

Officer's Report to Decision Maker

Report to Decision Maker: *Michael Slater, Deputy Director General Operations*

Review of the permit conditions in the 2015 national WARO permit that related to where and when WARO activity can occur in the Ruahine Forest Park ('the Ruahines').

1.0 Introduction

Background:

The new national WARO permit took effect on 1 July 2015, and has a three year term, with all permits expiring 30 June 2018. The permit is available for WARO activity in the North Island or (separately) the South Island.

The North Island permit covers deer, pig and goat carcass recovery and the live capture of deer, pig and goat.

The 2015 national WARO permit was developed following a non-notified concession process, although the Game Animal Council and WARO operators as applicants were involved in providing feedback. The officer's report for the national WARO permit is in Appendix 1.

Public conservation land to be made available (subject to conditions) or excluded from the new national WARO permit was reassessed, and a new land offer was recommended in the draft officer's report - this recommended land offer included some land staying the same as it had been zoned in the previous permit in 2009, and some land changing to being either more restricted or prohibited, or more available to WARO activity than previously.

In the draft officer's report the Ruahine Forest Park was proposed to stay the same as under the 2009 permit, that is restricted (orange - where WARO hunting was authorised to occur only between 1 May - 30 November) in part of the Park, and prohibited in the remainder of the Park. Following the consideration of feedback from WARO operators on the draft officer's report, in the context of previous internal discussions about the management needs of the Park, a DOC management recommendation was made in the final officer's report to reduce the WARO restrictions in the Ruahines and allow year round WARO activity (subject to the standard Roar and Christmas closures) in the former restricted zones, with the prohibited zones being maintained.

The Minister's Delegate considered and approved the final officer's report including the recommended land offer and new WARO permits were issued to eligible operators. Currently five operators hold North Island WARO permits.

The Lower North Island Hunter Liaison Group (LNIHLG), New Zealand Deerstalkers Association (NZDA) and Game Animal Council (GAC) raised their concerns with the Department about the lack of consultation around the changes in WARO availability in the Ruahines and the perceived impacts on recreational hunters.

In response to this feedback the Minister's Delegate announced that there would be a review of the conditions of the new national North Island WARO permit that related to where and when

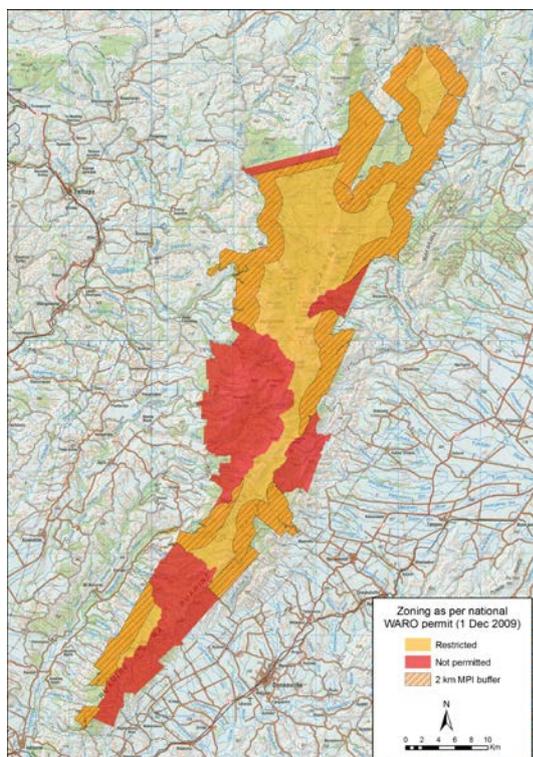
WARO activity can take place in the Ruahines only. The review does not include re-assessing the prohibited areas (red zones) in the Ruahines.

