

29 October 2009

The Chief Executive
Environment Bay of Plenty
PO Box 364
Whakatane 3158

Tēna koe

NGĀTI AWA SUBMISSION TO PEST MANAGEMENT IN THE BAY OF PLENTY REGION

Thank you for inviting submissions on the Draft Bay of Plenty Regional Pest Management Strategy.

We note that further consultation will be undertaken by Council on a proposed version of the strategy.

We wish to be engaged in consultation on a proposed pest management strategy so that we may contribute further to Council decision-making at that stage also.

Ngāti Awa wishes to be heard at any 'hearing' that might be held for the pest management strategy.

If a hearing is held we promote with council the placement of a commissioner that is demonstrably familiar with the Māori values and issues identified in this submission.

We also request a response from Council advising the outcome of submissions made by Te Runanga o Ngāti Awa.

Te Runanga o Ngati Awa also supports the submissions made by Mr Kelly Hughes.

Submission of Te Runanga o Ngāti Awa

This is the submission of Te Runanga o Ngāti Awa.

Te Runanga o Ngāti Awa is a settled iwi in the eastern Bay of Plenty.

Te Runanga o Ngati Awa is an iwi authority that was formally established in Whakatane in 1980 and re-established under Te Runanga o Ngāti Awa Act 2005.

The Ngāti Awa Claims Settlement Act 2005 also refers. Reference to the Ngāti Awa Claims Settlement Act 2005 appears in the Resource management Act 1991 and the operative Bay of Plenty Regional Policy Statement.

The Ngāti Awa Claims Settlement Act 2005 identifies various statutory acknowledgements and statutory areas which have either been returned to Ngāti Awa or may be co-managed jointly with the Department of Conservation and which can be subject to resource consents

for pest management activities that must, in order to comply with section 49 of the Ngati Awa Claims Settlement Act 2005, be the subject of consultation with Te Runanga o Ngati Awa.

Te Runanga o Ngati Awa owns a great deal of land in the region. It is also an iwi authority that undertakes, with the support of various private Māori Land Trusts affiliated to Ngati Awa, an advocacy role to assist its people, Māori land trusts, marae and communities.

Animal and plant pest management is a matter of concern to Te Runanga o Ngāti Awa and private Māori Land Trusts with affiliations to Ngāti Awa because of the costs and methods used in pest management practice.

This submission is prepared in that context.

Ngāti Awa Submission

Environment Bay of Plenty is responsible for a number of functions relevant to pest management activities. Our submission focuses on the various responsibilities we understand Environment Bay of Plenty has in terms of pest management planning and implementation in the region.

We understand that Environment Bay of Plenty is:

- A regulator of activities for which resource consents are required (including air discharge consents for aerial discharge of 1080 bait and forest harvest operations that can result in a proliferation of plant pests)
- An operator that undertakes animal and plant pest management (alongside other statutory agencies and landowners)
- One of many statutory organisations with existing responsibilities under the Biosecurity Act and other statutes
- Responsible for the establishment, implementation, and review of objectives, policies and methods to achieve *integrated management* of the natural and physical resources of the region.

We comment on the four areas of pest management responsibilities outlined above and provide general comments also.

General Submission Points

Animal and plant pest management is an ongoing challenge.

It requires vigilance and tenacity on the part of statutory agencies vested with pest management responsibilities.

Statutory agencies are responsible for pest management in New Zealand. They must continue to be responsible, and should find effective and efficient means by which to implement pest management activities in the Bay of Plenty region.

Landowners too must contribute to the ongoing management of animal and plant pests on their properties.

However the extent to which landowners make any further contribution to pest management activities must be considered in the context of the tax, rates and reserve contributions they already provide to statutory agencies. Ngāti Awa is one such landowner. Intensive programmes undertaken by statutory agencies can be followed by ongoing maintenance regimes that can be more easily supported by land owners and land care groups.

Lack of Clarity Among Statutory Agencies

A key concern when there are many hands undertaking the same task is each of those hands may rely on the effort of others, and in the meantime, no work is being done.

We wish to promote the preparation of a regional pest management strategy that avoids this situation.

We also believe that the costs associated with pest management in New Zealand may cause each statutory authority to push pest management responsibilities onto others or to waste time arguing about the level of responsibility each agency has.

