

NEW ZEALAND

CONSERVATION AUTHORITY
TE POU ATAWHAI TAIAO O AOTEAROA

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Dear Mike

Aerial trophy hunting (also referred to as heli-hunting)

Thank you for the further discussion with members of the New Zealand Conservation Authority about aerial trophy hunting last Monday evening. The Authority prefers to use this term as this is the activity we have been discussing, rather than heli-hunting generally which could include other forms of hunting assisted by a helicopter.

You provided the Authority with some additional information and asked that it provide its advice on 10 new areas for which heli-hunting concessions were being sought for 2011.

The Authority's advice does not purport to be legal argument. It is the advice of the Authority which is a thirteen member statutory body established in 1990, within the newly established legislative context of integrated management of conservation resources. It has the role of approving statements of general policy for national parks, conservation management strategies (one of the purposes of which is to establish objectives for integrated conservation management), and national park management plans. The Authority has not previously been informed through the above processes of the applicant's argument as it understands it, set out below

Put bluntly, the essence of the applicants' argument is that –

- commercial activities under the Wild Animal Control Act (WACA) are privileged;
- statutory planning for integrated conservation management and to guide decision-making are of little importance (simply to have been regarded); and
- public submissions are irrelevant.

I will set out the general views of the Authority before its specific views on the 10 new areas. Its comments about those areas should be read in conjunction with this letter.

The Authority is disappointed that the Department apparently considers that all areas that were approved for the 2010 permit should automatically be rolled over into the 2011 permit. The Authority, having had no opportunity to comment on the 2010 places, either then or now, cannot be construed to agree with them. You advised that there had been no term in the 2010 permits to the effect that the granting of those permits did not imply any commitment to permits being granted beyond 2010 on the same or any other basis. The Authority recommends that the 2011 permits should include such a term.

The Authority is firmly opposed to any long term concession being granted in the absence of good information that enables the decision-maker to make an informed decision as to the appropriateness of the proposed activity.

If there is really, as you say, a lack of information, specifically information that enables a proper assessment of the effects (both adverse and beneficial) of the activity, the Minister has the power under the Conservation Act to decline an application.

That assessment applies to both short term and long term applications. The Department has provided no evidence to the Authority that recreational hunting achieves the purposes of the WACA. The Authority recommends that the Minister should decline any application which is not supported by sufficient information to enable her to make an informed and publicly defensible decision.

Similarly, if the adverse effects cannot be avoided, mitigated or remedied to the satisfaction of the Minister, the Authority recommends that the application should be declined; again in accordance with her powers under the Conservation Act.

The Authority expects that the Minister will give due weight to all relevant existing statutory planning documents. They are, in effect, a contract made between the Crown and New Zealanders about how public conservation resources will be managed.

The Conservation Act also provides that if the Minister considers, because of the effects of an activity, a review of a CMS or plan (conservation management plan or national park management plan) is more appropriate, she can decline an application. There is nothing in the WACA that precludes consideration of that management option. In the current situation, where this form of heli-hunting was not a focus of planning processes, this may be a sensible option.

Commercial operators generally, as well as the public, have been telling the Department that they support the statutory planning process and want to see clear, unambiguous statements that give certainty to all users about how an area will be managed. The Authority respects and supports that view. The integrity of the whole statutory planning regime and the public's confidence in it is called into question when discretions available under the concessions process, or under the WACA in this specific instance, are exercised to circumvent it.

The development of a national policy or strategy for aerial trophy hunting (within the wider contexts of hunting as a wild animal control tool and aircraft access to public conservation land, in the South Island at least) is necessary. Statutory planning can then

be based on it, with a view to achieving an integrated conservation management approach as is envisaged by the Conservation Act.

The Conservation General Policy (CGP) is a statement of general policy for the purposes of the WACA. There are specific provisions in the Conservation General Policy relating to hunting, the use of aircraft, and concessions. Its lack of specific reference to aerial trophy hunting (or heli-hunting) does not mean that its provisions do not apply to that activity. There are very few activities to which the Conservation General Policy refers specifically as it is a statement of general policy. Specific activities are identified in lower level statutory documents where such detail is considered necessary or appropriate, or are weighed against the desired outcomes at places which give guidance as to the appropriateness of an activity at any given location.

Over the decades it claims to have been facilitating trophy hunting, the aerial trophy hunting industry has had numerous opportunities through the statutory planning process to identify the importance of the activity as a subset of wild animal recovery operations during statutory planning processes; and to participate in debates to determine where the balance between various legitimate interests lie.

