

# **WARO LAND SCHEDULE REVIEW 2018-22**

## **Summary of submissions**

27 June 2022

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# Section 1: Introduction

## Purpose and Scope

This document summarises the consultation undertaken with recreational and commercial stakeholders and the submissions received on the proposed Wild Animal Recovery Operations (WARO) national land schedule review. It describes both key, general themes and location specific comments and outlines the panel's response.

## Consultation Process

The Department undertook three rounds of consultation, from 2018 to 2022. Whilst formal public notification was not required under the Wild Animal Control Act 1977 (WACA) and Conservation Act 1987 (CA), the Deputy Director-General, Operations, decided that targeted stakeholder engagement could help inform decisions around WARO access over public conservation land.

As the submissions were received, they were recorded in a spreadsheet [DOC-5519754](#). The feedback was considered by a review panel, consisting of representatives from legal, technical – threats and permissions, along with relevant statutory, policy and other information. The panel then either confirmed recommendations or made further changes for consultation. Final recommendations to the decision maker, to either permit WARO (subject to standard closure periods), restrict WARO (for a greater part of the year) or not permit WARO (for the 'life' of the schedule) on public conservation land (PCL) are then made.

### First Consultation

The first round of consultation started on 1 June 2018 and ended on 16 July 2018. Consultation, on initial recommended changes, was undertaken by regional offices that determined which stakeholder groups and which methods of engagement, face to face meetings, e-mail and phone calls, were most appropriate for their area.

Invitations were also sent by the Permissions Advisor to concessionaires and bodies such as the South Island WARO Association, the national executive of the New Zealand Deerstalkers' Association (NZDA), the Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird), Lower North Island Red Deer Foundation (LNIRDF), Federated Mountain Clubs (FMC), New Zealand Professional Hunting Guides Association, NZ Bowhunters Association, the Game Animal Council and the NZ Pig Hunting Association. As tahr are not covered by the national WARO concession, the New Zealand Tahr Foundation was not consulted.

430 submissions were received by the extended July deadline. This number includes both individual and group submissions. Many recreational hunting submissions also associated with hunting groups. While the focus in this summary is on written submissions received directly, verbal feedback noted at meetings has been considered internally from regional offices.

### Second Consultation

The panel's revised land schedule recommendations formed the second round of consultation that began on 27 November 2018 and ended on 15 February 2019. Previous submitters of the first round were given the opportunity to comment specifically on the panel's further land schedule changes resulting from the consultation and assessment to date. This included some additional, new PCL.

Feedback was also sought on the possibility of a change to the South Island Roar closure period for 'Permitted' WARO locations.

63 submissions were received by the extended February deadline. This number includes both individual and group submissions. 4 submissions were from WARO Operators, including the South Island WARO Association, 4 NZDA Branches (Upper Clutha, Nelson, Hutt Valley and Malvern) and NZDA National Executive, the remainder were mainly recreational hunters.

The submissions generally reflected the first round submissions, with comments that also spoke to specific land recommendations and closure periods.

Three of the submissions stood out as they expressed strong concern with the recommendations and process. In particular, there was concern that the second round was not open to all potentially affected parties when additional new land had been included. These submissions also wanted a full review of all land available to WARO concessions, not just the limited review tasked by the Deputy Director-General, Operations. An in-depth summary of the three submissions can be found in Appendix 2.

### **Third Consultation**

To address:

1. concern over the potential lack of opportunity to comment
2. slightly confusing document presentation; and
3. the amount of time that had passed since the second round

a third and final round of consultation was held that ran from 16 March to 11 May 2022.

121 submissions were received from individuals and groups, many of which repeated key themes from the first and second rounds. 4 submissions were from WARO Operators, 10 NZDA Branches (Upper Clutha, Nelson, Central Otago, Southern Lakes, Marlborough, Wellington, Thames Valley, Malvern Branches, South Canterbury and the National Office), 1 Game Animal Council, 98 Recreational Hunters (mostly Central Otago) and 11 Others – including LNI Red Deer Foundation, CNI Sika Foundation, Federated Mountain Club, NZ Tahr Foundation and NZ Forest Managers Ltd.

Given the consultation document was largely a re-issue of the second round recommendations, with some additional changes and clearer presentation, and was open to all stakeholders and potentially affected persons resulting in a higher and more up to date response, the 'panel' have prioritised consideration of these submissions over those in the second round, except where a third round submission referred to a second round submission or there was other unique information in the second round or a submitter had not submitted again.

# Section 2: Submissions

## Overview

The number of submissions either supporting or opposing an issue, under the national WARO land schedule review, is not the relevant determinant for recommendations going to the decision maker. Rather, it is whether, in any given case, a submission has raised relevant issues that are of sufficient significance so as to justify a change relative to other legislative and policy considerations.

Several common themes emerged in all consultation rounds, as well as specific comments at place. For clarity, this section is structured first around the themes and then comments at place.

## Access

### First Round

General feedback ranged from requests for no WARO over public conservation land to all land should be open to WARO because there were few justifications that could apply to restricting it. In general, most submitters saw a need for WARO but, recreational hunters in particular, felt there should be far greater restrictions on place, time and harvest quantity. Conversely, WARO operators felt too many restrictions would be inconsistent with the WACA or make WARO unviable over public conservation land leading to a reduction in wild animal control.

Recreational hunters consistently feel that land that can be easily reached by foot or vehicle should be closed to WARO. Associated with this theme of access are comments that no new public conservation land should be opened to WARO, particularly land that came to DOC via tenure review.

FMC advised they understand the benefits WARO brings to wild animal control but seek to restrict WARO access over wilderness areas during the annual high use period of 15 December – 15 February.

Many submitters, opposed to WARO, consider more Recreational Hunting Areas (RHAs) should be established or consider that land should be open to recreational hunters prior to being available to WARO. Other submitters consider a WARO exclusion buffer along public conservation land boundaries should be established on all front-country faces. While supporters of WARO consider excluding WARO from defined areas for a range of reasons effectively establishes, pseudo-RHAs outside the defined legal process for their establishment.