Again, New Zealand cannot afford a lack of clarity in the matter of pest management.

New Zealanders rely heavily on statutory agencies ongoing commitment to plant and animal pest management in our country. Any lack of clarity for any length of time, exacerbates the pest management problem and makes it that much harder and more expensive for the operator to recover lost ground when clarity does arrive.

Our main point here is that while it may be desirable to make pest management practice everybody's business New Zealanders need statutory agencies to be actively involved and responsible for the pest management planning and implementation in our regions.

Loss of the Environmental Programmes

Environment Bay of Plenty has contributed significantly to the management of pests in the region through the environmental programmes it has developed with land owners.

Its former Environmental Programmes were very successful and pitched the right sort of support to members of the community. Indeed Environment Ngati Awa routinely recommended that land developers contact Environment Bay of Plenty to discuss the environmental programmes.

We would like to see these programmes or something very similar to them re-instated as soon as possible because the programmes had the ability to contribute to the regional communities soil conservation, water management, pest management practice and the enhancement of ecological biodiversity alongside land owners and developers.

Regional ratepayers contribute to Councils management of these issues.

Regional 'assets' such as the Port of Tauranga also provide sufficient funds for ongoing and increasing support to address this difficult problem.

New ideas to encourage members of the regional community to assist with pest management, particularly on their properties are being be found. In the Western Bay of Plenty (for example) we understand Council routinely provides land management information to purchasers of new lots. It is possible that regional council publications relevant to pest management can be packaged and made available to real estate agents, particularly rural

agents, so they can provide useful information to new land owners advising their responsibilities to pest management at their new properties.

Likewise developers who subdivide and contribute reserve land can be required to include advice notes or covenants on new titles to compel lot purchasers to be clear about their responsibilities to pest management on their properties and on reserve land set aside as part of the subdivision consent.

Forestry companies should be required to address animal and plant pest' issues by the imposition of conditions on consent decided by regional council.

There are many opportunities to compel members of the community to make further contributions to pest management practice.

Providing for employment and productivity opportunities for the public is also another way to compel interest and participation in pest management activities. Finding ways to provide for the 'harvest' of animal pests as a textile, pet food and other products will also see the community take part in pest management in a more intensive way.

Integrated Planning and Implementation

Te Runanga o Ngāti Awa promotes with statutory agencies an integrated approach to pest management practice in the Bay of Plenty region.

Relief sought: That the Bay of Plenty Regional Pest Management Strategy promotes and fosters integrated planning and implementation of pest management activities by statutory agencies in the Bay of Plenty region.

There are a number of statutory agencies responsible for pest management in the Bay of Plenty region.

The Department of Conservation, regional and district councils all carry responsibilities for animal and plant pest management activities to which rate and tax payers already contribute.

Each of these statutory organisations routinely prepares annual plans and works programmes at the same time each year.

Te Runanga o Ngāti Awa proposes that the Pest Management Strategy for the Bay of Plenty region should promote integrated planning and implementation in its strategy and then lead by convening annual meetings of these statutory agencies in order that an integrated regional approach to animal and plant pest management can be progressed in any given year.

Such meetings would ideally occur at times when annual plans and works programmes are being drafted by respective agencies, say in September or October of each year, and again when respective plans are almost ready for promulgation, in say, February or March of every following year.

This would allow officers within each statutory agency to work co-operatively with their contemporaries in other agencies to identify intensive predator and plant pest management works programmes in a cost effective and efficient manner.

Intensive predator control and plant pest management undertaken in a co-operative way by multiple agencies would provide opportunities for landowners to follow up with ongoing management activities, at a lesser cost.

This type of activity would provide tremendous opportunities to statutory agencies to use an intensive 'swathe-type' pest management approach across pest infested lands while also providing the rate and tax payer with greater comfort that the agencies to whom they contribute are working in an efficient, co-operative and cost effective way.

Essentially we ask that statutory agencies do the 'hard hit' on animal and plant pests which can be followed up by ongoing maintenance and monitoring involving both the landowners and statutory agencies.

This is the type of approach we have used on Ngati Awa Farm alongside our operators, the esteemed land management team in Environment Bay of Plenty.

Consistent Pest Management Practice

Any Pest Management Strategy prepared for the Bay of Plenty region should ensure that all persons and agencies undertaking pest management activities in the region are doing so in accord with regional and district regulations.