In the absence of statutory planning documents adequately covering the activity, the Authority considers that the soundest course is for the Minister to publicly notify such concession applications, especially when the public interest in the activity is already so well-demonstrated.

Such notifications would provide the opportunity for additional information to be submitted on the effects of the activity which the Minister needs to consider in reaching a decision.

Any opposition to such a public process by aerial trophy hunting applicants would likely indicate that they lack confidence that their applications and assessment of effects could successfully withstand public scrutiny.

The Authority does not support the granting of aerial trophy hunting concessions for 2011 in any gazetted wilderness areas, unless it is part of a planned and coordinated control operation in the wilderness area led by, and monitored for effectiveness, by the Department, for the purposes of preserving indigenous natural resources.

Indeed, in any place where the landing or hovering of aircraft is not permitted or strictly controlled by legislation (such as wilderness areas), the Authority expects that the Minister would require compelling evidence to persuade her there are good reasons to allow aerial trophy hunting.

The recreational hunting of tahr in the Adams and Hooker-Landsborough Wilderness Areas and of wapiti in the Glaisnock Wilderness Area are subject to tight conditions and have been approved through statutory planning processes, the former under the WACA. The Authority opposes any variation to the recreational hunting access approved in the Himalayan Thar Control Plan 1993 (HTCP) outside a formal statutory planning process.

The map provided of where aerial trophy hunting has been sought in 2011, is of such small scale that the Authority has had difficulty identifying where exactly the activity is proposed on new land within national parks. No information was provided on the

zoning (or any special status) for those areas. Subject to that, in principle the Authority considers that the intent for a Park as regards aircraft movements, and the outcomes sought for each zone or/and Place should be the determinate. For instance, Arthur's Pass National Park is essentially a no-aircraft park for recreation purposes. In other national parks it is more mixed and where there is already helicopter-assisted recreation such as heli-skiing, then aerial trophy hunting during the same time period and in the same area (provided that conflicts can be avoided) could be considered. The Authority would be concerned however if there was aircraft 'creep' with new areas or additional rights being approved by concession for aerial trophy hunting (or other recreational access for recreation purposes).

Policy 4.3(j) of the General Policy for National Parks encourages recreational hunting but that is subject to it not diminishing the effectiveness of control operations, and being consistent with planned outcomes at Places.

This bottom line of not diminishing the effectiveness of control operations, is also that embodied in the HTCP, Interestingly, in light of current legal arguments about interpretation of the WACA, trophy hunting is not considered to be wild animal recovery. The HTCP identifies four forms of hunting – commercial hunters killing tahr for the local and export markets; recreational hunters, guides involved in safari hunting which includes bull trophies, and official control operations.

The HTCP states that official control will be undertaken and identifies the areas of priority for that control, in order. They are:

- The Southern Exclusion Zone which includes the Olivine Wilderness Area and some other parts of Mt Aspiring National Park.
- The Northern Exclusion Zone
- The Wills/Makarora which includes a small part of Mt Aspiring National Park
- Landsborough
- Aoraki/Mount Cook and Westland National Parks
- South Whitcombe/Wanganui/Whataroa
- Hunter/Ben Ohau
- South Rakaia/Rangitata
- Gammack/Two Thumb

At the Canterbury Aoraki Conservation Board meeting in November 2010, the Department's officers responsible for tahr control advised that they had to delay their control operations until the tahr herds had settled again after being hunted by helicopter for trophies. While they gave no assessment as to whether this made control operations less effective, it does demonstrate that the activity is impacting on the Department's own options for control and may be forcing it to undertake control at a time when it would be less successful than if it could select the optimal time for a control operation.

The Authority opposes the authorisation of aerial trophy hunting for any wild animal in the areas of high priority for the official control of tahr identified in the HTCP which constrain in any way the Department's decision-making on what, when or how to cull and the effectiveness of its operations to control wild animal populations.

Conclusion

Aerial trophy hunting should not be allowed at times and in places where specific provisions are made for ground-based recreational hunters, or where it impacts on the benefit and enjoyment of other users, or constrains the Department's management, whether that be for wild animal control or other purposes, or is otherwise inconsistent with outcomes at places or the policies of statutory planning documents.

Aerial trophy hunting is too large and complex a topic for long term decisions to be rushed. This includes the reputational risk to the Department of pushing ahead in the face of opposition from the public without taking the time to talk through the issues, identify all possible options, and reach a decision which, if not supported by all interested parties, is at least understood by them and accepted as reasonable.

Yours sincerely

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NZCA Aerial Trophy Hunting Committee