

# **Report to the General Manager Operations—Southern**

## **Application for Concession for Wild Animal Recovery Operations—National WARO Permit**



Department of Conservation  
*Te Papa Atawhai*

## **1.0 Introduction**

### **1.1 The Application**

This report covers applications received in response to an offer made by the Department for Wild Animal Recovery Operation (WARO) national permit 2009 – 2014 incorporating:-

#### North Island Schedule

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

#### South Island Schedule

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

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

### **1.2 The Law**

1.2.1 Part 3B of the Conservation Act 1987 sets out the provisions dealing with concessions. These include:

- *Section 17S - 'Contents of the application'*. This is discussed in section 2 of this report.
- *Section 17T- 'Process for a complete application'*. This requires the Minister to decline an application within 20 working days of it being deemed complete, if the “...application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan...” It is discussed in section 2.6 of the report
- *Section 17U - 'Matters to be considered by the Minister'* - This includes, but is not limited to, the consideration of the effects of the proposal (s17U(1)(b)); measures that can be taken to avoid, remedy, or mitigate, any adverse effects of the activity (s17U(1)(c)); and the purpose for which the land is held under the relevant legislation (s17U(3)). These matters are discussed more comprehensively in section 3 of this report.
- *Section 17W - 'Relationship between concessions and conservation management strategies and plans'*. This is discussed in section 4 of this report.

Part 2 of the Wild Animal Control Act 1977 provides for the granting of concessions to authorise wild animal recovery operations on Crown-owned land (defined in section 22 of the Act) and applies the provisions of Part 3B of the Conservation Act 1987 for the purpose of granting those concessions.

Part 2 of the Wild Animal Control Act 1977 also requires, that in applying Part 3B Conservation Act, the Minister must consider matters set out in section 23 (a) (b) and (c) as follows:-

- (a) The provisions of the Act under which the land concerned 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.

## **2.0 Contents of the Application - Section 17S**

Under section 17S of the Conservation Act 1987 the applicant is required to outline details relating to the application. These are outlined in this section. The Department has prepared an application form covering the specific requirements of the activity to be completed by prospective applicants.

### **2.1 The Applicant**

All applicants are either existing WARO aircraft operators or companies undertaking helicopter operations and who hold appropriate licences and accreditation from the Civil Aviation Authority (CAA) and the New Zealand Food Safety Authority (NZFSA) to carry out the proposed activity and who also hold a current contract with an approved NZFSA processor.

### **2.2 Description of the Activity - Section 17S(1)(a)**

The Wild Animal Control Act 1977 describes the activity as follows:- *...” the use of an aircraft (whether or not for hire or reward) to carry out one or more of the following activities:*

- (a) the searching for, shooting , or immobilising of wild animals:*
- (b) the recovering of wild animals (whether dead or alive) or any part of those wild animals:*
- (c) the carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things that may be used for the purpose of paragraph (a) or paragraph (b).”*

It should be noted that the proposed activity **specifically excludes** the carriage of either recreational hunters or fare paying passengers.

The animals to be recovered by the proposed activity are those specifically listed in this report in 1.1. above.

Wild animal recovery operations using aircraft have been a significant contributor to wild animal management on public conservation lands for many years. The history of this activity goes back to late 1960’s when helicopters were first used to recovery deer carcasses for meat recovery and to capture live deer for placing on deer farms. In the

period since that time an industry has developed exporting feral deer meat to Europe and Asia as a quality product which obtains a premium price. The industry is dependent upon obtaining a regular supply of animals from public conservation lands and other lands. The activity enables the Department to control numbers of animals and limits the need for public expenditure in order to undertake this work.

Permits for Wild Animal Recovery were issued by the Department for terms of up to five years with all the current WARO term designed to expire on 30 September 2009 (new “interim” permits were issued with an expiry of 30 November 2009 to enable the new framework referred to below to be implemented). Due to feedback received both from the industry and other stakeholders over the term of the current permit, a new WARO framework was developed and sent to stakeholders for comment this year. Feedback received has resulted in a number of changes being made in order to better manage the activity. This is shown in pictorial form in the National Standardised WARO Framework 2009-2014.