WARO supporters consider that most land should be open to WARO due to its additional wild animal control benefits and in consideration of the WACA and deer control policy. WARO operators consider further access restrictions would make WARO economically unviable. They feel the wider MPI requirements need to be revisited and, in combination with proposed 1080 drops and subsequent stand down periods, limits the land available to hunt. WARO operators submitted that DOC should also not allow runholders, whose land has come to DOC via tenure review, to dictate access.

In summary, recreational hunters want less land open to WARO and WARO operators want more land open.

## Second and Third Rounds

Following a similar trend as the first round, most submissions commented generally whilst others commented on specific place-based access relevant to the submitter. There were many locations with only one submission, and a few submissions which spoke to a wide range of land blocks.

Many recreational hunting submissions recognised WARO as a valid deer control tool but argue that, to avoid adverse effects that discourage them and trampler activity, it is not appropriate at every place and time, should not include locations of high access/use where effects on safety and tranquillity could not be avoided or mitigated and that appropriate monitoring data should be used to justify WARO access.

Some submitters requested specific zones for carcass drop sites (to refrigerated vehicles). They also submitted that no road ends, within closed zones, should be available for drop off.

Some submissions requested that WARO concessions should only be granted for a one to three-year term so that a full and thorough review may occur, citing:

*“The whole process has been so significantly flawed and so significantly at odds to commitments the Department made to hunters and to the High Court that the entire review should be put on hold.”*

This viewpoint is equally challenged by submissions in favour of WARO Operators which expressed concern that the principles of the WACA are not being upheld. One goes so far as to say that:

*“DOC’s draft recommendations for WARO land assessments for the South Island: fail to promote the purpose of the Wild Animal Control Act 1977, namely the killing of wild animals; wrongly promote the sporting opportunities for recreational hunters, which are irrelevant as a matter of law; and appear to undermine the preservation obligations in National Parks and the conservation obligations in Conservation Areas.”*

High visitor use, easy foot access, popularity for recreational users and open tussock areas with no cover are the main reasons recreational hunters propose areas be closed to WARO. Some want there to be a limited number of operators in each area.

Round 3 individual submission numbers and summary comments relating to access:

General support for WARO (particularly in the right place/time)  
(4,13,18,66,107,122)

General objection to WARO (particularly where easy access to/high use by recreational hunters)  
(9,10,11,13,14,29,30,32,37,42,43,45,48,50,51,58,67,69,74,78,80,84,91,93,105,109,109,110,116,118)

Ensure take leaves enough for recreational hunting (consider GAC or NZDA rep to accompany WARO)  
(59,60,68,70,80)

WARO be allocated to large blocks for specified periods with minimum and maximum targets  
(10)

Need for WARO should be based on biodiversity impacts/ungulate data not commercial requirements  
(67,109,118)

Recreational Hunters should get first/better access to pcl to do the job then WARO clean up.  
(1,10,16,51,94,81,97,113,109)

Need to address conflict/co-ordination and communication between recreational hunters and WARO  
(33,61,65,66,68,77,80,96,116,118)

Poison applicator should notify landowners and WARO operators to more easily clarify need for 2km buffer and consistent length of closure  
(71,107,120,122)

### **Panel Comments**

The Department understands the concerns of recreational submitters, some of which help justify restrictions at certain times in certain places to avoid or minimise adverse effects, although there is a wide range of views when it comes to some specifics. However, the Department's primary responsibility and obligation under the WACA and Deer Control Policy is to protect natural values through wild animal control, while taking into account effects on other users. It is also important to note, as well as recreational hunters, other users of public conservation land include those who value the lands' intrinsic values and want these protected from introduced browsers.

In terms of access, deer control policy generally provides that both commercial and recreational hunters will have open access to public conservation land because the overriding concern is the protection of indigenous biodiversity. The value of deer as a recreational or commercial hunting resource is recognised but the role that both recreational and commercial hunters play in controlling them is the legislative obligation.

### Tenure review

Most land coming under Departmental management via the tenure review process falls under the CA until reclassified. Land managed under the CA must, as its primary purpose, be managed for conservation purposes (section 6). Conservation means 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.

Permitting wild animal control, through recreational hunting, WARO and other means, can occur when this is consistent with the conservation purpose, which it is in most instances. Generally, therefore, land acquired through tenure review should be open to WARO, as well as recreational hunting, unless there is a good reason for it to be restricted or prohibited, in order to facilitate concerted wild animal control effort to protect conservation values.

### Recreational Hunting Areas (RHA)

DOC supports gazetted Recreational Hunting Areas (RHAs) and the prohibition of WARO where recreational hunting effort can keep deer numbers to levels where indigenous ecosystems and forest regeneration are maintained and enhanced. Section 27 of the WACA specifies, however, that even in RHAs, recreational hunting is not to be the exclusive means of control and that the Director General may, from time to time:

*“(a) permit for a specified period the hunting of all or any part of the area by hunters engaged in wild animal recovery operations under Department supervision; or...”*

That said, no such WARO access is currently proposed.

With regards to excluding access to gazetted Wilderness Areas during the summer high use period, the Department's view is that WARO access should not be automatically excluded from these areas. The requested two-month WARO exclusion, especially over the main breeding season, is considered too long a closure given the purpose of the WACA. The standard Christmas closure periods of 22 December – 15 January (NI) and 22 December – 5 January (SI) currently apply. Considerably more justification of adverse effects would be needed for any longer closure and would be a major change that was not part of the draft land recommendations or discussed at any of the consultation meetings.

Submissions seeking the introduction of a WARO exclusion buffer along public conservation land boundaries, is already effectively satisfied by the MPI pesticide declaration requirements for the first 2 km of public conservation land from boundaries. This potential 'exclusion zone' applies to all public conservation land open to WARO that lies adjacent to private land, unless the neighbouring landowner supplies a declaration to the WARO operator that pesticides haven't been laid within 2 km of the boundary. For those against the 2km 'exclusion zone', it is an MPI requirement that cannot be removed or avoided by the Department through this concession process.

