

Lower North Island Red Deer Foundation Inc

Submission – 2nd Round 2018 WARO review

To

waro@doc.govt.nz

Submitter – Lower North Island Red Deer Foundation Inc.

President G N George

PO Box 40226, Upper Hutt

Email georgeg.gg21@gmail.com

Ph 027 222 5714

Please also refer to the submission cover letter from our lawyers, DLA Piper.

The LNIRDF is an incorporated society formed from the clubs which comprised the Lower North Island Hunter Liaison Group, a consultation group formed by DoC in 2009. The LNIRDF represents around 2400 members of 16 hunting clubs from Wellington to Taupo. We have for several years now been engaged in a multi-party working group aiming to produce a Ruahine Deer Plan. In 2017 we successfully challenged the Department in court over 2015 WARO openings.

The department should not underestimate the recreational hunting community's willingness to address the proposed injustices felt as a result of this review. When coupled with a litany of broken promises by the department the sense of betrayal felt is immense.

It should also be noted by the department that if we need to take you to court again we will seek review of the relief obtained in 2017 given that the department misled the court over a key consideration (the comprehensive review before the 2018 WARO review). The department has also sought to justify sustaining openings on the basis of status quo with the 2015 openings the court declared invalid. It is akin to a thief keeping goods simply by virtue of being in position.

Background

The 2015-18 WARO concessions were arrived at without any recreational hunter input yet several rounds of commercial input. DoC opened up large areas including the Ruahine Forest Park (65%), The Tararua FP (18%) and the Rimutaka (now Remutaka) FP (83%). The changes were significant and in Remutaka and Tararua forest parks, removed nearly all of the long-standing exclusions to WARO. The wishes of the Game Animal Council for a comprehensive review and a different WARO system were also ignored by DoC in 2015.

We took DoC to court and in June 2017 our judicial review was upheld and **the judge declared the areas added to the WARO land schedule in 2015 as "invalidly added" and awarded us costs.**

Mike Slater, Deputy Director General of the department, came to the June 2015 NZDA conference in Wanaka and announced that prior to the start of the 2018 WARO concession round there would be a wide-ranging review of the whole WARO system. The intention was restated at the July 2016 conference and again just post our court win at the July 2017 conference. The intention to hold the comprehensive review also formed part of the departments defence in the judicial review (Mike Slater's affidavit) and was noted by DoC's counsel to the judge in the High Court, May 2nd, 2017.

During our day in court the department's intent to hold the comprehensive review prior to further concessions was a key consideration in the relief we sought and primarily why we did not at that time request Justice France require the immediate withdrawal of the affected land areas from the WARO land schedule. Only a year remained of the 2015-18 concessions and we expected the department to honour the intent of the judgement and not simply include the unjustified and invalidly added areas in subsequent land offerings. The department has not listened to the declaration that the land areas were added to the WARO schedule invalidly.

A January 2018 letter from DDG Mike Slater noted the department was not going to proceed with the comprehensive review. Subsequently via an OIR request we identified that the department had in fact decided not to proceed with the much stated review around late August 2017.

In this very poorly conducted "*limited*" review the department has displayed little or no learning from the 2017 court case. It has ignored many of its own staff's regional area recommendations in its National Panels enthusiasm to open as much land as possible to WARO activity ignoring the legislative requirements to manage adverse effects.

It has taken a selective view of which legislation it should pay attention to and appears to have given pre-eminence to an internal policy over the consideration requirements of the Wild Animal Control Act, the Conservation Act and past justifications for restrictions based upon compliance with those acts. The lesser ranked Deer Policy has existed through every WARO review round since 2001 including the fully consulted 2009 review yet only now does the department seek to give it weight it is not entitled to in order to justify the unjustifiable.

As noted above the last widely consulted review was held in 2009 and the end result of that review was generally greater restrictions on WARO activity and a mostly well balanced, reasoned and justified application of mitigation strategies for the well-known adverse effects of WARO. Those justified restrictions and exclusions and the principles behind them have been mostly ignored in this current review.