The proposed national permit (2009 – 2014) has as its prime function, deer carcass recovery and live deer capture. Two permit documents have been developed one for the North Island and one for the South Island. As there are intermittent demands by meat processors for other wild animals, provision has been made in the new permit for pig and goat carcass recovery plus live pig and goat capture in the North Island, and for pig, goat, wallaby and chamois carcass recovery in the South Island subject to the concessionaire providing evidence of a contract for this purpose with an approved NZFSA processor.

Specific one-off, non-notified permits for tahr carcass recovery and live capture, have been issued since 1993 due to the limited location of these animals within Canterbury and West Coast Conservancies. These are to be managed in accordance with the requirements of the Himalayan Thar Management Policy and Control Plan. One-off, non-notified permits will also be required for live capture of chamois, pig, goat and wallaby in the South Island to ensure good quality management of this activity.

Given the potential effects of heli-hunting (usually for trophy animals) and the potential for public conflict, heli-hunting will be the subject of a specific concession and it is likely they will be publicly notified.

All of the above concessions for the activities being specifically addressed in this report will be subject to nationally standard conditions and will also have some location specific conditions.

It is considered that the national standardised WARO framework 2009 – 2014 will meet the demands and expectations of all stakeholders. This includes the allowing of the development of industry integrity, certainty and compliance as well providing the Department with a tool to better manage this activity on public conservation land. (See esp. 3.4 below)

### **2.3 Identity and Status of Area under Application - Section 17S (1) (b)**

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

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

The land identified as being available for the proposed activity is more appropriately shown on the maps contained on the DVD named “WARO Concession Permit 2009-2014” and dated 1 December 2009.

Full justifications for those areas of land not being offered for the proposed activity are contained in Appendix (A) and have been considered under Section 4 of the Department of Conservation’s Policy Statement on Deer Control. (The prime function of the proposed activity is for deer control. The application also covers species other than deer however these animals are a very much a minor component of the WARO).

Previous concessions issued for WARO have used hard copy maps of the land available and schedules listing those areas excluded from the activity. With the benefit of improvements in mapping it has been possible to show in electronic form (on the DVD which will be part of the concession document) in detail the areas which are available for WARO along with those areas unavailable or where the activity is restricted for periods of time.

#### **2.4 Effects of the Proposed Activities - Section 17S (1)(c)**

The effects of the proposed activity and the appropriate avoidance and mitigation measures are discussed in Section 3.2 of this report.

#### **2.5 Proposed Type of Concession and Duration - Section 17S(1)(d) & (e)**

A permit for a term of five years has been applied for. Further discussion on the term is provided in section 3.2.5 of this report.

#### **2.6 Relevant Information relating to the Applicant’s Ability to carry out the Activity - Section 17S(1)(f)**

The applicants are either individual aircraft operators or companies undertaking helicopter operations and who have supplied evidence that they:-

- Are New Zealand Food Safety (NZFSA) certified suppliers;
- Hold a current supply contract with a registered NZFSA Primary Processor;
- Hold a pilots Part 119/135 Air Operator Certificate or written authorisation from the Civil Aviation Authority (CAA) to conduct the activities covered by the permit;
- Hold the required insurance policies for Public Liability, General Indemnity, Forest and Rural Fires Act extension, and Aviation Liability for the amounts required by the Department.

### **Comment**

It is considered that these applicants are suitably qualified and meet the criteria required to undertake the proposed activity.

## **2.7 Process for a Complete Application - Section 17T(2)**

This section requires the Minister to decline a complete application within 20 working days of its receipt if the “...*application does not comply or is inconsistent with the provisions of this Act or any other relevant conservation management strategy or plan...*”

### **Comment**

Given the consultation to date with the applicants it is anticipated the applications will be complete and consistent with the national WARO offer. They appear to comply with and be consistent with, the provisions of the Conservation Act 1987, the Wild Animal Control Act 1977 and the relevant conservation management strategies, or plans.

## **3.0 Matters for Consideration**

Section 17U(1) requires the Minister to have regard to the following matters:

### **3.1 Nature of Activity - Section 17U(1)(a)**

The Wild Animal Control Act 1977 describes the activity as follows:- *...” the use of an aircraft (whether or not for hire or reward) to carry out one or more of the following activities:*

*(a) the searching for, shooting , or immobilising of wild animals:*

*(b) the recovering of wild animals (whether dead or alive) or any part of those wild animals:*

*(c) the carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things that may be used for the purpose of paragraph (a) or paragraph (b).”*

The activity assists the Department of Conservation in providing a means of effective control of wild animals.