Excluding WARO from all 'accessible areas' may avoid adverse effects on, and the most frequent conflict with, recreational hunters. However, the defining of accessible areas in all places would be onerous, a disproportionate reaction to the level of adverse effects and would potentially be contrary to the purpose of and obligations under the WACA. History indicates that uncoordinated recreational hunting, in particular, is unable to reduce deer densities to low enough levels to allow regeneration of palatable seedlings and saplings. Monitoring data shows an increasing deer presence across public conservation land and further limiting WARO access to such an extent is only likely to exacerbate this trend.

## Christmas and Roar Closures

### First Round

Most submissions, whether supporting, or in opposition to, WARO, saw benefit in consistency, as much as possible, of Christmas and Roar closures. Recreational hunters want longer closure periods, with many considering Christmas closures should match school holidays. Many also consider Roar closures should be from 20<sup>th</sup> March to 20<sup>th</sup> April, or 15<sup>th</sup> March to 30<sup>th</sup> April, as in the North Island. Some want these extended dates to give more surety that WARO wouldn't be operating in the same areas at the same times as most ground-based hunters.

WARO operators generally agree that the current, standard South Island WARO Roar closure of 23<sup>rd</sup> March – 9<sup>th</sup> April (plus Easter) doesn't best reflect when hunters are in the bush and that these dates should be shifted.

Operators and meat processors do not support longer closure periods as these would have a detrimental effect on meat processing plants, on WARO viability over public conservation land and on the environmental benefits of taking more deer from conservation land. No WARO operators submitted that the standard Christmas and Roar closures needed to be amended.

### Second and Third Rounds

A range of submissions were received in regard to closure periods. Similar to round one, there is support for consistency for closure periods between the islands, as long as they match the seasonal periods, which is slightly at odds.

Recreational hunters generally request an increase in both the Christmas and Roar closure periods, whereas WARO Operators support that closure periods remain as they stand, or remain the same length, and shift back about a week to better match seasonal periods.

A group of submitters, using the same submission template and points, requested greater specific closure periods over certain areas. Submissions of this nature emphasise that providing recreational hunting in specific areas to certain groups should be prioritised over WARO and considered on a case by case basis.



Round 3 individual submission numbers and summary comments relating to Christmas and Roar closures:

2 Agree with moving the South Island WARO Roar closure dates to 29 March – 15 April + Easter (4,10,107,122) (WARO Operators)

1 Want no change to current WARO Roar closure dates 23 March – 9 April + Easter (18)

1 Want South Island WARO Roar closure dates of 23 March - 15April + Easter (9)

2 Want WARO Roar closure dates of 23 March – 20 April (18,100)

1 Want WARO Roar closure dates of 15 March – 15 April (105)

2 Want national WARO Roar closure dates of 15 March – 30 April + Easter (13,65)

1 Want WARO Roar closure to be mid-March – Mid May (96)

1 Want WARO Roar closure to be 15 arch – 30 July (110)

3 Want long closure periods (November/December – April/May/June) to replace short (17,33,60,70)

1 Support for proposed Christmas closures. (10)

1 Want WARO closure when deer are in velvet. (11,109,118)

2 No change to Tararuas Christmas/New Year WARO closure period (71)

2 NI WARO Roar closure to be no more than 3 weeks or all of NZ be 2 weeks (71)

1 Nelson Lakes NP to be closed to WARO October - May (105)

Ruahines should be open to WARO 1 May to 15 December (6)

NI and SI closure periods should be the same (110)

## Panel Comments

Excluding WARO for the entire Christmas school holidays nationally, and from 15 or 20 March – 20 or 30 April across all the South Island is considered excessive given the potential adverse effects, alternative locations available, seasonal differences and need for efficient and effective control of wild animals. Recreationists can access areas that are not permitted (red) to WARO if they want certainty, or locations during 'restricted' periods (orange), such as Nelson Lakes National Park, where there is a longer temporary exclusion in place.

An extended Christmas holiday WARO closure period is difficult to justify on the grounds of public safety. Recorded and prosecuted 'accidental' shootings relate to ground hunting and not WARO. Aerial pursuit generally gets closer to animals, with wider visibility and shoots towards the ground compared to ground hunting. So, there is considered to be no greater justification to exclude WARO over the entire school holiday period in areas where ground hunting is still allowed.

There is justification and support to better align the South Island Roar closure dates with the actual roar by shifting these dates to 29 March – 15 April (plus Easter when it falls outside these dates). However, Kahurangi National Park Bylaws stipulate a WARO Roar exclusion of 23 March – 9 April (plus Easter) for Tasman Wilderness Area and Mt Aspiring NPMP of 23 March – 20 April plus Easter, so these would need to remain irrespective.

## Sex biasing of harvest

### First Round

Another key theme in submissions, from recreational hunters, focussed on restricting WARO to the taking of hinds only, to provide greater deer control benefits and to potentially remove much of the conflict with recreational hunters. A similar theme was that neither stags in velvet nor trophy stags should be taken.

Conversely, other submissions opposed any change to introduce a hinds-only policy for reasons such as:

- selective culling increases operator costs significantly; and
- lessons learnt from tahr culling show that the leaving of males for recreational hunters does not work to satisfactorily control animal numbers.

A submission from a meat processor also noted:

*“Wild venison pricing does not actually incentivize the harvest of stags over hinds and it should be noted wild venison is worth less than farm raised venison, Velvet produced from deer shot in the wild is a significantly inferior product to farm raised velvet and thus the value of it again is not a major driver for the specific targeting of stags. Factual processing data shows that there is a relatively even balance between stags and hinds recovered by WARO and observations at the processing level are very few mature stags with trophy potential are actually harvested by WARO operators each year”.*

### Second and Third Rounds

Submissions reflected the first round, with Round 3 individual submission numbers and summary comments being:

WARO to be limited to hinds  
(2,3,13,23,30,47,51,65,70,96,103,105,112,117)

Set WARO ratio of hinds to stags (eg.5/1)  
(11,24,25,27,45,47,60,66,68,69,70,73,100,108)

No shooting of hinds with sucking fawns  
(9,47,68,70)

No shooting of stags in velvet or hard antler/until after roar  
(12,13,25,27,47,66,68,70,80,100,103,105,112,118)

WARO catchment targets for females with subsidy when prices low  
(23)

### **Panel Comments**

Feedback was not sought on this and so it is out of scope of the land schedule review. There is insufficient and conflicting evidence to support statements that wild venison pricing leads to WARO harvesting more stags than hinds. An informal analysis of deer control in Ruahine Forest Park, which examined deer jaws, identified that WARO took roughly 50/50 stags and hinds whereas the recreational hunting mix was 60/40 stags and hinds<sup>1</sup>. This study supports the meat processor submission comment above, although is somewhat dated and may not be representative of practices elsewhere.