The Lower North Island

In our area there are a number of significant changes proposed by DoC's national panel to those of the Regional Offices. This is in addition to proposals by the Regional Office to remove restrictions on some areas with the exact changes difficult to identify by way of the 2 stage process with only further changes noted in round two. The national panel has countered the regional recommendations for the Tararuas along with some of the reserves (Puketoi most bizarrely). The bulk of the Remutakas is not noted and therefore (from your maps) we assume the intent is to leave it open.

The high court was very clear in stating that these areas were added invalidly yet the only justifications proffered currently by the department for keeping the affected Tararua and Remutaka FP areas open was retaining the status quo and that the Tararua areas were "not a Great Walk". We do not recall seeing in any legislation where status as a Great Walk was a formal consideration.

High visitor usage is however a valid consideration criteria and presumably that is where the newly thought up criteria has come from. In which case both the Tararuas and the Remutakas tick the box as the areas in question have some of the highest visitor numbers in the entire DoC estate. That high usage and low deer numbers were the reasons noted for keeping them closed for over 30 years prior to the now invalidated 2015 opening.

DoC's own recent monitoring programs confirm the Tararua FP and Remutaka FP deer numbers as low. The low deer numbers, the accessibility and the high hunter and visitor usage have rendered WARO activity un-desirable and un-necessary for over 30 years in that area of the Tararuas and it has never occurred nor been needed in the Remutakas. The accepted mitigation for the likely adverse effects had been closure.

The legally valid long term **status quo for the affected Tararua FP and Remutaka FP areas** is closed and given that status quo is the only rationale stated by the department for keeping them open then they (83% of Remutaka FP, 18% of Tararua FP, Puketoi and the other Wairarapa reserves) should be closed. They should not have been stated as open in your recommendations given the court declared those openings invalid. **The department has provided no evidence of need which would overturn the past multiple validated justifications for closure.**

The consultation

This second round 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 publically 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.

As noted and acknowledged in the November consultation summary the consultation for this review could have been carried out better. Your summary attempts to paint a picture of a submission period from 1 June to mid July 2018. This is highly misleading when the department could not even produce a proposed land status document or maps or even meeting timings until the second half of June 2018. We had no idea what was intended until then. Meetings were at very short notice and in the south island unviable as many were in normal work time. We then had until the end of June (4 days after the last meeting) to submit.

Only after the close off of that deadline did DoC extend the deadline by 2 weeks. The end result was many simply could not take part meaningfully in an informed manner. The general feeling we gained of departmental incompetence over the review also caused considerable delay and ambivalence as to whether the department was sincere in its efforts and why should they bother.

Most hunters were unaware as the department went to virtually no effort to inform them of the proposed changes of which they are an affected party. Even with the supposed "limited" or "targeted" nature of the consultation they did not take advantage of the known affected party information held in the hunting permit system. The names and emails (90% of those with permits) of around 32,000 hunters are known to the department. The department could readily identify and inform affected parties but chose not to.

New land areas have been added during this second round of "consultation", e.g. the Kaweka Forest Park. These were not consulted on in June 2018 and hunters could reasonably have thought those areas were unaffected and not submitted. This round is however limited to those who submitted on the previous limited land review, i.e. despite now being of interest to people not previously thought affected or involved they will be denied a say. This effectively denies them natural justice, the very principle which saw you lose the 2017 WARO case.

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.

General comments

The recommended full public review is a non-binding recommendation. **The department has no credibility on this issue.** A comprehensive WARO review prior to the 2018 WARO review round was repeatedly promised by DDG Mike Slater, it was included in his affidavit to the High Court in our WARO judicial review and restated to the court 2nd May 2017 by DoC's lawyers. Then within 2 months of the High Court ruling the openings invalid and taking the promised comprehensive review into consideration in its relief, DoC reneged on perhaps the most

significant promise ever made to hunters. The new recommendation of a review is seen by the Foundation as little more than an attempt to give us false hope and distract us from robustly challenging proposals. We will not be distracted.