Public conservation land is available for commercial hunting unless a proper consideration of the legislative provisions establishes reasons for restrictions or closures. Restrictions are generally in respect of time periods allowed for aerial recovery and are usually dealt with by way of conditions in the concession document. Lands not available for this activity include those areas set aside as Recreational Hunting Areas and other lands which have been excluded due to the use of toxins, where there is high visitor use, where there are risks to native wildlife or where it is necessary to comply with a specified statutory strategy or plan.

The market to support the activity of obtaining New Zealand wild venison using aircraft was developed in Europe in the late 1950’s. By the late 1960s most deer shot for game meat export were obtained by shooting and recovering carcasses from helicopters (*Challis 1990*).

Annual harvests of deer peaked in the late 1960s – early 1970s, when over 100,000 animals were shot each year and have totalled nearly 2 million to date.

Between 1978 and 1987 deer were also captured alive to stock deer farms, but live capture virtually ceased since 1987 once the demand could be met from farm-bred deer. Since 1988, the annual harvests of deer by commercial hunters have varied between 12,800 and 29,200 with no trend with time, the variation being almost entirely explained by the price of venison. The primary product exports are recognised as being cyclic. As the market begins to become marginal it is recognised that processors and marketers use a range of tools (hedging) to maintain margins within the market place. The niche marketing of feral venison exports is expected to increase and is already occurring.

### **3.2 Effects of Activity - Section 17U(1)(b) and any Measures to Avoid, Remedy, or Mitigate Effects - Section 17U(1)(c)**

The proposed activity of Wild Animal Recovery using aircraft has been undertaken for over thirty years and the effects are considered well known. The major effects are detailed and discussed below. In considering the applications which are attached to this report regard to the effects of the activity must be taken by the decision maker.

#### **Disturbance to Other Wildlife**

Aircraft disturbance from wild animal recovery operations may have negative effects on wildlife at sites with significant conservation values, in particular breeding colonies. Setting concession conditions and, where necessary, airspace restrictions to restrict or prohibit aircraft activity at key sites will assist to avoid and mitigate these effects.

#### **Disruption to Natural Quiet**

While the commercial hunting of deer provides for effective pest control and the protection of conservation values, aircraft activity over areas managed by the Department has the potential to detract from the natural quiet, wilderness values and visitor experience at locations where this is being undertaken.

Natural quiet can be defined as the ambient sounds of nature and is an important component of visitors' appreciation of Department-managed areas. Visitors to backcountry or wilderness areas seek an experience free from the engine noise associated with aircraft. The use of concession conditions to restrict or prohibit wild animal recovery activity during key visitor periods and at key visitor sites will assist to avoid these effects on visitors' experiences. In addition, the choice of flight paths by aircraft operators to ensure that aircraft activity is minimised in the vicinity of huts, tracks and other visitor facilities will help to mitigate these effects although it is accepted that the Department does not hold any jurisdiction for aircraft in the air.

#### **Effects on Recreational Hunters**

Wild animal recovery operations can detract from the experience sought by recreational hunters through perceived and actual conflict as they "compete" for

animals. This conflict is particularly evident during high-use recreational hunting periods. Concession conditions to restrict or prohibit wild animal recovery operations during key high-use recreational hunting periods such as the 'roar' period and at Christmas and the limiting of the number of operators to those who hold a contract with a NZFSA registered processing facility will assist to avoid these effects on recreational hunters' experiences. This is discussed again in the "Closure Periods" discussion below. This approach recognises that providing for both recreational hunters and WARO operators offers a way of achieving concerted action and effective control of these wild animals.

Feedback from recreational hunter groups and individuals demonstrated concern about over-flights; however the Department has no jurisdiction over aircraft movements in general. It is an area of concern to recreational hunters and operators alike. Advice received from operators is that if they sight a recreational hunter in an area they intend to hunt for WARO that they then move on to another area and this is generally accepted as "best practice" by the industry. While recreational hunters do not necessarily agree that this is always occurring it is noted as a potential area where conflict may occur in the future and that WARO operators are not bound to move away from any area when recreational hunters are encountered. The Department recognises that if an area is not available for wild animal recovery then that will generally lessen the amount of overflying for WARO purposes.