Managing the deer herd to enable long term, “sustainable” recreational hunting is not DOC’s role and is not consistent with the Department’s deer control policy<sup>2</sup>, the WACA (which is focussed on controlling wild animals) or purpose for which the land is held. It can be argued that recreational hunters, that take the majority of deer, should take as much responsibility for taking hinds as WARO operators if the evidence is that this would greatly improve control of deer numbers.

Mechanisms are available, such as creating a herd of special interest under the Game Animal Council Act 2013, or a Recreational Hunting Area (RHA) under the WACA, for those wanting to provide additional, exclusive recreational hunting opportunities without WARO.

## **Monitoring and data recording**

### First Round

There is strong support amongst recreational hunters for more compliance monitoring of WARO, for stronger consequences for concession breaches and for public visibility (generally via the DOC website) of recent WARO activity on public conservation land, including visibility of GPS waypoints or flight tracking data. Submitters feel DOC should regularly review tracking data to ensure compliance and not simply pass it off as an MPI issue.

Amongst those directly involved in the WARO industry, comments range from strong opposition to supplying DOC with waypoint &/or flight tracking data, to support for collection of waypoint and track data for all WARO operations.

Those opposed to supplying DOC with data expressed concern about:

- commercial sensitivity and intellectual property ownership

<sup>1</sup> DOC Technical Advisor Threats (Pers. Comm. July 2018)

<sup>2</sup> Department of Conservation Policy Statement on Deer Control 2001

- DOC's ability to maintain private and commercial confidentiality
- the actual need for this data and its proposed end use; and
- the increased administrative burden and cost to operators of having to supply data.

Several feel track logs should be supplied for compliance purposes only.

Industry submitters who support supplying data to DOC feel further data collection will benefit DOC and operators by providing greater evidence that vegetation quality improves with WARO and that without WARO deer numbers are not adequately controlled by recreational hunting. This would provide greater evidence to support ongoing WARO across all public conservation land.

No operators supported making flight tracking and kill waypoint data available to the public.

### Second and Third Rounds

Submissions reflected the first round, with Round 3 individual submission numbers and summary comments being:

4 Wanted better/full/real time GPS tracking and reporting as a WARO permit condition (7,26,109,112)

### **Panel Comments**

#### Supply of data:

This was not the subject of consultation and so out of scope of the land schedule review but raises some concerns that are recognised by the Department. WARO is highly regulated both in terms of its MPI supply requirements and concession operating conditions. However, kill waypoints are currently supplied only to meat processors and, whilst existing permit conditions allow DOC to access data from meat processors, obtaining information is time-consuming, reliant on the goodwill of processing companies and quite often unsuccessful making analysis and projections more difficult. Consideration is being given, therefore, to having such information also supplied directly to the Department for conservation management purposes under the new concession.

However, no other concessionaire is required to provide data for publishing on the DOC website and, particularly being a commercially sensitive, there is no good justification as to why WARO should be any different.

#### Compliance:

DOC wants to better manage compliance across all concessions, not specifically WARO, using tools available within the concession contract to address concession breaches. For WARO, the concession contract has conditions as good, if not better, than most concessions to allow DOC to have access to information for compliance purposes.

## Term & Permit Model

### First Round

Submissions supporting WARO argued that concessions should be granted for the longest term possible to allow long-term business planning and investment in the industry, skills and knowledge to be built up and passed on and, therefore, to ensure maximum environmental benefit from the activity.

Meat processors advised they want certainty of supply long-term as this is important to them when making processing and marketing commitments and investments.

Opposing submissions almost consistently requested a three-year term or less, to facilitate a future full review of WARO activity and management.

### Second and Third Rounds

Submissions reflected the first round, with Round 3 individual submission numbers and summary comments being:

Want WARO permits to be a maximum of 3 years  
(9,105)

Want WARO permits to be a maximum of 2 years  
(67)

Want WARO permits to be 5-8 years or 5+5  
(71)

Want WARO permits to be a maximum of 3-5 years  
(96)

Want WARO permits to be a maximum of 2-3 years  
(99)

Want WARO permits to be a maximum of 2-5 years  
(100)

Want longer term permits for sustainable business planning  
(107,122)

### **Panel Comments**

This was not the subject of consultation and so out of scope of the land schedule review. Also, in February 2018, the Deputy Director-General, Operations, advised, after taking into consideration stakeholder comments and changes in DOC's operational context and industry requirements, that significant components of the current WARO system continued to be fit for purpose. The Deputy Director-General decided a full WARO review was not warranted, which is reflected in the task assignment and consultation undertaken for this land review and permit application consideration process.

The economic viability of WARO is not a mandatory consideration under the WACA. However, without viable WARO securing concerted and effective wild animal control to help achieve the primary objective of the WACA will be undermined.

The 2008 WARO consultation process did identify for specific locations, there may be potential for different wild animal control models, such as the Fiordland Wapiti Block model, which might allow for better concerted wild animal control. Experience shows these processes generally take a long time to develop and finalise and involves a broader range of considerations than a process to consider applications for a new concession. For this reason, the development of alternative, location-specific wild animal control models, if necessary, would best occur within a policy/control plan framework outside the national WARO 'bulk offer' concession application process. Even though out of scope here, reporting the concerns raised will ensure that they are noted by management and may result in further 'system review' work at some point.

WARO permits contain a condition allowing the Grantor to restrict or remove any area of public conservation land from the WARO land schedule (Schedule 2, clause 16), at any time for any reason. This clause allows for the introduction of new, location-specific wild animal control models, as does

legislation under the Game Animal Council Act 2013 around herds of special interest, and the Wild Animal Control Act 1977 in the creation of Recreational Hunting Areas.

## Process

### First Round

Many submitters commented on what they regarded as the poor consultation process, the lack of adequate mapping provided and the insufficient time allowed to submit.