This should also require statutory operators to undertake their practice in compliance with relevant regulations.

At present there are a number of approaches to pest management being utilised by statutory agencies, most notable of which are the different and sometimes conflicting approaches used by regional council and the Department of Conservation.

While we appreciate that each of these agencies is subject to differing statutes, each is able to consider the *management approach* it will adopt when *implementing* its pest management functions under those respective statutes.

What is needed, in our view, is an integrated approach to the practice of pest management.

We promote methods that require the consistent use of methodologies that can be rolled out by each statutory organisation in a co-operative way.

If, for example the main aim of the Department of Conservation is to focus on managing a particular pest species in an area of conservation significance, then it may well be possible to promote with regional council their participation in the Departments project by promoting with regional council their tackling another species in that same location, at the same time.

This might be achieved by laying two baits for differing species in the one bait station as has been trialled on Ngati Awa farm and is being trialled in the Whakatane-Ohope biodiversity area.

Our key point here is that the approach promoted by the pest management strategy should be consistent across the region, and that approach should be flexible enough to allow statutory agencies to give effect to their functions irrespective of the statute from which they are derived, provided the methods used are consistent with the overall regional pest management strategy.

This means that any pest management strategy prepared by regional council should be developed in ways that ensure that Council and statutory agencies with pest management functions will act in the ways they, as consent authorities, require members of the community to act.

There is also an opportunity for the strategy to provide for regional councils separate divisions to act in a more integrated way when dealing with pest management issues.

For example the strategy could point to operational advances that provide consents recommending officers with a set of pest management conditions that can be routinely applied when applications for consent for forest harvest and earthworks operations are made.

Weed Cutting in Rivers and Drains

Environment Bay of Plenty routinely cuts weeds and willows in drains and along flood protection stop banks.

These are released into the flow of the drain and rivers and make their way to the ocean.

They contribute a nutrient load that is, apparently, having a toxic effect on rivers, particularly at times of low flows.

If any other person in the region were to undertake this same activity there would most likely be a tremendous concern expressed across the regional community, including from regional council.

We request that this matter is also taken into account in the Regional Pest Management Strategy.

Today we have written to the pollution hotline expressing concern that weed and cuttings are fouling nets out at sea.

We believe there may be a solution to this problem and have invited discussion with river managers to see if we can identify suitable solutions.

In terms of this submission, we promote with Council the preparation of a regional pest management strategy that ensures that all people undertaking pest management works do so in compliance with regulations.

Those regulations must cause the cessation of weed cuttings entering waterways, exacerbating water quality issues and travelling to the sea.

Pest Management Methods

Te Runanga o Ngati Awa does not support the aerial topdressing of 1080 bait on land in the Bay of Plenty region.

We are fully informed about the effects of 1080 and the methods of application used by companies like Epro Ltd, and the processes of assessment undertaken by the Public health Officer, animal health board and regional council.

We have attached copies of our responses to two applications for resource consent we have processed since 2006.

These appendices form part of our submissions and we have summarised key points in the submissions below.

Pest Management on Māori Land

It should be noted that most, if not all iwi and hapu in the eastern Bay of Plenty sub-region were subject to confiscations of all their lands and decision-making rights by the Crown in the late 19th century.

While various 'grants' were made which resulted in the return of some parcels of land (<1% of the total confiscated) to iwi and hapu, decision-making rights remain vested in statutory authorities who are responsible to carry out their roles irrespective of land ownership.

Māori freehold lands are held as tenants in common for the multiple owners of each parcel of Maori freehold land.

In most cases that Māori freehold land is administered by a group of Trustees nominated by the multiple land owners and appointed by a Judge of the Maori Land Court who vests the property in the Trustees who must act for the benefit of all shareholders.

Trustees are therefore legally entitled to act as the 'owner' of the land provided they comply with the requirements of the Māori Land Act and their respective Trust Orders.

They have the right to 'sign off' on statutory documents.

Much of this land is leased to forestry and farming operators, though some Trusts own and operate their lands themselves, as is the case for many Ngāti Awa land holding trusts and for Te Runanga o Ngati Awa.