It should also be borne in mind that other aerial activity which may not be WARO is also occurring over public conservation lands, particularly tourist-type activities such as heli-skiing along with legitimate over-flights for other purposes (non DOC related) and that these also have some effects on other users.

### **On-Ground Activities**

Operators engaged in WARO frequently require support vehicles i.e. chiller trucks to be located on public conservation land at road ends or areas near to where the activity is occurring in order to receive carcasses and also at times to undertake refuelling of machines when the helicopter is operating some distance from its normal base. In these instances there is potential for rubbish to be left at the site along with animal residues and toilet waste. Special conditions covering these activities are included in the Permit document.

### **Animal Densities**

Helicopter based hunting quickly removed deer from unforested habitats (mainly alpine grasslands) (*Nugent et al. 1987, Challis 1990*). Once the easily hunted deer had been removed, helicopter based hunters began taking deer from forested areas where deer were less accessible and hunting costs were higher. Animal densities remain highest in forests with the most complete canopy cover and the greatest distance from grasslands (*Nugent et al. 1987, Nugent & Sweetapple 1989*).

The conservation benefits of commercial wild animal recovery operations have been substantial in grasslands (*Rose and Platt 1987*) but more variable in forests. In forests with sparse canopies, many canopy gaps, or with substantial adjacent grasslands, deer have been reduced to low densities and all but the most vulnerable plant species have made some recovery (*Stewart et al. 1987*). However, in forests without these characteristics, deer densities are higher and few palatable species are able to

regenerate (*Nugent and Fraser 1993*). The inaccessibility of most deer in forests to helicopter-based hunters means that the forests provide an ongoing breeding stock of deer, a proportion of which move to areas where the commercial harvesters can shoot them. This proportion increases in the spring as yearling animals disperse and is reflected in the seasonal distribution of the harvest. (*Parkes, Nugent & Warburton 1996*).

Commercial wild animal recovery operations provide effective pest control when the demand for the product is high and when the price paid for the product is above the costs of harvesting at the animal densities required to protect the conservation resources.

“The Department’s over-riding goal for deer control is:

*To reduce the impacts of deer, along with other threats, on public conservation lands so as to maintain and enhance forest regeneration and indigenous ecosystem protection” (Department of Conservation’s Policy Statement on Deer Control – Feb 2001)*

Commercial recovery of deer has an important role to play in meeting the above goal.

#### **Closure Periods – (The “roar” and Christmas/New Year)**

In the past, the closure periods for the “roar” and Christmas/New Year have varied from one Conservancy to another with little consistency between bordering Conservancies. Feedback received from all stakeholders has been that they would like to see set closure dates for these over each Island, however there was obvious differences of opinion between the helicopter operator/meat processing companies and the recreational stakeholders on how long the periods of closure should be. There were also differences of opinion amongst Conservancies regarding how long the closure periods should be.

The Department is endeavouring to ensure that the 2009-2014 WARO concession has consistent closure periods for both the North and South Islands; however, there may be some minor exceptions to this due to requirements of Conservation Management Strategies or Conservation Management Plans.

#### **Compliance**

A major issue for recreational hunters has been concern that the Department has not been ensuring compliance with conditions of the WARO concession. There have been reports of operators undertaking WARO outside those areas covered by the permit and also on land not administered by the Department. The lands over which WARO is undertaken are generally remote and aircraft undertaking this work are highly mobile. Ensuring compliance in the past has been difficult. The new 2009 – 2014 WARO concession has much improved mapping to assist pilots in keeping within the boundaries of the land approved and special conditions will enable the Department to check flight logs of operators if required and also flight records held by meat processors (NZFSA requirement). In addition the Department is working closely with the Civil Aviation Authority, New Zealand Food Safety Authority and the meat processing companies to improve activity compliance which should also aid in reducing compliance costs incurred.

### **Comment**

It is considered that the effects of the proposed activity are well known and that compliance with the standard and special conditions that are contained in the concession document will assist to remedy, mitigate or avoid the effects of the activity.

### **3.3 Term**

The term applied for is five years.