### Second and Third Rounds

14 of the 63 submissions submitted were by those who were not involved in the initial process. However, their submissions have been considered.

Some submission criticised the consultation process. They were concerned that the wider populous of recreational hunters were not consulted and that the second round of consultation was too restrictive. There were suggestions that DOC should send emails to all those with hunting permits to provide for greater feedback.

Round 3 individual submission numbers and summary comments being:

Poor timing of consultation  
(5,96,99,108,115)

### **Panel Comment**

While the department accepts that improvements can always be made in the method of consultation to try to reach every potentially affected or interested person and for complex matters at a national scale to be conveyed in a way that is easily understood by all, the Department thinks what was undertaken was sufficient for the process given no formal consultation is required under the WACA or CA. This is evidenced by the fact that:

- regional offices were initially involved in consulting with local groups on WARO in their area
- 430 submissions received in the first round and 184 submissions from rounds 2 and 3 combined; and
- comments were largely consistent ensuring key general concerns are understood in addition to concerns at some places.

Interested parties were asked via email, and the website, to contact the relevant DOC office if they wanted to be involved with the consultation and to find out more information about the land recommendations. The department also responded to concerns by extending the feedback deadline.

Maps showing existing WARO access and new areas of public conservation land being considered for WARO were available on the DOC website and zoomable to the degree that made location specific access status apparent.

## Other General Comments

### All Rounds

Other common submission points made by recreational hunters include:

- DOC puts the interests of ‘a handful of concessionaires’ over 100,000s of recreational hunters, who take far more animals
- Recreational hunting provides a greater contribution to the economy than WARO
- Recreational hunters provide consistent control effort, whereas WARO is ‘boom and bust’ and reliant on high deer prices
- Deer numbers are now under control and are managed adequately by recreational hunters
- WARO concessionaires should be allowed to drop off recreational hunters under their WARO concession
- The ethics of the activity
- Effects that allowing WARO will have on New Zealand’s reputation overseas
- Whether allowing the activity drives tourists away, attracts tourists or contributes more or less to tourism than other concession activities
- Whether WARO causes resentment or loss of goodwill from other users of public conservation land or damages DOC’s reputation; and
- The weight of public opinion; and
- Wild deer are a resource and should be treated as such.

Submitters supporting WARO commonly mention the current high deer numbers and the need for more concerted effort to allow greater animal control. Some state DOC cannot legally apply a restriction to WARO access as this conflicts with legislation and policy. Others note that WARO provides deer control across vast areas of public conservation land at no cost to the tax payer.

Across both opposing and supporting submissions, concern is expressed over DOC’s increased 1080 programme and how this would impact on areas available to hunt. WARO operators are particularly concerned that 1080 operations would add further access restrictions, leading to more pressure on business viability and effectively exclude WARO from large areas of public conservation land. Several recreational hunters mention the benefits of using deer repellent in association with 1080 drops.

There is call from both WARO operators and recreational hunter submitters for the number of WARO concessionaires to be restricted in some way. Many recreational hunters support designated areas for operators as this would reduce conflict and increase WARO business viability. One WARO operator submits that the threshold for the minimum number of animals recovered on a WARO permit (introduced in the 2015-18 national Permit and currently set at 200 animals per annum) should be increased to avoid the risk to the industry of “pop up” operators who only operate in boom times with little to lose and who, therefore, may potentially have less regard for compliance.

WARO submissions stated that GPS recordings and the 2km land buffer zone are regulated by MPI. Meat processing plants are bound by these regulations. They must ensure WARO Operators comply to these parameters.

Some recreational submitters requested specific zones be identified for carcass off-loading to refrigerated vehicles and that no road ends within WARO closed zones should be available for drop off.

**Panel Comment:**

Only matters specified or referred to in section 23 Wild Animal Control Act 1977 (including Part 3B of the Conservation Act 1987) can be considered by the Minister. Other matters, such as many of those above, fall outside the scope of the legislation and are therefore not relevant for consideration as part of this land schedule review and permit application consideration process.

Animal welfare/cruelty allegations associated by some submitters with wild animal control (such as shooting hinds with fawns), are addressed by sections 30A and 30B of the Animal Welfare Act 1999. That Act is clear that wild animal control, including in accordance with the Wild Animal Control Act, is lawful (see Appendix 1).

Whilst it is accepted the level of WARO is influenced by venison prices, this does not equate to a 'boom and bust' cycle. WARO provides a valuable contribution to deer control and the efforts of both hunting sectors are necessary to reduce deer numbers.

Comments around putting the interests of one group ahead of another are incorrect. DOC's concern is about processing applications for permits to achieve wild animal control to protect biodiversity, whilst considering minimisation of adverse effects and the role of recreational hunters through the application of prohibitions, restrictions and conditions. The Department's deer control policy does not prioritise use of one group over another as an end in itself.

In terms of WARO concessionaires being authorised to drop off recreational hunters, this was allowed prior to the major WARO concession review in 2009. The ability to drop off hunters was excluded from the new permit (in part in response to recreational hunter requests) because allowing it left the national WARO concession too open to being used for activities outside the concession's intended purpose, making it too broad and too hard to monitor and manage.

The call for the number of WARO operators to be restricted in some way is already addressed through a permit condition that allows the Grantor to terminate the concession if fewer than 200 animals are killed or taken. This condition is about ensuring that WARO concessions provide a minimum conservation benefit the Department expects. There may be Commerce Act implications for introducing a model that would otherwise arbitrarily limit the number of concessionaires who are able to hold a concession.

## Comments at Place

Whilst it is the effects-based reasons behind a submission that are relevant to considering recommendations generally and at place, rather than pure numbers, below is a summary record of opposition to and support for WARO in rounds 2 and 3, to give a picture of distribution and response strength in certain places:

### Round 2

#### Opposing WARO

The affected area of the Tararuas (18%) and the Remutakas (83%) should be returned to their normal legal status quo of closed to WARO.