There are two points to be made in respect to Pest Management on Māori Land and the way in which a principled approach is to be applied in a pest management strategy:

1. That s94 consent for discretionary activities including the discharge of hazardous substances to Māori land must be signed by the mandated representatives of the land owner and not the lessee as often occurs when forestry companies submit rationalised consents applications for all forests they use, without consultation with the Māori land owners;
2. That the Māori land owning Trust upon whose land pest management is proposed be provided with technical and material assistance in their pest management activities, at no cost.

The first point is discussed later of this submission.

The second point is explained below.

Both points can be supported by a principled approach that is fair, reasonable, enforce-able, consistent and certain.

Māori land owning trusts within the Ngāti Awa rohe contribute significantly to regional and district rates. Those rates have always been calculated using a market value as a base multiplier, when Māori land is never been available for purchase on an open market basis.

Indeed Māori land ought not to be subject to market value rates calculations because only a 'preferred class of alienee' (as defined by section 3 of Te Ture Whenua Māori 1993) can purchase Māori land and then only if 75% of the Māori shareholders provide their written consent for such alienation.

This means that Māori land owners have been subject to an unfair, unreasonable, inconsistent, uncertain and un-enforce-able rates calculation for many years.

As a result, one could justifiably argue that the Māori rate-paying community has contributed more than their fair share already to the operations of local bodies.

We would also point out that much of the land that is subject to significant natural and cultural heritage values and may therefore be eligible in terms of draft principle 3 of in the Consultation Document either remains in Maori hands, have been returned to Maori, or are co-managed with them or remain part of the conservation estate.

Māori land, and land that has been returned to Maori from the conservation estate, ought not to be subject to further investments from Māori in pest management activities.

In particular, Māori who have settled with the Crown should NOT be required to use their settlements to undertake pest management and other statutory functions that are the responsibility of statutory organisations to which rates and taxes have been paid.

We appreciate that as land owners we will need to invest in playing our part in pest management activities on our properties in future. However a requirement under a non-regulatory strategy for Māori to contribute further from our 'inheritance' or meagre resources to a task we have continually invested in through rates and taxes would be most unwelcome as it would maintain an unfair situation for Māori land owners and ratepayers.

Essentially, we are speaking of our relationships with our taonga and request that the strategy takes account of these submissions because they point to set of issues that have do not appear to have been identified in regional plans.

In Ngāti Awa's case, we do not propose to contribute to *intensive predator* and plant pest management activities from our private coffers, though, as has been demonstrated on Ngāti Awa Farm and is being demonstrated in the Whakatane-Ohope Biodiversity Strategy, we have been willing to apply to statutory funds for intensive pest management programmes on our properties, and on those we co-manage with the Department of Conservation.

Subsequent to our investment in fencing and intensive predator control on the farm we have also demonstrated our willingness to contribute to ongoing maintenance and management *after* the intensive predator control programme had been undertaken by the statutory operator by making a commitment to support pest management works associated with the Whakatane-Ohope Biodiversity Strategy.

This is the type of regime we promote for Maori land.

Environment Bay of Plenty as a Regulator/Consent Authority

Environment Bay of Plenty is the consent authority for activities that require regional consent including the aerial discharge of 1080 bait onto land, discharges to water and forest harvest operations.

Issues arise when pest management companies submit rationalised applications for discharge of 1080 bait over vast areas of land owned by a number of forest owners.

Issue: Submission of lessee's signatures on s94 written consent forms when these have not been discussed with the land owners.

Issue: Rationalised consents for multiple forests may be a convenient method for applying for and processing consents, however issues arise when:

- Lessees sign off for landowners without telling them
- Applicants consult one landowning party but not others then advise all parties that by virtue of one signature for one parcel of land, all lands subject to the proposed activity can proceed.

This was one of our main concerns with the Epro Ltd applications. We understand that a rationalised application process can be a very efficient way of making application, however we take issue when there is a potential for our signature to be used by an applicant to demonstrate to the consent authority that all lands subject to the application are approved by one landowner on behalf of all those whose lands are subject to the proposed activity.

Relief sought: Ensure that the Pest Management Strategy process affects the operations manual in the consents section at regional council by requiring the consent officer to check that s94 written consent forms are signed by mandated representatives of the land owners **and not lessees**.