### **Comment**

This term is consistent with previous concessions issued for wild animal recovery by the Department. The national WARO permit is proposed to have a maximum term of five years commencing on 1 December 2009 and ending on 30 November 2014 unless a shorter period is otherwise requested by an applicant. All WARO issued during this period will have a common expiry date of 30 November 2014. It should be noted that in order to complete work on the new WARO framework, interim concessions were issued to current WARO concessionaires for a period of two months (1 October to 30 November 2009).

### **3.4 Any Information Received under Section 17S or 17T- Section 17U(1)(d)**

The Department began a review of the WARO late in 2008 and developed a national WARO framework document. During the period since the issue of the last WARO in 2004 the Department has received ongoing feedback from individuals and stakeholders with respect to various matters relating to the activity. The framework document was therefore developed with the view that it should be circulated to and discussed widely with recreational stakeholder groups along with helicopter operators and feral meat processing companies. The feedback provided by these individuals and groups has resulted in a number of changes to the way in which WARO will be managed. The changes provide for better and improved consistency within the Department on matters such as closure periods (Easter and Christmas), land availability and the justification for exclusion of land areas from WARO.

The new national WARO permit (2009 -2014) has been drafted to incorporate those activities which are considered to be effective methods of commercial wild animal control. The variation within the Schedules for the North and South Islands is due to the importance stakeholders place on chamois and tahr in the South Island (these animals do not occur in the North Island) The species for each Schedule is shown below:-

#### North Island Schedule

Deer carcass recovery (all species)

Live deer capture (all species)

Pig and goat carcass recovery

Live pig and goat capture

#### South Island Schedule

Deer carcass recovery (all species)

#### Live Deer capture (all species)

Pig, goat, wallaby and chamois carcass recovery only.

Activities such as tahr carcass recovery and live capture will be managed in accordance with the requirement of the Himalayan Thar Control Policy and Plan.

Chamois has been a contentious issue with South Island stakeholders and the Department recognises that it needs to gain better information on what is occurring with this species on public conservation land, therefore it is considered that one-off permits for live capture and recovery are the best management options at this point in time.

The movement of wallaby and pig has been an issue for the Department and local authorities for a number of years and again an improved method of management for these animals is necessary.

Applications for heli-hunting will also be managed separately and are likely to require public notification due to the potential effects of this activity and the level of public interest.

The new WARO permit contains more specific requirements for compliance from concessionaires with the requirement to use GPS to record the tracking of flights. The Department will also be working closely with the New Zealand Food Safety Authority, Civil Aviation Authority and meat processing companies with regards to flight data if and when this may be required for management. Memoranda of Understanding may be required to be developed with these organisations and businesses in relation to the provision handling and storage of information for both management and compliance. Verbal agreement to this effect has already been obtained. In addition a new concession document has been developed by the Department for WARO activities along with specific schedules of conditions for each of the activities to be carried out.

### **3.5 Any Relevant Environmental Impact Assessment Including Audit or Review - Section 17U(1)(e)**

Under section 17U(1)(e) in considering any application for a concession, the Minister must have regard to any relevant environmental impact assessment, including any audit or review.

It is considered any effects of the activity are well known and understood therefore an additional environmental impact assessment was not required except to the extent of that obtained during the extensive pre-offer consultation.

### **3.6 Any Relevant Oral or Written Submissions Received as a Result of Public Notification - Section 17U(1)(f)**

Under section 17U(1)(f), in considering any application for a concession, the Minister must have regard to any relevant oral or written submissions received as a result of any relevant public notice issued under section 49 of the Conservation Act.

Given that the effects of this activity are well understood, have been part of a consultation process with stakeholders, and that in most cases have been an activity undertaken in the areas identified for over 30 years, it is not considered there is a need to publicly notify the intention to grant these concessions.

The Department has undertaken wide consultation with both helicopter operators engaged in WARO, feral meat processing companies, recreational stakeholders and other government agencies as shown in 3.4 above. The discussions held and feedback received has assisted considerably in the development of the new national WARO. Copies of material received by way of feedback have been made available on the Department's website.

### **3.7 Any Relevant Information which may be Withheld under the Official Information Act 1982 or the Privacy Act 1993 - Section 17U(1)(g)**

While any request for information under the Privacy Act, or the Official Information Act, would be considered on its merits and on a case by case basis, there is no relevant information concerning this application which may be withheld under the Official Information Act, or Privacy Act.