The review panel have noted the Deer Control Policy 2001 as its justification for many of the openings yet that application of the DCP seems highly selective and appears to ignore the following statements from the Policy in regard to considerations. Areas such as the Tararua FP, Remutaka FP, Ruahine FP Kaweka FP and Puketoi Reserve are all areas of high visitor usage or significant sustained pesticides operations (Puketoi in particular).

Access to department managed areas for aerial recovery

A concession system is now in place for commercial helicopter recovery on public conservation lands. Public conservation land is open to 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 concessions document. Reasons for limiting areas/time periods available may include:

- Where toxins are being used;
- Where there is high visitor use;
- Where there are risks to native wildlife;
- Where it is necessary to comply with a specified statutory strategy or plan.

A brief analysis of the Panels recommendations for this round shows a general pattern of a broad green (open) brush being applied irrespective of the rationalised views of the local offices or hunters:

category	From permitted/restricted to restricted or closed or no change or removed	From closed to restricted or permitted	From restricted to Permitted	WARO gain ratio
1 new land areas	1	4	3	7:1
2 changes existing	7	15	6	21:7 (3:1)
3 local office disputes of national Panel recommendation	0	3	2	5 nil

Note : Many of the restrictions seemingly improved for rec hunters are simply minor tweaks of the minimalist roar closure in the south island, i.e. a few additional days being counted as land now restricted rather than permitted.

We have also noted that the department seems to contradict itself in efforts to discredit many of the submissions made in the first round. From the Nov 2018 summary of submissions document <https://www.doc.govt.nz/globalassets/documents/about-doc/concessions-and-permits/waro/waro-summary-of-submissions-2018.pdf>

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 too restrictive to ensure WARO business viability** over public conservation land and to maximise wild animal control. Recreationists have areas that are not permitted (red) for WARO where they can visit if they want certainly there will be no WARO, or locations that are 'restricted' (orange), such as Nelson Lakes National Park, where there is a longer exclusion in place.

Yet in contradictory statements on page 12 of the submissions summary the department notes "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. **Matters, such as which activity contributes more to the New Zealand economy, fall outside the scope of the legislation and are therefore not relevant for consideration as part of this process.** Similarly, other less common submission comments such as those below, are not able to be considered as part of this process: "

So it appears the department considers relevant the profitability of operators but not the significantly greater economic contribution of recreational hunters. Surely both considerations should either be excluded or included. If economics of WARO is to be considered then the far greater contribution of recreational hunters should also be considered.

However aiding treatment of these issues are statements by the departments Marie Long in a June 2015 letter which stated "*there is no Conservation Act mandate to maximise concessionaire profitability*". Yet that is what the department is attempting to do. The department has prioritised increasing concessionaire profits at the expense of making recreational hunters pay more to drive further to ever fewer and ever more densely concentrated (wrt hunters) WARO free areas. How is this department action consistent with the legislation or reducing our carbon footprint. The department is called the department of conservation but they seem to advocating for hunters to consume more fuel so as WARO operators can make more profit.

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

S23 (c) of the WAC Act requires the grantor to have regard for the role of persons engaged in hunting for recreation in achieving the purposes of the Act. S17U of the Conservation Act requires the grantor to have regard to any measures that can reasonably and practicably be undertaken to avoid, remedy or mitigate the adverse effects of the activity. Closure and additional restrictions have been the accepted and tested approach to manage the adverse effects of WARO activity.

The department in its latest recommendations have wiped all but the most trivial and ineffective of controls intended to minimise the adverse effects. When the vast majority of the deer removed from public land are taken by Rec hunters then removing WARO restrictions and potentially de-motivating the majority consistent control tool (Rec) is contrary to the intent and purpose of the WAC Act. As previously noted the department has also based its starting point (and finishing) for the lower north island as sustaining the openings declared invalid by the High Court.