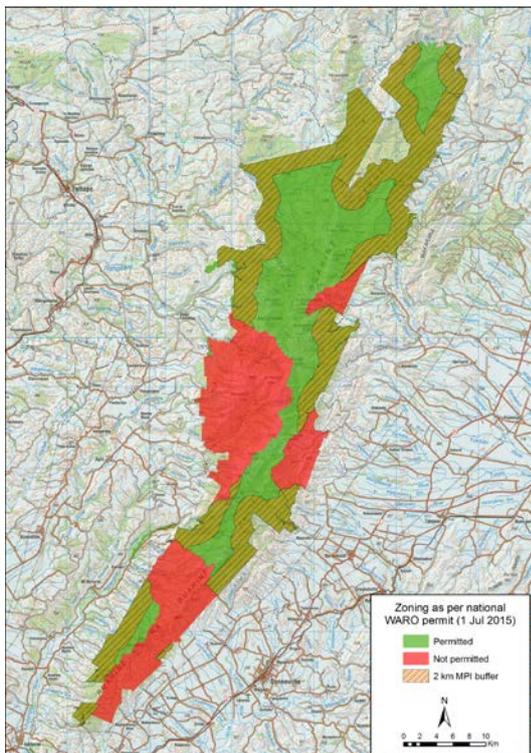
The purpose of this report is to provide the Minister's Delegate with an analysis of the findings of the review engagement that has been undertaken within the context of the legislation, the statutory planning framework and actual and potential effects, so the Minister's Delegate can consider the findings and make his decision about whether to change where and when WARO activity will take place in the Ruahines for the remainder of the term of the national North Island WARO permit.

Description of locations where activity is proposed:

The area that is subject to this review is that part of Ruahine Forest Conservation Park shown in the maps below.

The red zones where WARO is not permitted are approximately 30% of the Park. The land which is zoned green in 2015 is approximately 70% of the Park, however this is subject to the '2km buffer'. This buffer is where WARO activity is not allowed to take place unless the WARO operator has obtained the appropriate declaration required by Ministry of Primary Industries, from the adjacent landowners that toxins have not been laid up to the boundary. This declaration is required in advance of hunting and the landowners do not have to provide this declaration if they do not wish to, which means often in practice this area is not hunted by WARO operators. This buffer accounts for another further 37.5% of the Park. This means that approximately 67.5% of the Ruahine Forest Conservation Park is unavailable to WARO on a day to day basis, and that this report is effectively about the conditions about where and when WARO can take place over 32.5% (one third) of the Park.





The effect of changing the previously restricted areas in the Ruahine Forest Park to being “open” was to extend the periods when WARO activity may occur from 1 May – 1 November inclusive (214 days per annum), to instead being from 1 May – 21 December and 16 January – 14 March inclusive (293 days per annum) allowing for the standard North Island Christmas New Year and Roar closures. On a percentage basis, when these areas were restricted WARO activity was authorised to occur for 58.6% of the year, and on an open basis WARO activity is authorised to occur for 80.3% of the year.

Recreational hunting is available in all parts of the Ruahines 100% of the year.

2.0 Information available for consideration

Information received:

Review Engagement Process.

The review engagement was led by the Acting Director-Conservation Services Lower North Island and Conservation Services Manager, Manawatu.

Meetings were held with recreational hunting stakeholders (LNIHLG, NZDA and GAC), two of the affected WARO operators, and the Ruahine User Group. Written submissions were also received. A comprehensive report was written up setting out a summary of the concerns raised and points to note – See Appendix 2.

Participants of the review were sent a part-copy (the summary of consultation – not the ‘summary’ and ‘points to note’) of the engagement report. The part-copy provided a summary of the consultation to date and advice that this will form part of the final officer’s report on the Ruahine WARO review to be sent to the Decision Maker in this process for consideration and

decision. They were advised the full report would be released following the final decision being made on the review.

This part-report was provided for information only and no further feedback was sought, although participants were asked to advise any corrections if they considered the report does not accurately state their views.

The following was received:

From Garry Moar, North Island National WARO permit holder:

- Bullet point 3, page 19 – amend to read

He says he can only target the larger animals (30kg-65kg carcass weight) due to the reducing body weight of the feral deer, ~~so his harvest is stag dominant~~ on average the total harvest is 50:50 male/female, and he said out of every 12 deer located only 3-4 would be taken as the remainder would be too small for commercial use.

Department response: the report will be corrected to show this.

From Derrick Field (Secretary Lower North Island Hunter Liaison Group)

Re omissions, there are some we would like to raise

1. The report does not address the Non Notification of the concession process that the LNIHLG raised, both in the meetings and extensively in our submission. It was clearly acknowledged at the meetings by Mark Davies that the department underestimated the significance of the effects of the changes made, and in fact, did not “know the effects of WARO on recreational hunting” with regard to the significant changes that were introduced.
2. The report does not refer to the concerns raised specifically in our submission, regarding the failure to meet obligations of the Wild Animal Control Act, i.e. specifically section 23c. There is no documentation provided by the department through OIR requests that shows that this legal requirement was met in deciding the areas WARO concessions would be issued for in the Lower North Island.