12 in total (63,62,59,56,55,54,47,45,33,31,30,4)

Support for Tararuas to remain as restricted WARO

1 in total (2)

Support for Kawekas to change to closed to WARO

13 in total (63,62,59,56,55,54,47,45,33,31,30,4,2)

Support for the Nevis to remain closed to WARO

16 in total (60,57,43,42,39,38,37,35,(34,32 with conditions),29,22,14,11,10,8)

Support for Remarkables Conservation Area to remain closed to WARO

11 in total (60,51,50,48,41,39,28,27,25,24,19)



Support for Ruahines to remain closed to WARO  
10 in total (63,62,59,56,55,54,47,33,31,30)

Support for Hawkduns to remain closed to WARO  
2 in total (34,32)

Support for Eyre Mountains to be closed to WARO  
3 in total (60,41,38)

Support for Mavora lakes to be closed to WARO  
1 in total (60)

Support for Timaru Creek to be closed to WARO  
2 in total (60,40)

Support for Dingle Burn to be closed to WARO  
1 in total (60)

Support for Ahuriri Valley to be closed to WARO  
1 in total (60)

Support for Mt Aurum to be closed to WARO  
5 in total (48,41,38,16,(2 – could live with restricted))

Support for Cass Valley, Rough River to remain closed to WARO  
2 in total (49,48)

Support for Oteake Conservation block to be closed to WARO  
2 in total (40,6)

Support for Lauder Basin to be closed to WARO  
1 in total (40)

Support for New block of Ruataniwha Conservation Area to remain closed to WARO  
1 in total (40)

Support for Waikukupa South of SH6 and lowland forests on the seaward side of SH6 between the Okarito Road and Mikonui River to change to restricted to WARO  
1 in total (26)

Support for Westland National Park – Omeoroa Bluff Area to remain closed to WARO  
1 in total (48)

Support for Westland National Park – Omeoroa Bluff Area to change to restricted WARO  
1 in total (2)

Support for Rock and Pillar to remain closed to WARO  
5 in total (60,48,27,25,19)

Support for Mataura Range Scenic Reserve to remain closed to WARO  
5 in total (60,48,27,25,21)

Support for Leatham Conservation Area to be closed to WARO  
5 in total (44,27,25,18,12)

Support regional recommendation for Leatham Conservation Area to change to restricted WARO  
1 in total (48)

Support for Catlins Conservation Park to be closed to WARO  
1 in total (60)

Support for Kakanui Conservation Area to remain closed to WARO  
1 in total (60)

Support for Reko Point Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Flat Top Hill Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Mt Richmond Forest Park SW area to be closed to WARO  
2 in total (48,44)

Support for Green Valley Conservation Area to remain closed to WARO  
1 in total (60)

Support for Autaia Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Mata-au Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Otago Central Rail Trail to remain closed to WARO  
1 in total (60)

Support for Kopuwai Conservation Area to remain closed to WARO  
1 in total (60)

Support for Mt Roy Car Park Recreation Reserve to remain closed to WARO  
1 in total (60)

Support for Kanes Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Bendigo Historic Reserve to remain closed to WARO  
1 in total (60)

Support for The Nook Scenic Reserve to remain closed to WARO  
1 in total (60)

Support for Grandview Creek Conservation Area to remain closed to WARO  
1 in total (60)

Support for Boundary Creek Campsite Scenic Reserve remain closed to WARO  
1 in total (60)

Support for Potters Creek Conservation Area to remain closed to WARO  
1 in total (60)

Support for Young Australian Historic Reserve to remain closed to WARO

1 in total (60)

Support regional recommendations for Puketoi Conservation Area to be closed to WARO

2 in total (54,20)

Support for Blue Mountain Conservation Area to remain closed to WARO

3 in total (48,16,2)

Support for Tapuae O Uenuku Scenic Reserve Addition remain closed to WARO

3 in total (48,16,2)

Support for St James Conservation Area to remain closed to WARO

3 in total (48,16,2)

Support for Castle Hill Conservation Area to remain closed to WARO

2 in total (16,2)

Support for Poplars Conservation Area to remain closed to WARO

1 in total (48)

Support for Paparoa Range South to remain closed to WARO

1 in total (48)

Support for Okuru – Waiatoto Scenic Reserve to remain closed to WARO

1 in total (48)

Support for Monowai to change to restricted WARO (restrictions to only allocate blocks 3 or 4 ranges back from the front land for WARO)

1 in total (15)

Support for Lauder Basin to be closed to WARO

2 in total (10,8)

Support for Bendigo to be closed to WARO

2 in total (10,8)

Support for Pisa Range to be closed to WARO

2 in total (10,8)

Support for The Stack to be closed to WARO

1 in total (10)

Support for Mt Alta to be closed to WARO

1 in total (10)

Support for Hawea Conservation Area to be closed to WARO

1 in total (10)

Support for Glenntanner Station Area remain closed to WARO

2 in total (57,29)

Support for Nelson Lakes National Park remain restricted WARO (increase restriction include 1 June to 30 September)

1 in total (44)

Support for Cobb Valley and Mount Arthur Tablelands and buffer zones within Kahurangi National Park remain closed to WARO

1 in total (44)

Support for All RHAs to remain closed to WARO

1 in total (7)

#### Supporting WARO

St James Conservation Area, Branch/Leatham Conservation Area, Nelson Lakes National Park should be all year round WARO access.

2 in total (46,23)

Support for Rakaia Conservation Area to change to open for WARO.

2 in total (46,23)

Agree with change to restricted for Rough River Conservation Area.

1 in total (3)

Agree with change to permitted for the following new public conservation areas: Blue Mountain Conservation Area, Cass Valley Conservation Area, The Poplars Conservation Area, Paparoa Range South Conservation Area, Rough River Conservation Area, Tapuae O Uenuku Scenic Reserve Addition.

