land adjacent to Tongariro National Park - these have been updated to reflect the previous operating conditions.
  - o There were some lands marked as orange that did not have any further conditions attached to them, and these have been corrected to being green.

Some submissions criticised justifications which placed reliance on both draft CMSs and older CMSs. Under section 17T(2) of the Conservation Act (applied by section 22 of the Wild Animal Control Act), the Minister's delegate shall decline an application where it is inconsistent with a relevant CMS or CMP. In making a decision under the Wild Animal Control Act current CMSs are relevant to the decision-maker's consideration.

In respect of draft CMSs they reflect current Departmental thinking about proposed outcomes for places. The level of relevance to a decision will depend on how far through the CMS making process they are. In the case of the Canterbury CMS (public submissions and hearings completed in 2013 with a revised draft having been sent to the Canterbury Conservation Board), it has completed a large part of the process towards a final strategy. Especially for areas such as St James which were not public conservation land at the time of the current Canterbury CMS 1999, the revised draft contains information about the likely planned outcomes for those places which, while not binding as an approved CMS is, are still relevant to this decision.

#### Pesticide summaries

Some submissions dealt with issues around the Department's pesticide summaries, and also the effect of 1080 programmes. These matters have not been addressed in the proposed permit itself, however the concerns will be passed on and it is hoped by establishing an industry-Department forum that the various issues around this, including issues of accessing areas in advance of planned poison drops can be worked through.

#### Schedule 1, Protection of Environment – 4.3 Leave No Trace condition

This condition has been amended to reflect the submissions that were concerned whether the WARO activity could be possibly be curtailed by the proposed condition.

#### Schedule 3, Special conditions – supplier contract requirements

There was some concern expressed by a small number of operators on the inclusion of the requirement to hold a supply contract either with or linked to an MPI approved processor. This has been retained, as part of a whole of government approach food quality assurance programme. This ensures that WARO activity is not being undertaken for the purposes of supplying the ‘black market’.

#### Schedule 3, Special conditions – information requirements

Several operators expressed concern about the level of detail being requested in addition to that which is already provided to the processors, and the security of that information. Based on this feedback the information requirements have been revised to the level that which were previously in place (the exception being that due to the inclusion of the new review condition – there is a clause requiring the reporting of the amount of live capture taking place) with extra clauses added to ensure the security of the information that is provided to the Department as much as is possible and to allay the concerns of industry about how that information will be used and not misused.

#### Schedule 3, Special conditions – concession activity – paragraph (g) conditions

Submissions were received in support of the recognition of the paragraph (g) condition itself, but there were several submissions on the associated special conditions. To this end these have been revised to recognise that the combination of CAA regulations, and standard conditions in Schedule 2 cover off the potential impacts on other users of this part of the Concession Activity.

#### Schedule 3, Special conditions – review condition

Submissions were received both in support and against the inclusion of this condition. The Department considers that the condition will remain but has revised the conditions to reflect that the Grantor must have regard to any matters raised by the Concessionaire (including factors outside the Concessionaire’s control and extenuating personal circumstances) before terminating a permit via this condition.

#### Term

One group submission asked for an extension to the current concession for 12 months which will *‘allow us all to look at options in a planned and considered manner. In order to achieve a fair and durable regime there are a number of aspects to be considered which also have information needs.’* One submission requested a five year term. Ten others requested a ten year term, with three supporting a mid-term review of the land, and three recommending it not be reviewable, and one suggesting the term be 20 years with a ten year review period. The ten year term options are requested on the basis of certainty, continuing viability/stability of tenure and security to invest. These submissions will need to be considered in the Decision Maker’s determination of what term is appropriate.

## **8.0 Summary and Conclusions**

Wild animal recovery is a long standing and understood activity on public conservation land. This report and the attached proposed permit reflect the Department’s current assessment of how and where this activity should take place, and include changes to the last permit issued in 2009.

Some of these changes reflect an increased level of engagement with recreational hunters, and the associated management agreements that have been entered into around how sites of interest shall be managed.

Some changes reflect a change in the level of animal control being required at sites to protect conservation values.

Some changes reflect changes made to statutory management documents since 2009.

It is considered that these proposals comply with the provisions of Part 3B of the Conservation Act 1987, section 49 of the National Park Act 1980, section 59A of the Reserves Act 197, the Wildlife Act 1953 and sections 22 and 23 of the Wild Animal Control Act and the relevant statutory management documents that are in place for public conservation land.

The standard and special conditions proposed would remedy, mitigate or avoid the foreseeable potential adverse effects of this activity.