The issue that we have expressed equal concern about, the removal of WARO restrictions in the Tararua, Rimutaka and Wairarapa reserves have not been acknowledged either. We wish to advise you that the Liaison Group have instructed legal representation to begin proceedings for a High Court challenge of the WARO concession renewals for the Lower North Island.

Department response: The formal concession process (i.e. the decision to notify/not notify the national WARO permit) is not a relevant consideration in this review. The original officers report on the national WARO permit had a full consideration of the matters required to be considered by the decision-maker under section 23, including the role of recreational hunters in contributing to the purposes of wild animal control as required by section 23(c) of the WAC Act. What is relevant here are the concerns that were raised and led to this review of conditions about where and when WARO should take place in the Ruahines. This officer’s report and the engagement report include an assessment of the requirements of the Ruahine Forest Park Conservation Management Plan, and the matters the Minister’s delegate must consider under the Wild Animal Control Act.

Findings of the Engagement Report

The following Options available and risks, Preferred Option, Summary and Points to Note were not included in the part-report that was released to participants. The full report will be released once the Minister's delegate has considered this officer's report and made his decision.

Options available and risks

	Risk	Assessment
<p>Option One</p> <ul style="list-style-type: none"> Status quo as per new permit and previous restricted area remains open 	<p>Recreational hunters will:</p> <ul style="list-style-type: none"> More than likely seek some form of legal review to the decision making process around the Ruahine and the change made, Further ramp up their level of concerns and challenge to the process. <p>WARO operators will:</p> <ul style="list-style-type: none"> Remain pleased with the revised zone conditions and additional time available for their operations over the next three years, Actively engage in the planned broader WARO review process, 	<p>The probability of this is high and would be bruising for all parties concerned.</p> <p>This is positive in the short term for WARO operators.</p>
<p>Option Two</p> <ul style="list-style-type: none"> Reverse the recommendation made by me and return to the restricted zone conditions and that this is enacted from April 2016. 	<p>Recreational hunters will:</p> <ul style="list-style-type: none"> Acknowledge a level of good faith being restored with the recreational hunting community, Actively and positively engage fully in the planned broader review over the next three years, Actively and positively engage in the current CMS 	<p>The impact of this on the two local WARO operators would be significant. All current permit holders would need to agree to this change (reversal) if done before the expiry of the current permit.</p>

	<p>WARO operators will:</p> <ul style="list-style-type: none"> • Be very disappointed. • May not agree to the change until the expiry of the current permit. • Struggle to remain viable in the local area, which may mean continuing increasing deer numbers at landscape scale. 	
<p>Option Three All the parties seek to :</p> <ul style="list-style-type: none"> • Broadly acknowledge and reach agreement that the deer population within the Ruahine's is steadily increasing and that a range of management interventions is needed to maintain the values of the place. • Better define and reach agreement (within the current Wellington CMS process build) on both the spatial and time allocations across the competing demand and to build a new zone plan (closed, restricted and open) for the Ruahine Range that better reflects the needs and aspirations of the parties and ensures the values of both ecosystem health, recreational hunting experiences and opportunities and commercial hunting are sustainable are 	<ul style="list-style-type: none"> • Suitable time is not available at this point to enter into this process, • There is a need to increase the local communication, good will and trust between the recreational hunter groups and the WARO operators? 	<p>This is best approached as part of the proposed broader national WARO review exercise over the next three years.</p>

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Preferred option

Option Three

Summary from Engagement Report

“The matter of the competing demands (around zones and time) and conflict (both perceived and real) across recreational and commercial hunting interests, opportunities and experiences has been an ongoing within the Ruahine Forest Park for many years. This is not new.

The recommendation I made in May of this year to change the Ruahine restricted zone to open has brought this matter to a head. I assessed the recommended change as being not significant and not requiring broader consultation outside of the WARO non notified permit consideration process.

The WARO operators see the permit change as being positive, as it will assist them in being more viable and sustainable over time. The permit change also promotes wild animal control at a landscape scale in the Ruahines, and should reduce the continued impact of deer on ecosystems, meeting the Park’s primary management objective.