The deer control policy is subservient to Acts and the department appears to be selectively using self-written policy (one at significant variance to consultation results for the proposed National Deer Plan @1997) to override the requirements of Acts. When the last comprehensive and fully consulted WARO review (2009) put in place more restrictions on WARO to mitigate, remedy or avoid adverse effects how can you in this limited review justify removing the mitigation against the advice of your local operational areas, the evidence of submitters and the declaration of the high court?

The recommendations should be set aside and an independent panel set up as part of a comprehensive review. The department's integrity is so significantly in doubt that they should step aside.

Lower North Island Red Deer Foundation Incorporation
PO Box 40226 Upper Hutt
Email: admin@lnirdf.org.nz
Website: www.lnirdf.org.nz

Specific comments

	Topic/reference	Our contention	Comment
1	Sustained existing closures.	We endorse on a national basis the proposed land closures including but not limited to Ruahine FP, Aorangi FP. We would also note the highly valued closure of the Lake Sumner RHA and the current control regime in the Fiordland Wapiti Area.	These closures are highly valued and involve accessible areas highly used by large numbers of recreational hunters and trampers. WARO activity would create significant conflict, is un-necessary and would likely result in a lessening of recreational hunter activity to the detriment of conservation goals.
2	Ruahine FP	We endorse the current restrictions proposed to be sustained in the Ruahine FP and seek enhancement with the closure period becoming 1 st Nov to 30 th April.	The restrictions are highly valued in a highly used and accessible Park with few points more than 4 hours walk from a road end. The additional one month sought for full closure is intended to better protect stags from being targeted by WARO. A better roar experience for rec hunters will result in the retention of more hunters and more hunting activity to the sustained benefit of conservation as rec hunters are not dependent upon boom bust meat prices.
3	Accessible areas	As a general principle and in accordance with WAC Act requirements to mitigate adverse effects areas readily accessible and regularly hunted should not be open to WARO.	There is a need to avoid adverse effects upon other users including rec hunters. WARO is a well known source of conflict with rec hunters and can act as a disincentive to activity. Hunters will shift to other areas or worse other activities and with WARO activity levels being dependent upon price this is not in the interests of sustained control of deer as per the requirements of the WAC Act and the needs of conservation. WARO activity should be restricted to less accessible areas only.
4	Term	If this flawed review process proceeds then the term should be only 2 or 3 years to allow for a comprehensive review to occur.	The current system is broken, it offers nothing but conflict and fails to recognise the strengths and consistency that properly managed recreational and commercial hunting could provide. Hunters and the high court were promised a

		As noted previously this review is so significantly flawed it should be abandoned.	comprehensive review which potentially offered a new way forward to a more rational effective system less prone to conflict and more predictable in outcomes. However the department reneged on one of the most significant commitments it has ever made to hunters.
5	<p>Wairarapa, Tararua Forest Park. Road ends and Buffer areas (18% of total FP)</p> <p>Recommended by Regional office to be not permitted.</p> <p>Recommended by Panel to be restricted.</p> <p>Justification for recommendation is status quo</p>	<p>The openings which occurred in the Tararua FP in 2015 which were declared as invalid by the court yet proposed to be retained in this review. The lands should be removed from the schedule.</p> <p>There is no deer problem, the areas are heavily hunted by rec hunters and heavily used by trampers.</p> <p>At a minimum the closures should be as per the 2009 to 2014 WARO review outcome, there is no defensible position which retains the invalid openings and in this process no new justification has been provided (despite requests) and instead it has been confirmed that the department essentially didn't even think about justifying it.</p> <p>The areas of the Tararuas opened invalidly in 2015 should be returned to their 2009 status and closed.</p> <p>The open status was ruled invalid by the court.</p>	<p>During the 2017 court case as its defence for opening the affected 18% of the Tararuas the only evidence of need the department provided was a 2005 study which looked at deer monitoring from 1958 to 1985 and the author (Sean Husheer) concluded by noting that the report should not be used for animal management purposes.</p> <p>The department had available a much more relevant 2013 Project Kaka report which it chose not to use. It shows that deer numbers are low, possibly dropping and did not distinguish between deer and goat pellets so with goat numbers significantly on the increase due to inadequate DoC control, deer numbers could be even lower.</p> <p>This is backed up by the recent Tier 1 monitoring which has the Tararuas at the lowest density of any of the North Island Forest parks and significantly below the average for all PCL nationally with that average already suppressed by inclusion of the 30% of the PCL which has no deer in it anyway.</p> <p>There is and was no animal problem justification to support opening the Tararua areas.</p> <p>The lands had been closed for over 30 years until opened in an unconsulted process in 2015. The high court declared the opening invalid. Despite that DoC have tried to retain it and initially did not even</p>