1 in total (3)

Agree with panel recommendations for the following existing public conservation areas: Puketoi Conservation Area, Waewaepa Scenic Reserve, Tararua Forest Park road ends (except excluding road ends which would make areas pseudo closed to WARO), Tararua Forest Park, Remutaka Forest Park, Matawai Conservation Area, Kaweka Forest Park, Part Ruahine Forest Park, Coromandel Peninsula from Waihi township north and SH26 east to be closed for WARO, Part Pirongia Forest Park, Tarere Conservation Area, Pureora Forest Park, Cowan Wildlife Refuge, Meyer Block Wildlife Refuge Reserve, Ngaroma Scenic Reserve, Part Whanganui National Park, Opatu Conservation Area, Koiro Conservation Area, Koiro Farms Conservation Area, Paparoa Conservation Area, Saddler Conservation Area, Part Ahuahua Conservation Area, Mangatawai Conservation Area, Part Taheke Conservation Area, Rotojahu Scenic Reserve, Kokaka Conservation Area Retaruke Scenic Reserve, Part Taheke Conservation Area, Waingakia Conservation Area, Mt Aurum, Mount Aurum Recreation Reserve, Whakaari Conservation Area, Castle Hill Conservation Area, All land in North Canterbury that is currently permitted, Paparoa Track, Westland National Park, Part Mokihinui Forks Ecological Area - Lyell Range Radiant Radiant Range Conservation Area (perhaps consider having WARO allowed until an allocated time in the morning e.g. 0800), Remarkables Conservation Area (disagree with regional justification of low deer numbers in this area), Rock and Pillar Conservation Area (disagree with regional justification of low deer numbers in this area), Mataura Range Scenic Reserve and adjacent East Dome Scenic Reserve, Leathan Conservation Area and adjacent Conservation Area Leatham River.

1 in total (3)

Do not agree with panel recommendations for the St James Conservation Area.

1 in total (3)

Support less restrictions on WARO in the Ruahines

1 in total (1)

### Round 3

#### Opposing WARO

Central NI/Te Awahohonu FP should be closed to WARO  
(120)

Lower NI, Tararua FP, Remutaka FP, Otaki Folks to Kaitoke should be closed to WARO or restricted  
(106,110)

Kaimanawa FP should be closed to WARO  
(108)

Lake Ohau and Pukaki areas, Hobson and Dobson Rivers and Ben Ohau Range should be closed to WARO  
(111)

Torlesse Range, 13 Mile Bush and Rakaia CA should be closed to WARO  
(115)

Central/Otago Areas should be closed to WARO  
(1,3,29,34,35,39,40,43,44,46,49,50,52,53,54,55,57,61,63,64,77,78,79,80,81,82,83,86,87,88,89,90,92,93,94,95,97,98,100,111,113,119,121)

Kakanui CA should be closed to WARO  
(51)

Durville River, Northern Ella Range, Northern Kahurangi should be closed to WARO  
(2,)

Glazebrook/Ferny Gair CA should be closed to WARO  
(105)

Okiwi Bay/Mt Patutu SR should be closed to WARO  
(105)

Cobb, Mt Arthur, Tablelands should be closed to WARO  
(9,105)

SW of Mt Richmond Forest Park – Beebys to Gordon Knob should be closed to WARO  
(9)

Oteake CA should be closed to WARO  
(31,51,74,111)

Bendigo CA should be closed to WARO  
(74,86)

Branch/Leatham CA should be closed to WARO  
(9,105)

Remarkables CA should be closed to WARO

(11,13,14,15,19,21,34,38,51,56,65,67,69,75,76,86,100,111,117)

Nevis Range should be closed to WARO  
(11,21,38,62,69,119)

Rock and Pillar CA and Scenic Reserve should be closed to WARO  
(13,65,67)

Rakaia, Mathias, Wilberforce and Ashburton Rivers should be closed to WARO  
(12,103)

Kopuwai CA should be closed to WARO  
(13,14,21,34,56,65,67,86,102)

Headwaters of Hokitika/Whitcombe, Crooked River/Taramakau should be closed to WARO  
(103)

Kakanui should be closed to WARO  
(56,67)

Murihiku/Mataura Range Scenic Reserve should be closed to WARO  
(56,67)

Old Woman Range should be closed to WARO  
(21,45,69,74)

Old Man Range should be closed to WARO  
(36, 41,45,69,72,74,85)

Pisa Range should be closed to WARO  
(45,69,72,74,76,85,86)

Launder Basin should be closed to WARO  
(34,41,69,74,83,85,86,102,111)

Ruataniwha CA should be closed to WARO  
(13,56)

Blue Mountain CA should be closed to WARO  
(51)

Wyuna/Mt Arum Recreation Reserve should be closed to WARO  
(67,74)

Whakaari Conservation Area should be closed to WARO  
(67)

#### Supporting WARO

Buffers along Heaphy, Wangapeka and Paparoa Tracks should be open to WARO  
(20)

Kopuwai CA should be open to WARO  
(107,122)

Nevis Range should be open to WARO  
(23)

Maniototo should be open to WARO  
(23)

Oteake CP should be open to WARO  
(107,122)

Nelson Lakes support for restricted WARO  
(9)

Ruahine to be open to WARO  
(6,20,71)

Tararuas to be open to WARO  
(6)

Central/Otago should be open to WARO where unavailable to recreational hunters (28)

## Appendix 1

<sup>1</sup> Section 30A Animal Welfare Act 1999 deals with wilful or reckless ill-treatment of wild animals or animals in wild state:

- (1) A person commits an offence if the person wilfully ill-treats a wild animal or an animal in a wild state.
- (2) A person commits an offence if the person recklessly ill-treats a wild animal or an animal in a wild state.
- (3) A defendant has a defence to a prosecution for an offence against subsection (1) or (2) if the defendant satisfies the court that the conduct alleged to constitute an offence is or is part of a generally accepted practice in New Zealand for the hunting or killing of wild animals of that type or animals in a wild state of that type.
- (4) In determining whether wilful or reckless ill-treatment of an animal has occurred, a court may treat an act or omission as lawful (and not subject to subsection (1) or (2)) if satisfied that—
  - (a) the act or omission was done in the course of performing functions for the purposes of another Act; and
  - (b) not to treat the act or omission as lawful would be contrary to the purpose and principles of that Act.

Section 30B of the Animal Welfare Act provides:

- (1) **Nothing in this Act makes it unlawful to hunt or kill—**
  - (a) any animal in a wild state; or
  - (b) **any wild animal** or pest in accordance with the provisions of—
    - (i) the [Wildlife Act 1953](#); or
    - (ii) **the Wild Animal Control Act 1977**; or
    - (iii) the [Conservation Act 1987](#); or
    - (iv) the [Biosecurity Act 1993](#); or
    - (v) any other Act; or
  - (c) any other wild animal or pest; or
  - (d) any game animal in accordance with the provisions of the [Game Animal Council Act 2013](#).