The recreational hunting community see the permit change as being a significant negative impact on their experiences and opportunities and a breach of the good faith provisions with the relationship that they thought they had with the department and considered this to be a breach of the management plan consultation provisions – although on a review of the plan, consultation with recreational hunters is only required where the department is considering opening up the prohibited “no-fly” zones in the park. This relationship and the trust between recreational hunters and the department is important for the future management of wild animals and recreation in the park.

Any permit change may only be made with the WARO operators’ agreement. If any change is agreed to by WARO operators, some time is likely to be needed for operators to adjust their business operations. This will allow the WARO operators to fulfil current agreements that they have with suppliers.

Some form of compromise between all parties and shared view of the long term is needed. In the relatively short term of the current WARO permit (expiring June 2018), DOC needs to work more closely with both recreational hunters and North Island WARO operators to ensure they positively engage in the planned broader WARO review, and the current CMS build process, with a view to achieving the best outcome for all in the Ruahines in the long term. This would also allow WARO operators and recreational hunters to start to build their relationship.

Points to Note from Engagement Report

- That you note the contents of this memo and the consultation process that has been completed with the interested parties and the level of interest and engagement from these parties
- That you note that the competing demands, expectations and aspirations of the parties for both spatial and time allocations (i.e. WARO operators, recreational hunters and broader recreational groups) is not unique to the Ruahine’s and that this

is a national matter and is best approached as part of the broader WARO review planned for the next three years.

- That you note that there is a need to restore the good faith and trust with the broader recreational hunting community and to ensure that they positively engage in both the LNI CMS build and the broader WARO review process over the next three years.
- That you note that the local WARO operators have current contract agreements that they entered into and that they have time to adjust their business needs.”

Department response:

The findings of the engagement report have been considered and incorporated into the overall assessment of the Officer’s report.

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

Wild Animal Control Act 1977

Concessions for WARO on public conservation land are dealt with under Part 2 of the Wild Animal Control Act 1977. 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:*

...

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 general conditions in the national WARO permits as well as the land assessment, which recognised and excluded some areas where recreational hunters provide sufficient control of wild animals. The current review does not propose to open up areas in the Ruahines which have previously been prohibited.

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). It is noted that no Recreational Hunting Area has been formally declared/gazetted in the Park.

It is considered that the undertaking of the WARO activity in the Ruahines outside the prohibited areas is consistent with the provisions and purposes of the Wild Animal Control Act 1977. The matter for consideration is the appropriate co-ordination of hunting measures between WARO activity and recreational hunting. This level of detail has been provided for in the provisions of the Ruahine Forest Park Conservation Management Plan 1992 (refer below discussion).

The engagement process undertaken as part of this review of the conditions in relation to the Ruahines demonstrates the long standing conflict between the interests of the commercial (WARO) hunters and recreational hunters is still in place.

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 (which includes WARO) 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.

Game Animal Council Act 2013

This is a new piece of legislation since the last national WARO permit offer was made in 2009. The Game Animal Council Act 2013 established the Game Animal Council (GAC) which has functions in relation to hunting including to advise and make recommendations to the Minister, and to raise awareness of the views of the hunting sector. It should be noted that the hunting

sector is not restricted to recreational hunters, and the GAC also covers commercial hunting including WARO.

The GAC has participated in the review process by attending some of the meetings with recreational hunters (although not with the WARO operators) and it has provided a submission on its advice/recommendations to this review which is detailed in the engagement process report mentioned in 2.0 and attached as Appendix 2.

Purpose for which the land is held s(17U(3):

Ruahine Forest Park was established as a forest park in 1976 and is deemed a conservation park under section 19 of the Conservation Act 1987.

Under section 19 of the Conservation Act conservation parks are managed first to protect their natural and historic resources, and subject to that to facilitate public recreation and enjoyment.

It is generally accepted that WARO activity achieves the primary management purpose of conservation parks by providing wild animal control at a landscape scale. Recreational hunting may achieve the primary management purpose, provided it is targeted to areas where animals most need to be controlled.

Consistency with Relevant Management Strategies and Plans s17W:

Ruahine Forest Park Conservation Management Plan 1992

Scanned Plan excerpts at DOC-2608975.