			<p>note it as an area affected by change essentially attempting to again deny hunters consultation.</p> <p>The last time there was a fully consulted evidence based WARO review was 2009 and at that time rather than opening more Tararua land area to WARO they closed some. That closure was undone in 2015 and that opening deemed invalid by the court in 2017.</p>
6	<p>Wairarapa, Remutaka Forest Park</p> <p>Not noted as a change by DoC but from maps it is proposed to retain the opening (83%) which the High Court declared invalid in 2017</p> <p>Justification for recommendation is status quo</p>	<p>The opening which occurred in the Rimutaka (Remutaka) FP in 2015 was declared invalid by the court yet is proposed to be retained in this review. It should be removed from the land schedule.</p> <p>There is no deer problem, the areas are heavily used by rec hunters and trampers.</p> <p>At a minimum the closures should be as per the 2009 to 2014 WARO review outcome (i.e. all closed), there is no defensible position which retains the invalid openings and in this process no new justification has been provided (despite requests) and instead it has been confirmed that the department essentially didn't even think about justifying it.</p> <p>The areas of the Remutakas opened invalidly in 2015 should be returned to their 2009 status and closed.</p>	<p>No justification whatsoever was presented as evidence for opening it in 2015 and in 2017 the high court ruled the opening invalid.</p> <p>The park is highly accessible. Virtually all of the park (but for a small area in the north) had been closed for all its history until opened in an un-consulted process in 2015. An opening which the high court declared invalid. Despite that DoC have tried to retain the opening and did not even note it as an area affected by change essentially attempting to again deny hunters consultation.</p> <p>In terms of visitor usage it is one of the most heavily used parks in the north island. That along with low deer numbers was traditionally the justification used by the department to sustain the near complete closure (83%).</p> <p>Recent data which would have been available to inform the 2018 proposal was readily available. The Tier 1 monitoring has the Remutakas at the second lowest density of any of the North Island Forest parks and significantly below the average for all PCL nationally. Simple version, there continues to be no deer problem there.</p> <p>The status should be determined by both the historical status (has always been closed) and the last</p>