### **3.8 Decline of Application - Section 17U(2)**

This provides that the Minister may decline any application if the Minister considers that:

- (a) *The information available is insufficient or inadequate to enable him or her to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or*
- (b) *There are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility."*

#### **Comment**

It is considered that there is sufficient information on the effects of this proposal to enable the Minister to assess the effects of the proposed activity.

It is considered that the Department's careful attention to the land which is included in the offer as well as the standard and special conditions contained within the permit document for Wild Animal Recovery Operations will allow the applicants to sufficiently avoid, remedy or mitigate, the effects of the activity, if granted.

### **3.9 Purpose for which the Land is held - Section 17U(3)**

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

**Conservation Act 1987** - Land held under the Conservation Act is held for conservation purposes. ‘Conservation’ is defined by the Act to mean the “preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.” (Section 2)

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

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

Section 20(1)(d) of the Conservation Act provides that no helicopter or other motorised aircraft shall land or take off or hover for the purpose of embarking or disembarking any passengers or goods in a wilderness area. The Minister may authorise the doing of anything on a wilderness area provided it is in conformity with the conservation management strategy, or conservation management plan, and the Minister is satisfied that its doing is desirable, or necessary, for the preservation of the area’s indigenous natural resources (section 20(2)(a) and (b)). Whether there is this “conformity” will depend upon the provisions of the various CMS’s or CMP’s and this is reflected in the determination of whether this land is available for the WARO activity. It is considered that the killing of wild animals is desirable for the preservation of the indigenous natural resources in a wilderness area.

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

Section 4(2) provides that:

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

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

*benefits that may be derived from mountains, forests, sounds, seacoasts, lakes, rivers and other natural features”.*

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

**Wildlife Act 1953** - The purposes of the Wildlife Act are not expressed in any particular section but are found generally through the Act. In particular section 3 provides that all wildlife is absolutely protected except for wildlife listed in Schedules to the Act.

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

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

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

### **General Comment on Matters in Section 3.9**

It is considered that the undertaking of the proposed activity of the national standardised Wild Animal Recovery Operation (WARO) over the land outlined in Section 2.3 of this report is not contrary to the provisions of the relevant Acts and the purposes for which the land is held.

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

Section 22 of the Act provides:

- (1) *Despite any other Act, the Minister has exclusive authority to grant, in accordance with Part 3B of the Conservation Act 1987, concessions*

authorising the holder of the concession to enter any land described in subsection (2) and engage in wild animal recovery operations.

(2) *The land is -*

*“(a) Crown-owned land that is -*

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

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

*(iii) A reserve under the Reserves Act 1977, -*

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

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

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

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

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

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

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

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

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

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

Section 23 of the Act provides:

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

*(a) “The provisions of the Act under which the land concerned is held and the purposes for which that land is held; and*

*(b) The purposes of this Act: and*

*(c) The role of persons engaged in hunting for recreation in achieving the purposes of this Act.”*

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

(i) Other parts of this report address the provisions of the Act(s) under which the land concerned is held and the purposes for which the land is held (3.9 above).

(ii) The purposes of the Wild Animal Control Act 1977 are set out in section 4 of that Act which provides:

(1) This Act shall apply to all land, having regard to the provisions of any Act applying to the land, and shall for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.

(2) This Act shall be administered, having regard to the general purposes specified in subsection (1) of this section so as to -

- (a) Ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters and wildlife; and
- (b) Achieve co-ordination of hunting measures; and
- (c) Provide for regulation of recreational hunting, commercial hunting, wild animal recovery operations, and the training and employment of staff.

(iii) The role of persons engaged in hunting for recreation in achieving the purposes of the Act are addressed through the proposed conditions in the concession

Part III of this 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 considered that the undertaking of the proposed activity of the national standardised Wild Animal Recovery Operation (WARO) is consistent with the provisions of the Wild Animal Control Act 1977.