In regards to term:

As previously stated - the Department wishes to offer a national WARO permit, and also wishes to continue to work with industry directly to facilitate where possible/ contribute to the long term sustainability of the industry and the conservation gains it provides the Department as a public land manager. This report identifies three options for the permit term for the decision maker:

i. **a short term of three to five years.**

Comment – this could allow for further research to be undertaken into alternative activity models (e.g. as suggested during this process by some of the applicants and some Department staff), or time for the Department to work directly with industry (as a whole) to investigate different ways to support the activity, with a further concession process to occur prior to the expiry of the permit. This further work would need to initially be led by the Department of Conservation to ensure it focuses on the matters a permit process can address. A shorter term would not preclude any opportunity to implement changes for the mutual benefit of the industry and the Department – if a better way of doing things was found.

However, if this option is selected, industry (operators, processors and marketers) would need to be satisfied this shorter term will not disadvantage them in the long run, and they can trust the Department to have genuine conversations in a timely and open manner at a whole of industry level and not just for the benefit of any one sector or subset of it. The Department will also need to address any industry concerns that a shorter term will discourage investment or innovation and the benefits that this may bring.

Any ongoing conversation with industry has to be focused at a level that looks at long term sustainable options, not short term gain. If the focus is on the short term only this would negate the value of having a shorter term permit given other matters raised by submitters regarding investment costs etc.

Some applicants sought a 1 year permit to enable any new mechanisms to be implemented. It is recognised that to ensure a good outcome for the benefit of all parties any investigation into alternative models and resulting discussion is likely to take longer than this. This would also not provide the certainty of term length sought by the majority of submitters.

Any decision about a shorter term needs to be realistic about how long it will take to have the genuine all-of-industry and Department conversation, and the practicalities in implementing any changes (if that is the outcome). It may be that a permit term closer to five years is required in order to practically achieve this.

ii. **a term of five years plus option of renewal for a further five year term providing for a maximum term of ten years**, which will expire on 30 June 2025 should the renewal option be taken up (the expiry date is 30 June 2020 if the permit is not renewed).

Comment – This option provides some certainty of activity under the model, similar to that which has been operating now for a number of years and which has generally been well accepted and has allowed for innovation in the market place. This option does not preclude the Department working with the industry on matters outside of the permit that also support the industry and that can add value to the industry. This option would specifically allow the Department to review the land offer at a midterm date to ensure this is as up-to-date as it could be, and to maximise the benefits the activity might bring to the Department as a land manager and industry (security of tenure for investment and innovation). Other than for this land review, this option would provide for the permit to operate under the same general terms and conditions for the second period of five years.

The level of change that could occur to the permit would not be at the scale as a new permit under option (i).

Standard conditions applying under all options would also allow land to be removed from the permit if it is considered necessary to do so e.g. for conservation management purposes to intensify wild animal control in a particular place.

- iii. **a term of ten years**, being the maximum allowed for a permit with no review/renewal option. The final expiry date would be 30 June 2025.

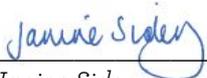
Comment – Again this option would provide certainty of activity under the model similar to that which has been operating. This would satisfy the industry conversations around justifying investment and innovation. This option would also not preclude the Department working with industry on matters outside the permit to support industry and which could add value to the industry.

However, while the possibility of removal of land if necessary still applies, this option does not allow for a proactive re-assessment of land at the five year midterm point. Again, the level of change that could occur to the permit would not be at the scale as a new permit under option (i).

**9.0 Recommendations to decision maker**

Pursuant to the delegation dated 29 August 2013 it is recommended that the Deputy Director-General Conservation Services (Acting)

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987; and
2. Agree that is not considered appropriate to give public notice of the intention to grant the permit; and
3. Approve the granting of a Non-notified Permit concession, for a term of 3-5 years (please specify) to those applicants fulfilling the requirements set out in the Department's National WARO concession offer subject to the standard concession contract; and the special conditions identified in this report, OR
4. Approve the granting of a Non-notified Permit concession, for a five year term plus renewal for a further five year term providing for a maximum term of ten years, which will expire on 31 May 2025 should the renewal option be taken up (the expiry date is 31 May 2020 if the permit is not renewed), to those applicants fulfilling the requirements set out in the Department's National WARO concession offer subject to the standard concession contract; and the special conditions identified in this report, OR
5. Approve the granting of a Non-notified Permit concession, for a term of ten years, being the maximum allowed for a permit with no review/renewal option. The final expiry date would be 31 May 2025, to those applicants fulfilling the requirements set out in the Department's National WARO concession offer subject to the standard concession contract; and the special conditions identified in this report.

  
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Janine Sidery  
Senior Permissions Advisor  
Date: 19 May 2015

Recommendation:

1. Approved
2. Approved
3. Approved (term of 3 years).
4. Declined
5. Declined

  
Signed:  
**Michael Slater**  
Deputy Director-General Conservation Services (Acting)  
Date: 22 May 2015