			fully consulted and evidenced WARO review in 2009 where DoC noted low deer numbers, adequate control by Rec hunters and high visitor numbers. These are all valid grounds for closure in terms of consideration under the Conservation and WAC Acts and they outrank any policy DoC may have written for itself.
7	<p>Wairarapa, Puketoi Conservation area and the other reserves.</p> <p>Puketoi was recommended by the regional office to be not permitted</p> <p>The panel have recommended it be permitted</p>	<p>The openings which occurred amongst the Wairarapa reserves in 2015 were declared as invalid by the high court in 2017 yet some are proposed to be retained in this review.</p> <p>They all should be removed from the land schedule.</p>	<p>Puketoi is a small narrow reserve, mostly bush clad and contains no land more than 2kms from private land and therefore needs multiple landowner pesticide declarations to allow aerial recovery. These declarations will not be able to be obtained due to ongoing neighbouring landowner and Regional Council pesticides usage. This was evidenced to the Regional Office and they recommended it be closed to WARO. It is of no value to commercial operators and opening it as the Panel have recommended serves no useful purpose and only serves to further discredit this review process.</p> <p>There is no deer problem, the areas are small, accessible, well used, deer are managed by rec hunters and WARO cannot use them given the 2km pesticide buffers. The very reasons every previous review has left them close (other than the now invalidated 2015 review).</p>
8	<p>Hawkes Bay Kaweka FP area outside RHA</p> <p>Recommended by Region to be not permitted.</p> <p>Recommended by panel to be restricted</p>	<p>This proposal has not been consulted upon until now and the recommendation and ability to comment is only open to those who submitted previously. This denies hunters natural justice.</p> <p>The panel recommendation is not rational and may result in a lessening of control not an increase, due to the</p>	<p>The newly proposed opening is a significant change potentially adversely affecting a very large number of hunters. The Kawekas attracts around 8% or more of the national hunting permits yet is less than 1% of the PCL. Additionally Sika the predominant deer there are smaller than red deer and the carcass weights have traditionally been light to the point of not attracting WARO activity.</p>

		<p>unattractiveness of Sika deer to WARO operators and the opening deterring rec hunters.</p> <p>The Kawekas should be closed to WARO</p>	<p>Personal comments from 2 operators at the 7th Feb 2019 Ruahine Deer Plan meeting suggest a minimum of 35kgs (gutted and skinned) is needed to be economic. Few if any Sika will reach this weight.</p> <p>Whilst WARO activity then seems unlikely the potential is still disruptive to recreational hunters who may simply go elsewhere lessening the ongoing deer control.</p> <p>Rather than assist deer control the opening has the potential to reduce the overall level of pressure contrary to the aims of the WAC Act.</p> <p>Did any WARO operator request it be opened ?</p>
9	Summer closures	<p>The standard North island and South island summer closure period (for areas outside the Ruahines noting the existing Ruahine restrictions) should be increased to become 16th December through to 31st January as a minimum and ideally the North island closure should become 1st Dec to 30th April.</p>	<p>The present standard minimum north island xmas / new year closed period is too short and in the absence of ideally a complete 1st Dec to 30th April closure it should be at least from 16th December to 31st January to align with the school holidays during which families might seek to go bush without undue disturbance by helicopters – periods when recreational hunters can generally be expected to be more active.</p> <p>The North Island when compared to the south island has a significantly higher density of hunters to PCL and this is not reflected in the disturbance free opportunities open to North Island hunters. Greater levels of hunting of the alpine areas by recreational hunters can be expected if there is less chance of the effort of getting there being spoilt by the presence of WARO helicopters. I.e. the presence of WARO is a discouragement to the foot hunting of many areas - who wants to waste their effort where a</p>

			<p>helicopter could swoop in and take the deer you have spent a day getting near?</p> <p>The impact upon WARO operators of an extra 2 or so weeks would be minimal with many tied up through the summer with tourist operations. Tourism workload was the determining factor in cancelling the proposed openings of the West Coast tahr ballot blocks in January. There was simply no capacity for servicing the blocks due to tourism needs. Many of the WARO operators also run tourism businesses.</p>
10	Land removal ability	<p>Schedule 2 cl 16 of the permit (land exclusions) needs some tweaks (substitute “agree” for the term “acknowledge” they currently use) to strengthen the clause.</p>	<p>Post the successful 2017 LNIRDF Judicial review we requested DoC use clause 16 to remove the land areas the judge had declared invalidly added to the WARO schedule. DoC stated they could not use the clause to remove land area. So either DoC misled us or the clause needs to be made effective as there is little point sustaining what DoC admits is an ineffective clause.</p> <p>DoC in the November submissions analysis again claimed this clause would allow removal of land areas yet as noted above when requested to use it they said they could not ?</p>
11	Road ends	<p>DoC should specifically designate which road-ends are suitable as WARO drop-off points given there is enormous potential for conflict and health and safety issues at some of the road-ends.</p> <p>No road-ends located within closed zones should be available as drop-off points.</p>	<p>Some road ends are simply too limited in space to allow for the safe management of rotor wash issues or simply even parking space. At many sites space limitations would expose public users to dust and debris risk from rotor wash along with associated damage to their cars. Not all sites are suitable and the department should select and take responsibility for them.</p> <p>Having other users arrive at a road-end to find all the available space is occupied as a truck depot and</p>