Council may not know who the landowner is and, given it undertakes its role irrespective of land ownership, it may consider it does not need to. However, given the requirements of s94 Council does have a responsibility to know when a landowner has signed off, and when a lessee has done so instead of the land owner. If such applications are not signed by the mandated landowners for each parcel of land subject to the application, public or limited notification of the proposed activity should follow.

Adoption of this approach will help consents officers to avoid using a process that makes them and Council vulnerable to justifiable challenges.

We note that since we have pointed this out to Council the method we have promoted has been adopted.

We seek to have the method adopted formally so that it is able to be used by all current and future consents officers.

Issue: Aerial topdressing of 1080 bait on conservation land within the Ngāti Awa rohe is not supported.

All conservation land within the Ngāti Awa rohe is the ancestral taonga of Ngāti Awa. Indeed many parcels have been returned to Ngati Awa or are subject to a co-management regime involving Ngāti Awa and the Department of Conservation.

Ngāti Awa does not support the aerial topdressing of 1080 bait for a number of reasons including the potential for water and non-target animals to be adversely affected, to name a few.

Ngāti Awa has promoted consent conditions and advice notes including:

- Consent conditions requiring consultation with the landowners and the Department of Conservation's tangata whenua partners.
- Advice Notes recommending that consultation with tangata whenua occurs when the applicant lodges application for Permits from the Department of Conservation and the Medical Health Officer for specific activities on specific lands
- Advice Notes that Ngāti Awa trappers and hunters should be commissioned to undertake works on lands in our rohe (as is consistent with objectives in the Draft BOP CMS). We anticipate that like us other iwi would prefer those opportunities be provided to their kin as a means of re-establishing and maintaining their relationships with their ancestral taonga, while contributing to the public good
- Two weeks written notification to hunting clubs (including Ngā Kaitiaki o Pokohu Hunting Club Inc., PO Box 263, Kawerau) advising any works, their location and the target species
- Signage – prominently placed at least two weeks prior to the operations commencement and maintained to a standard that clearly informs the public of the operations commencement date and when appropriate, replacement of those signs with notices that the area is clear of poisonous residues
- Provision of a copy of operators reports describing the effectiveness of the activity, collateral kill and ongoing management recommendations
- Avoid establishment of landing pads or operational camps on or within 100m of any sites of significance – which can be identified during consultation with tangata whenua
- Avoid any contamination of water courses including ephemeral watercourses and water that collects in the boughs of trees.

There are many people available to undertake pest management works on conservation land. We know of two qualified and experienced trapping and poisons teams who can provide very cost effective programmes and ensure that animal pests (in particular) are well controlled, rather than 'farmed' to ensure future works.

Consents Process: Aerial Topdressing of 1080 Bait on Land

As mentioned previously Te Runanga o Ngati Awa has processed two consent applications for aerial discharge of 1080 bait since 2006.

Appendix 1 and 2 provide examples of the process issues faced at that time which we have summarised in this submission.

We submitted then that:

- Landowners must be consulted and their written consent provided when applications for resource consent for pest management activities are proposed for their land
- Regional council must not accept the signatures of lessees of Maori land as evidence of consultation and consent of the landowner when processing applications for resource consent relevant to pest management and forest harvesting activities
- Forest harvest activities can create or exacerbate plant and animal pest issues on land. Forest companies must be required to re-vegetate with suitable plant

species, including grasses, as soon as possible after harvesting. Forest companies should also be required to undertake animal pest management programmes using trapping and bait stations (not aerial discharge of 1080 bait) prior to harvest operations commencing

- Pest management programmes that involve trapping and bait stations are preferred because the carcass of the target animal can be retrieved and:
 - used by the trapper
 - analysed to check for bovine tb
 - checked to see that it is indeed one of the target species rather than collateral kill.

Ngāti Awa will no longer allow the aerial topdressing application of 1080 on its land or within the ancestral boundaries of our rohe.

While we appreciate that 1080 is a weapon that should remain in the pest management arsenal, it should only be used in extreme situations.

We wish to discuss those '*extreme situations*' with regional council alongside other iwi, operators, forestry companies and land owning trusts from the region.

