

Date: 17 October 2019

To: Hilary Aikman, Director National Operations

From: s 9(2)(a), 9(2)(g)(ii) Landscapes Manager, Predator Free 2050

Subject: REVOCATION WET JACKET PERMISSION 5909386

Purpose

1. To consider the revocation of Permission 5909386 for undertaking a sodium fluoroacetate (1080) pest control operation (aerial and hand laid) to kill possums and rats, with a by-kill of stoats, in the Wet Jacket area of Fiordland National Park.

Background

2. The Director Operations, Southern South Island granted a permission dated 24 April 2019 pursuant to the Hazardous Substances and New Organisms Act 1996 and the National Parks Act 1980 to s 9(2)(a), Contract Wild Animal Control New Zealand to undertake a stoat, rat and possum control operation in Wet Jacket area from 1 May 2019 to 30 April 2020.
3. Subsequent to that Permission 5909386 being granted but before it was activated, further rodent monitoring was undertaken. By late May, early June 2019 rodent numbers had not reached anticipated levels although they had started to increase in response to the heavy mast seeding. The slower rodent increase response at this site is likely due to climate and vegetation type.
4. Rodent densities in the operational area are not at a level where DOC is confident that the operation will achieve the benefits to make this operation worthwhile.
5. It is likely that rodent levels will increase to sufficient densities later this year or early next year to make an operation worthwhile, but circumstances will have changed and so it is appropriate that any such operation should be based on a new application and assessment. There is, of course, no certainty that it will be granted as that will depend on the circumstances and variables of that application.
6. As the present Permission is, therefore, not going to be used and there is no certainty about when a new operation may be applied for, it is recommended that Permission 5909386 be revoked.

Hazardous Substances and New Organisms Act 1996

7. Under section 95A(7) of the HSNO Act, the Authority may at any time, in writing to the holder of a permission granted under section 95A, revoke a permission. There is no statutory test or process to the exercise of this power. The exercise of the power has been delegated (by the Authority through the Chief Executive of the Authority) to named positions within the Department of Conservation, including Director Operations.

8. As a decision maker under the HSNO Act you also need to consider the purpose and principles of the HSNO Act. The purpose of HSNO Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances. This purpose is supported by the principles in section 5. It is also necessary to take into account the precautionary approach (section 7), the principles of the Treaty of Waitangi (section 8) and the matters in section 6.
9. As the decision to be made in this case is to revoke a Permission for the use of a hazardous substance where that Permission has not yet been exercised, you can be satisfied that the purpose, principles and other matters of the HSNO Act can be satisfied. It is, therefore, recommended that the Permission be revoked.

National Parks Act 1980

10. Permission was also granted under section 49 of the National Parks Act (and thus section 17Q of the Conservation Act 1987) for this operation. Although there is no specific power of revocation in either Act, section 15 of the Interpretation Act 1999 provides that a power to grant or issue an instrument or notice also includes the power to revoke it. You may therefore also revoke the National Parks Act and Conservation Act component of Permission 5909386 under the delegation of the Minister of Conservation. Not undertaking the operation when the outcome will not be achieved is in accordance with the management purposes of those Acts.

Decision

It is recommended that you:

1. **Agree** to consider this memo and note that Permission 5909386 was granted on 24 April 2019 to conduct a sodium fluoroacetate (1080) pest control operation in the area known as Wet Jacket within Fiordland National Park;

Agree / Disagree

2. **Agree**, under sub-delegation from the chief executive of the Environmental Protection Authority, to revoke Permission 5909386 under section 95A(7) of the Hazardous Substances and New Organisms Act 1996 for the use of 1080 on the land managed or administered by DOC in the operation area;

Agree / Disagree

3. **Agree**, under delegation from the Minister of Conservation, to revoke Permission 5909386 under the National Parks Act 1980 and Conservation Act 1987;

Agree / Disagree

4. If you have agreed to the above, **sign** the attached Revocation letters to take immediate effect.

§ 9(2)(a)

§ 9(2)(a), 9(2)(g)(ii) Landscapes Manager, Predator Free 2050

Decision made by me on 22nd October 2019

§ 9(2)(a)

Hilary Aikman, Director National Operations

Released under the Official Information Act