Despite its age (approved in February 1992) the Ruahine Forest Park Conservation Management Plan 1992 (the Plan) remains the operative statutory management plan for the Park. The Plan emphasizes the primary management objective for the Park is to protect its natural values, and secondly to facilitate appropriate recreational use and enjoyment, consistent with section 19(1) of the Conservation Act. The third objective speaks of managing to achieve protection of the natural and historic resources in the most cost efficient and environmentally most sensitive manner and to liaise and consult with others on park management issues where appropriate.

The Plan provides for wild animal control to be undertaken by both recreational hunters and WARO/ commercial aerial hunting operators. Coming back to the primary management objective, the Plan states that recreational hunting will be encouraged alongside commercial operations. In relation to the helicopter-free areas in the Park, the Plan is clear that these require continued effort by recreational hunters to achieve acceptable levels of control: Policies 5.1.9(vi), 5.2.7(iv) and 5.2.9(iii).

The Plan does not prioritise recreational hunting as the principal method of wild animal control for the Park (other than in the 'helicopter-free' areas). Rather both recreational hunting and WARO are supported as important tools for wild animal control and to achieve the primary management objective: Policy 5.1.9(v).

The Plan does say helicopter-free areas were established after consultation with hunting groups. These are the areas which continue to remain prohibited to WARO under the 2015 permit, continuing the position which has now been in place for at least 23 years now. However, the Plan provides for the helicopter-free status to be changed should recreational hunting not keep wild animals at acceptable levels, and for the most appropriate method of wild animal control to be used in each area to meet the primary objective of protecting the Park's natural values. The Plan

notes that this exclusion of WARO operators in the helicopter-free zones does not preclude DOC control operations using helicopters: Policy 5.1.9(vi) note. Prior to removing helicopter-free status for these areas the Plan does require consultation with recreational hunters.

However, in respect of the remainder of the Park which already has helicopter access for WARO, the Plan is silent on whether setting the level or availability of commercial WARO control in those areas requires liaison with recreational hunters or not.

The Plan policies talk of liaising with recreational hunters in order to improve their hunting results - by encouraging hunters to provide kill returns, jaw bones etc to assess the effectiveness of recreational hunting: Policy 5.1.9(viii). The Plan policies also state DOC will liaise with all stakeholders (including recreational hunters and WARO operators) on all aspects of wild animal control: Policy 5.1.9(x).

The liaison policy mentioned by recreational hunters in the Plan is by DOC with all stakeholders in wild animal control, and specifically includes commercial (WARO) operators: Policy 5.1.9(x). It is not concerned with approval of WARO operations in the Park (now authorized by concession), but rather covers generally all aspects of wild animal control.

4.0 Variations to permit conditions

Variations (changes) to permit conditions may only be undertaken in accordance with the relevant statutory provisions and still need to be consistent with the statutory grounds for granting WARO permits under Part 2 of the WAC Act. Variations made by the Minister of her own motion (unilateral changes) are only available in certain circumstances (as provided for in s17ZC of the Conservation Act).

In considering any variation to the 2015 WARO permit conditions; it is considered none of the grounds for the Minister to unilaterally vary the permit are made out: see legal advice in DOC-2562732. This is because the permit has only been in place for a short period and does not provide for review, there have been no reports of unanticipated significant adverse effects (the likely concerns of recreational hunters were known), and there is no suggestion applicants provided inaccurate information to the Minister.

Accordingly any variation to the 2015 national North Island WARO permit conditions for the Ruahines may only be done lawfully with the mutual agreement of all affected WARO operators.

7.0 Discussion with WARO operators

Subsequent to all participants of the engagement process receiving a stakeholder copy of the report ([Ruahine WARO Review Memo to Director PPL - Stakeholder consultation](#)), the Department asked all holders of North Island WARO permits if they would consider and discuss the matters raised in the engagement report to see, if as a result of what was heard, there are any changes to the current conditions around when and where WARO can take place in the Ruahines that could be mutually agreed to between the Department and all current permit holders of the North Island WARO permit.

One operator declined to participate as he considered it was not in his 'patch' and therefore not relevant to him. Two 'local' operators expressed an interest in participating in this discussion, and nothing was heard from the remaining two operators.