Kia ora

Beverley Hughes
MANAGER
for Chief Executive

Appendix 1

Copy of Ngāti Awa Response to Epro Ltd Applications for Aerial Discharge of 1080 bait to our property at Kaingaroa

Environment Ngāti Awa

27 July 2008

Attention: John Pascoe

Technical Manager
EPRO Ltd
PO Box 1748
Taupo

Tēna koe John

AERIAL APPLICATION OF SODIUM FLUOROACETATE (1080) IN KAINGAROA FOREST

Thank you for your letter of 26 June 2008 handed to me at the consultation meeting of the same date.

Ngāti Awa is a landowner of part of the Kaingaroa Forest and, it appears, of almost half the area proposed for aerial pest management being that area south of Ngamotu Road. We also own a significant area of land north of Ngamotu Road while other Māori Land Trusts whose owners and Trustees are affiliated to Ngāti Awa, own lands at Matahina, Omataroa, Putauaki and many other places east of the subject area.

At its meeting of the 25th July 2008 Te Runanga o Ngāti Awa the following issues and concerns were raised.

- The negative public perceptions of 1080 are of significant concern to the Rūnanga. While the Rūnanga accepted the need for a one-off drop it did not support the ongoing use of 1080 for control.
- The impact of the drop on human, on native and other hunting species.
- Whether carcasses collected were still able to be used for fur.
- Opportunities for Ngāti Awa hunters and trappers in follow-up control programmes.

Te Runanga o Ngāti Awa, though generally opposed to the use of 1080, approved the consent because of evidence submitted which related to the potential for spread of bovine tuberculosis and the browsing issues associated with the target pest animals; however that approval is subject to the imposition of recommended conditions and advice notes identified below, on any consent granted:

1. That this is a one-off aerial drop of 1080 and that thereafter alternative methods of pest management (not including the use of 1080) must be used.
2. That the proposed works will not result in more than minor adverse environmental effects on water courses (including ephemeral watercourse), human habitations, sites of significance to Ngāti Awa and indigenous animal species.
3. That the aerial drop occurs during a spell of fine weather so as to avoid collateral kills of other species
4. That Council works with Te Rūnanga o Ngāti Awa in the development of future 1080-free control programmes.
5. That Ngāti Awa trappers and hunters are offered opportunities to tender for any control activities.
6. That signage be posted on the road boundaries of the property at least 6 weeks in advance of the proposed drop, to advise and protect the public (including Ngāti Awa hunters) of the effects of the activities and that the notice identify the date by which hunting is able to resume in the forest.
7. That Council and EPRO undertake all reasonable attempts to advise users of the area (including hunters, hunting clubs and trappers) of the drop and its implications.
8. That Te Runanga o Ngāti Awa be provided at least 6 weeks notice (in writing) of the proposed works.
9. That all carcasses (including those of non-target animals) be retrieved counted and removed from Ngāti Awa lands.
10. That a report on the efficiency of the kill be provided to Te Runanga o Ngati Awa as soon as possible. The report should identify:
 - a) the number of animals killed by the activity (including target and non-target animals)
 - b) an estimate of the number of pest animals still living and present on the block
 - c) Recommendations for ongoing management operations including alternative management processes such as trapping and hunting and the timing for those activities.

Te Runanga o Ngati Awa is unable to provide Council with a signed s 94(2) document but has instead provided this response for use in the consenting process.

We request a copy of the decision on the consent immediately after it has been made. I also request a copy of the signed medical health officer's report.

In the meantime, as the landowner, we anticipate being invited to comment on draft consent conditions prior to any decision being made.

Rationalisation of Consents for Further Animal Pest Management Works within the Bay of Plenty Region

You mentioned that EPRO is an operator in the Bay of Plenty region and that as such it is interested in understanding how it might ensure consultation with Ngāti Awa is undertaken more efficiently in future.

I have provided you with my card and request that you ensure we are identified as an affected party and consulted earlier in future.

We are likely to be able to provide you with significant advice and contact details for other large land owners in our rohe.

We work very closely with various Māori Land Trusts around Matahina, Omataroa Rangitaiki No 2, Putauaki, Kiwinui and many other lands whose landowners and Trustees are affiliated to Ngāti Awa iwi.

We will promote with these landowners careful consideration of the potential for use of 1080 on their lands.

Alternative methods of animal pest management are strongly preferred.

Te Runanga o Ngāti Awa is willing to work with Regional Council on the collation of a list of hunters and trappers who should be invited to tender for future pest management works on Ngāti Awa lands.