			<p>helipad would be completely unacceptable and likely to result in conflict and complaints. It would also potentially breach NZTA H&S guidelines which DoC needs to be mindful of given it gets funding for some roads from them.</p> <p>Allowing helicopters to operate from road-ends in closed areas (as per the draft offered permit) is a recipe for grief and poaching.</p> <p>DoC as the agency permitting the activity would be considered as a PCBU under our H&S legislation and should an injury (or near miss) arise then DoC and relevant staff could be prosecuted.</p>
12	Data provision	Data provision – There is a need for better access to GPS tracking data for both DoC and hunters. The data should be provided in real time to the department and with appropriate GIS systems issues could be readily and efficiently identified.	<p>DoC should have the ability to look up in real time where WARO helicopters are. This is common for many work vehicles and staff now, the technology exists.</p> <p>Having the data available would enable better targeting of all forms of hunting activity and simple analysis would add to the departments understanding of animal trends.</p> <p>For recreational hunters knowing where and where not WARO activity has recently occurred would be invaluable in trip planning and go a long way to meet the aims of the WAC Act –“concerted action”</p>
13	Auditing	Auditing of operators should occur on a regular and timely basis. Currently we are unaware of any systematic review of WARO compliance. Regular audits making proper use of the potential of GIS mapping to assess operator compliance should occur	<p>With the operators having to record GPS tracks of their activity it seems a reasonably simple step to ensure regular auditing of those flight paths occurs against the permitted area boundaries.</p> <p>This would also be another tool in preventing WARO activity in not only closed zones but also pesticides buffer zones potentially saving the industry from another crash like 2002.</p>

14	Limitation as to operators per area	There needs to be a limitation as to number of operators in any one area.	The current open slather system serves no one well and precludes rationale management and efficient WARO operations. With operators able to fly almost anywhere they have no certainty as to whether another operator has been though first resulting in wasted flights or reluctance to carry out the activity. It also means that areas may not end up spelled and as a consequence the deer retreat to the bush or become nocturnal becoming harder to hunt for both recreational hunters and WARO, no one wins and conservation loses. Restrictions are needed.
15	Tenure review land	No Land Handed Over to DOC through the Tenure Review Process should be introduced to the WARO Land Schedule	Such land is all imminently accessible to recreational hunters. Without exception, and by definition – it backs on to farm land. The department itself notes recreational hunters as most effective close to access points. The only way to adequately manage the adverse effects upon recreational users is to exclude WARO activity.

In summary

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 hence it is not appropriate at every place and time. The legislation requires the application of adequate and appropriate mitigation for the adverse effects and where those effects cannot be adequately managed the activity should not occur. The review panel have swung too far in favour of the WARO operators, using an internal policy to usurp legislative requirements. This is inappropriate and not in the long term interests of conservation given the boom bust nature of WARO and when considered with its ability to demotivate recreational hunter activity.

We however wish to thank the Department for the opportunity to comment on the proposals though as noted previously we believe this consultation to be fatally flawed and significantly inadequate.

The comprehensive review the department reneged upon and which we and the high court had been promised should be reinstated and carried out forthwith and this limited review put on hold. Please also refer to the cover letter from our lawyers. There are significant matters outstanding from the 2017 court case and we are resolved to see them pursued to conclusion.

Yours faithfully

G N George

G N George
President LNIRDF