The two 'local' operators who participated in a conversation around about this advised that they did not consider there were any changes to be made by mutual agreement in terms of reducing the conditions for current national WARO permit holders around the conditions of when and where WARO may take place in the Ruahines because they consider:

- 40% of the Ruahines (the Park) is closed already to WARO via the red zones (no fly zones), and
 - o that the part of the Park which is currently zoned green is reduced by the Roar and Christmas Closure; the effect of the 2km buffer zone and the reality of the number of good weather flying days, so would not like to see any reduction of days.
- Request that final report show the final calculation of the percentage of land which is zoned red and the 2km buffer.

The operators did put forward some other suggestions:

- i. If recreational hunters wish to show the effectiveness of their control - set up a trial to show that in the current red zones that can be measured to inform future conversations about WARO zoning in the Ruahines.
- ii. Can the department enhance aerial access in the red zones to provide for better hunting experiences in those areas? (or are there non hunting stakeholders who have interest in those part of Ruahines being aircraft free)
- iii. Can the department not issue any more WARO permits for the Ruahines for the remainder of this current term ? i.e. the maximum that would be issued for the remainder of the term would be capped at five, and if those permits are cancelled via the use it or lose it reviews (of their total north island take) of the current permit then there will be less. Any permits issued for the North Island for the remainder of the term would not have the Ruahines included ? But this would be for this term only, would not prejudice the assessment of the Ruahines into the future.

The operators made clear that they did not want any future assessments of the Ruahines for WARO activity to be prejudiced by any outcome of this review.

Department response:

In terms of enhancing aerial access in the no fly zones of the Park (as suggested in ii), Policy 5.2.9(i) restricts aircraft landing sites to those approved and shown in Map 4 of the Plan. Any change and/or increase in aircraft landing sites would need to be done as part of the new Wellington Conservation Management Strategy process.

As to iii, while the Department to this point has considered that the Department does not have sufficient reason to exclude the Ruahines from current permits without the mutual agreement of the current holders of these permits. The Minister's delegate could make a decision to exclude the Ruahines in any future North Island WARO permits applied for during the current national term - through to June 2018. If an operator wished to apply for the Ruahines separately this could be assessed on its own merits, and subject to its own concession process and processing fees.

8.0 Summary and Conclusions

The Department values the contribution to the control of wild animals in the Park by both commercial operators and recreational hunters.

Both the Wild Animal Control Act and the Ruahine Forest Park Conservation Management Plan 1992 recognise the two methods and acknowledges the ways in which each of them contribute to the control of wild animals. The Ruahine Forest Park Conservation Management Plan takes this a step further and spells out quite clearly the different roles of each method, the effectiveness of each and has policies about how wild animal control be implemented at Place.

It appears that over the years – the Plan has been interpreted in different ways and expectations set about how it would be interpreted which has contributed to the current situation.

The engagement report shows that all parties who were met with as part of the review engagement acknowledge that the overall deer population in the Park is trending up. However the various parties have different views on how the deer in the Park should be controlled and by whom.

The main focus of the Department, through the Wild Animal Control Act, the Conservation Act and the Ruahine Forest Park Conservation Management Plan is the increased negative effect of the wild animals on conservation values in the Park. The Department has a statutory responsibility to look at what changes in management need to be made to stop that trend to protect the Park's natural resources. On that basis – the Department considered it had to change its previous wild animal control management approach in the Park. The introduction of year round WARO in the areas of the Park in which WARO activity had previously been restricted (not excluded) was one way of doing this that was cost effective and consistent with the current Plan. Should this approach not be successful either in whole or part, then the Department will need to consider further options for wild animal control in the Park, most likely Departmental control.

Relationships with recreational hunter interests and the GAC is important, however the Department still needs to be able to manage the Park in accordance with the purposes for which it is held under the Conservation Act and the Plan. While not all DOC management decisions or concession decisions require (legislatively) consultation or notification, the Department acknowledges that communication with all stakeholders about the national WARO process could have been done differently. Whether or not it would have changed the outcome is unknown at this time – but may be known better once the Minister's delegate considers this report and makes a decision. The review engagement process has allowed a conversation to take place with the differing stakeholders concerned with the Ruahines, to hear their views and provided the opportunity for the Department to undertake a reassessment of the situation at the Ruahine-level rather than at the national level to ensure that the Minister's delegate receives a thorough assessment against the relevant statutory framework for this Place, and ensuring that nothing was overlooked in the midst of a national process.