We understand that at least one group of qualified and experienced trapping contractors affiliated to Ngāti Awa has undertaken such works for Environment Bay of Plenty in the recent past.

Lastly, please note that this response has been co-signed by our Chief Executive who is authorised to sign as the land owner.

Kia ora

Beverley Hughes
MANAGER
for Chief Executive

Jeremy Gardiner
CHIEF EXECUTIVE

Copied to:

Yves Denicourt
Environment Bay of Plenty
PO Box 364
Whakatane

Nigel Heron
Kaingaroa Timberlands
PO Box 1284
Rotorua

All twenty-two representatives to Te Runanga o Ngāti Awa

Paul Quinn
Ngāti Awa Group Holdings Ltd
PO Box 76
Whakatane

Tiaki Hunia
Ngāti Awa Group Holdings Ltd
PO Box 76
Whakatane

Appendix 2

Copy of Ngāti Awa Response to Epro Ltd Applications for Aerial Discharge of 1080 bait on the Conservation Estate within the Ngāti Awa rohe

Environment Ngāti Awa

19 September 2008

Attention: Yves Denicourt

The Chief Executive
Environment Bay of Plenty
PO Box 364
Whakatane

Tēna koe Yves

EPRO LTD APPLICATION FOR RESOURCE CONSENT 65501 CONSERVATION ESTATE

Thank you for providing a copy of the above application for our comment.

I have discussed the proposed activity with members of staff at the Department of Conservation including Mr Mark Davies and Mr Matt Hickson.

I have considered the application in the context of:

- Ngāti Awa statutory areas within or adjacent to conservation lands
- Sites of significance identified in the Ngāti Awa GIS Database
- The Draft Conservation Management Strategy 2008 – 2018 relevant to the Bay of Plenty Conservation estate and the objectives contained therein
- Our recent comments on Epro Ltd's Application No. 65354 to undertake the same activity on Ngāti Awa land in the Kaingaroa Forest.

On that basis we assert interests in the proposed activity as it has potential to adversely affect statutory areas and ancestral taonga of significance to Ngāti Awa.

In order to expedite the process we recommend the following consent conditions and advice notes (or words to similar effect) for imposition on any consent granted:

- Consent condition: Consultation with the landowners and the Departments of Conservation's tangata whenua partners.
- Advice Note: Consultation with tangata whenua will occur when the applicant lodges application for Permits from the Department of

Conservation and the Medical Health Officer for specific activities on specific lands in activating the consent Environment Bay of Plenty is processing

- Advice Note: that Ngāti Awa trappers and hunters are approached to undertake works on lands in our rohe (as is consistent with objectives in the Draft BOP CMS)
- Two weeks written notification to hunting clubs (including Ngā Kaitiaki o Pokohu Hunting Club Inc., PO Box 263, Kawerau) advising any works, their location and the target species
- Signage – prominently placed at least two weeks prior to the operations commencement and maintained to a standard that clearly informs the public of the operations commencement date and when appropriate, replacement of those signs with notices that the area is clear of poisonous residues
- Provision of a copy of Epro Ltd reports describing the effectiveness of the activity, collateral kill and ongoing management recommendations
- Avoid establishment of landing pads or operational camps on or within 100m of any sites of significance – which can be identified during consultation with us
- Avoid any contamination of water courses including ephemeral watercourses.

We also recommend a 4 year term for the proposed activity to be consistent with our comments in relation to the consent for works in our part of the Kaingaroa Forest.

We anticipate:

- You will provide us an opportunity to contribute to the draft consent conditions you prepare
- The Department of Conservation and Medical Health Officer will require evidence of consultation and advice from tangata whenua when they consider how to recognise and provide for our interests and concerns in permitting processes they administer.

In terms of the broader issues (e.g. acceptance of a lessee's written consent rather than the landowners consent) we have sought a commitment from DoC to work with us, Environment Bay of Plenty and the Animal Health Board on an integrated strategy for ongoing management of animal pests in the region.

Kia ora

Beverley Hughes
MANAGER

for Chief Executive

Copies to:

Mark Davies & Matt Hickson
Department of Conservation
PO Box 1146
Rotorua

Attention: Dr Jim Miller

Medical Health Officer
Toi te Ora Public Health Board
PO Box 2121
Tauranga.

Appendix 3 – Map of the Ngāti Awa Rohe