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

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

This report and recommendation is an earnest attempt by the Department to have regard to the purposes of the Wild Animal Control Act 1977 S 4, Part 2, being the part dedicated to wild animal recovery operations and Part 3 which provides for the establishment of Recreational Hunting Areas. In doing so it is recognised that it will never be possible to completely satisfy all those who have an interest in deer hunting especially as in addition to the parties referred to above there are a vast group of the public who enjoy public conservation lands and who can also be adversely affected by the wild animal recovery activities.

## **4.0 Planning Instruments**

### **4.1 Conservation General Policy, General Policy for National Parks, Policy Statement on Deer Control**

#### **Conservation General Policy 2005**

The Conservation General Policy provides guidance for the administration and management of all lands and waters and all natural and historic resources managed by the Department of Conservation under the Conservation Act 1987, Wildlife Act 1953,

Marine Reserves Act 1971, Reserves Act 1977 (excluding reserves administered by other agencies under that Act), Wild Animal Control Act 1977 and Marine Mammals Protection Act 1978. Section 4 of the General Policy covers the conservation of natural resources. Specific policies within this section deal with biosecurity and the management of threats to habitats and ecosystems. Those policies covering the management of wild animals are as follows:-

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 planned outcomes at places.

### **General Policy for National Parks 2005**

The General Policy for National Parks 2005 (GPNP) gives direction and guidance on how to preserve and protect national parks and the indigenous species in them. Conservation management strategies and national park management plans must be consistent with the GPNP, although existing strategies and plans will continue to have effect until they are amended or superseded (except where they clearly derogate from the new GPNP).

Policy 4.3(i) states that 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.

### **Policy Statement on Deer Control 2001**

The Policy Statement on Deer Control provides a set of guiding statements for Deer Control. The over-riding goal for deer control is stated as being: *“To reduce the impacts of deer, along with other threats, on public conservation lands so as to maintain and enhance forest regeneration and indigenous ecosystem protection.”*

### **Comment**

It is considered that the undertaking of the proposed activity of the national standardised Wild Animal Recovery Operation (WARO) is consistent with the above policies

## **4.2 Relationship between concessions and conservation management strategies and plans - Section 17W**

Section 17W(1) provides: where a conservation management strategy or conservation management plan has been established for a conservation area and the strategy or plan provides for the issue of a concession, a concession shall not be granted in that case unless the concession and its granting is consistent with the strategy or plan.

Section 17W(2)(b) allows the Minister to grant a concession if the management plan does not make provision for the activity, provided it complies with sections 17S, 17T and 17U of the Conservation Act.

Section 17W(3) of the Conservation Act states that “the Minister may decline any application, whether or not it is in accordance with any relevant conservation management strategy or conservation management plan, if he or she considers that the effects of the activity are such that a review of the strategy or plan or the preparation of a strategy or plan is more appropriate.”

#### **4.3 Conservation Management Strategies and Conservation Management Plans**

Conservancies participating in the national WARO have been required to check their Conservation Management Strategies (CMS's) and Conservation Management Plans (CMP's) to ensure that the land which has been included is consistent with these.

The proposed activity is considered to be consistent with existing CMS's and CMP's over all the land recommended for approval in this report. It is not considered that the effects of this activity are such that a review of any Strategy or Plan is appropriate.

### **5.0 Conclusion and Special Conditions**

It is considered that these proposals comply with the provisions of Part 3B of the Conservation Act 1987, section 49 of the National Parks Act 1980, section 59A of the Reserves Act 1977, the Wildlife Act 1953 and sections 22, 23 and 27 of the Wild Animal Control Act 1977.

The standard and special permit conditions proposed for WARO referred to in section 3.2 of this report and contained within the WARO concession document attached as Appendix C would remedy, mitigate or avoid the foreseeable potential adverse effects of this activity.

### **6.0 Recommendation**

It is recommended that pursuant to written delegation the General Manager Operations - Southern:

1. **Determine** that, having regard to the effects of the proposed activity it is not considered appropriate to give public notice of intention to grant this concession.
2. **Approve** the grant of a permit for a five year term commencing on 1 December 2009 and expiring 30 November 2014, to those applicants fulfilling the requirements set out in the Department National WARO concession offer subject to the standard and special conditions attached in the draft permit.

Doug Sowman  
Community Relations Officer (Concessions)  
15 October 2009

Conservator comments:

Date:

**Recommendation Approved / Declined**

**General Manager Operations Southern**

Date...