## Appendix 2

**Submission 24** - This asserts that the draft recommendations will be susceptible to legal challenge, because they:

- fail to promote the purpose of the Wild Animal Control Act 1977, namely the killing of wild animals;
- wrongly promote the sporting opportunities for recreational hunters, which are irrelevant as a matter of law; and
- appear to undermine the preservation obligations in National Parks and the conservation obligations in Conservation Areas.

The relevance of recreational hunters is therefore solely limited to considering how they achieve the purposes of the Wild Animal Control Act 1977 i.e. their role in controlling wild animals in the area.

DOC's task is to consider what measures will be effective in achieving control of wild animals when making land assessments. If WARO concessions would assist in controlling wild animals on the assessed land, it follows that concessions should be granted.

Year-round WARO access is recommended for St James Conservation Area, Branch/Leatham Conservation Area, Nelson Lakes National Park. Also, Rakaia Conservation Area should be open to WARO access.

**Submission 46** - This submission provided an opening argument that because of the evolution and maturity of overseas markets, and efforts by Deer NZ, the WARO industry could see the feral deer kill-take increase by another 20% from where it is today. The Association sees this as translating from an annual kill of 30,000 deer shot in the 2018/2019 season to 36,000 being shot.

It claims that the growing compliance costs of the Department are the greatest risk for the WARO industry. It disputes the view that the WARO industry goes through boom and bust cycles in these times as it says the data shows otherwise.

Recreational hunters are a very small proportion of the whole population but they assert that the Department gives too much credence to recreational hunters and seems to go outside of its statutory mandate to appease them. It argues that DOC is bound by the Wild Animal Control Act to ensure that wild animal numbers are controlled at low levels throughout land administered by DOC to protect conservation values.

Recreational hunting has a subordinate role to play in wild animal control, in its view, but it perceives DOC managers having put relationships with recreational hunters above protection of the land and environment.

It says that, since 2004, the hectares closed to WARO has increased by more than 3 million hectares while deer numbers have steadily increased nationally and considers that there is a direct correlation between DOC increasing restrictions to WARO and deer numbers increasing. Therefore, it says this means DOC is breaching the Wild Animal Control Act.

It claims that some DOC managers have closed land to WARO through recreational hunting partnerships whereby recreational hunters will manage weeds and/or pests in return for DOC restricting WARO access, what it calls "green washing". It gives the example of the Letham /Branches Conservation Area Wilding Pine Control partnership with the NZDA in Marlborough.

The Association says the land is 100% covered in wilding pine, with huge conservation losses and the NZDA says its members will volunteer to cut and pull pines. However, they contend that only helicopter spraying will be successful.

They have some specific recommendations, the most relevant of which are:

- DOC should adopt a 10-year maximum term designed as 5 + 5 years;
- They oppose shutting down all of New Zealand for one month or 6 weeks for the roar period as the impact on processing factories and costs is significantly detrimental;
- They oppose any suggestion that Christmas closure time should be increased beyond the statutory public holiday period as it is the peak production time for all processing factories and helicopter operators hunting opportunities;
- They oppose any suggestion of limiting WARO operators to not taking stags or females during a particular period. It says that selective culling increases costs to operators significantly and reduces profitability significantly.
- Despite saying that it supports the continuation of collecting waypoints in National Parks (and wants the Department to pay its members for the information), it then says that DOC has no secure systems in place. This is a problem for operators with continuing threats to their safety;
- They oppose restrictions in Schedule 3 of the Permit because it says their cumulative effect would be to exclude WARO fully and make some areas de facto Recreational Hunting Areas;
- They support a review, prior to any decision being made, of the total land area closed to WARO for 1080 operations as it says its operators need more land, and flexibility to operate on it.
- Recommendations from DOC local managers about sustainable management and benefits to recreational hunters are unlawful, being contrary to the Wild Animal Control Act and National Policy statements;
- They recommend that DOC review closure periods for poison operations as it says that they are being inconsistently applied by DOC staff;
- It recommends a review of all land justifications for DOC administered land as the 2 km buffer zone where WARO hunting is not allowed, because of 1080 operations, creates default RHAs and this, it says, needs to be taken into consideration for land assessments under the Wild Animal Control Act.

**Submission 54** - This submission threatens judicial review again, saying that the “sense of betrayal felt [by it over DOC’s stance not to do a wide-ranging review of the whole WARO system] is immense”.

It asserts that DOC has, “ignored many of its own staff’s regional area recommendations in its National Panel’s enthusiasm to open as much land as possible to WARO activity ignoring the legislative requirements to manage adverse effects.”

The submission says that the second round of consultation is only looking at changes recommended by the National Panel to the recommendations of the Regional Offices and does not include changes proposed by the Regional Offices which have not been changed by the National Panel. Those changes will essentially be hidden from view and no publicly available single document notes all the proposed changes. The presentation of information is confusing and the absence of maps showing only the affected areas is unhelpful.

The submission claims that “The whole process has been so significantly flawed and so significantly at odds to commitments the Department made to hunters and to the High Court that the entire review should be put on hold. The current concessions should be rolled over for 2 more years whilst the comprehensive review is undertaken. That rollover must exclude 2015 land area openings declared invalid by the Court.

It says that there is no mandate to consider the economic viability of WARO operators and any recommendation where that was a consideration should be struck out.

It asserts that the Panel recommendations should be set aside, and an independent panel set up as part of a comprehensive review, because, it alleges, the Department's integrity is so significantly in doubt.

It submits that, as a general principle and in accordance with WAC Act requirements to mitigate adverse effects, areas that are readily accessible and regularly hunted should not be open to WARO.

It says WARO is an activity which can be a valid deer control tool but restrictions are needed as it can also significantly discourage recreational hunter activity and hence it is not appropriate at every place and time. However, it claims that the review panel has swung too far in favour of the WARO operators, using an internal policy to usurp what it says are legislative requirements.