The Department is aware that recreational hunter interests including the GAC, and part of the WARO industry are actively seeking alternative ways to managing WARO on public conservation land than what is done currently/has been done for a number of years.

The decision and undertaking by the Minister's delegate in determining that the current national WARO permit be limited to a term of three years provides the opportunity for a sector wide conversation be held about how WARO might be managed on public conservation land in the future, where the differing ideas can be considered in the statutory framework and management context that exists at the time, and if deemed appropriate - implemented at sites such as in the Ruahines. In the interim, the Department needs to continue to manage public conservation land.

The consideration of this review and report is how the Department should manage the control of wild animals in the Ruahines for remaining term of the current national WARO permit (i.e. until 30 June 2018).

In consideration of making any change to how WARO in the Ruahines will be managed over the remaining term of the current National WARO permit, the Minister's delegate must consider the conditions of the five current WARO permits that have been granted for WARO activity in the North Island - including the Ruahines, and the relevant legislation (in this instance 17ZC (3) of the Conservation Act).

These variation options may be summarised as follows:

1. Mutually agreed variation to conditions; or
2. Concessionaire sought variations to conditions; or
3. Minister's own motion (unilateral) variation to conditions, on limited grounds only, which will be binding on Concessionaire.

The third option requires an assessment of whether or not there were any significant adverse effects which were not foreseeable when the original decision was made. It is known and accepted that any change in increasing WARO activity at sites will more than likely cause concern with recreational hunter stakeholder groups as it will affect both how they perceive their hunting activity may be changed, and may change their actual hunting experiences. So in making a decision of this nature - the effect (dissatisfaction) is known. The measure of significance for consideration is not the level of dissatisfaction with any decision - it is whether the effect was foreseeable or not.

This is not to trivialise the level of dissatisfaction that stakeholders may have about an issue. Knowing that a significant level of dissatisfaction would be a result of a decision should trigger better communication around issues and provide transparency for those affected as to why a decision is being considered or has been made. It may not change the outcome - but it does contribute to the 'no surprises' relationship that the Lower North Island Hunter Liaison Group had been seeking with the Department.

If after full consideration of this report the Minister's delegate wishes to seek a change to the current conditions around when and where WARO can take place in the Ruahines, and is not

satisfied that the grounds for making a unilateral variation to conditions of existing permit are present in this situation, and considers that the Concessionaire offered options will not provide the 'relief' that is being sought, then the Minister's delegate may decide to negotiate further with the current WARO permit holders any mutually agreeable changes to their permit conditions.

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9.0 Recommendations to decision maker

Options:

Option 1:

Retain the conditions of the permit as approved in June 2015, and continue conversations with all parties about future management at place through the sector wide WARO conversation and Wellington Conservation Management Strategy review/development – noting that the Ruahine Forest Park will be covered by the Wellington CMS.

Or

Option 2:

Consider such options as suggested by the WARO operators in the further discussion post engagement report:

- a. set up a measured trial for the recreational hunters in the red zones to demonstrate their effectiveness (without the presence of WARO at all), that can be used to inform future conversations about WARO zoning in the Ruahines. This can then be discussed with the data that will be collected, and other measurements made during term of the WARO permit of the areas open where WARO is taking place. Noting that through the information requirement conditions in the national WARO permit, WARO information will be collected and collated to show where it has been taking place.
- b. The Minister's delegate considers making a decision to exclude the Ruahines in any future North Island permits applied for during the current national term – through to June 2018. Noting that if an operator wished to apply for the Ruahines separately this could be assessed on its own merits, and subject to its own concession process and processing fees.

Or

Option 3:

Seek to formally negotiate a mutually agreed variation to the permit, with all the holders of North Island WARO permits, of the operating conditions. Noting that at this time WARO operators do not consider there are any mutually agreeable reductions to their existing authorisations about when and where WARO should take place in the Ruahines.

Name: Janine Sidery

Senior Permissions Advisor

Date: 3 November 2015

Recommendation:

Option 1	Approved/Declined
Option 2a	Approved/Declined
Option 2b	Approved/Declined
Option 3	Approved/Declined

If the recommendation is declined please discuss here why this is so:

[Insert digital signature if using one]

Signed: _____
Michael Slater
Deputy Director General Operations
Date:

Copy for website