



OIAD 100 OIAD 101 and OIAD 102  
DOC 6411017

30 October 2020

Wendy Pond  
fyi-request-13567-4c2048b8@requests.fyi.org.nz

Dear Ms Pond

This letter responds to three Official Information Act requests you made to the Department of Conservation on 22 August 2020.

### **Operation Plans for the 2012 and 2017 Moehau and Papakai aerial operations**

Your first and second request sought the Operation Plans for the 2012 and 2017 Moehau and Papakai aerial 1080 operations (OIAD 100 and OIAD 101).

I have decided to release the four operation plans subject to information being withheld under:

- section 9 (2)(g) (ii) to prevent any improper pressure or harassment of officials or employees; and
- section 6(d) where making that information would be likely to endanger the safety of any person.

In making my decision, I have taken into account the public interest considerations in section 9(1) of the Official Information Act.

### **Information concerning Whenuakite consultation**

On the same day you also requested the following information concerning the 2019 Whenuakite aerial 1080 operation:

- 1. The application from DoC lists some iwi as being consulted. Please clarify: Which Maori groups gave their consent and approval for the aerial 1080 operation to poison the Whenuakite Public Conservation forest in 2019?*
- 2. Please provide all documentation confirming the consent of these groups to the aerial 1080 operation to poison the Whenuakite forest in 2019. Please do not redact the name of the person who signed a statement of consent, as I wish to confirm that the approval came from an acknowledged kaumatua or kuia.*



3. *Which Maori group did DoC recognise as the tangata whenua of the Whenuakite Public Conservation land for the purpose of the 2019 poisoning operation?*
4. *Which tangata whenua were included in the planning and design phase of the operation prior to DoC lodging the operation plan? Please provide evidence of their participation.*

### **Consultation process**

To a large extent the questions you have posed misconstrue the consultation process in terms of the way it is undertaken and recorded.

Section 4 of Conservation Act 1987 requires the Department to give effect to the principles of the Treaty of Waitangi. To achieve that, consultation is undertaken to seek tangata whenua views on the effects of the preferred control method and the proposed treatment boundary. This also involved engaging with iwi whose areas of interest include Whenuakite as part of their treaty settlements. DOC does not determine who are the tangata whenua, iwi determine this as part of the process.

It follows that consultation is directed at understanding what concerns iwi have about the operation and to discuss how modifications to the operational plan might satisfy any such concerns. It not a process of obtaining written consent in the way you describe, but rather a process of engaging, informing and listening, to understand any concerns with a view to working with iwi to develop and implement appropriate and workable mitigations.

### **Tangata whenua/iwi consulted**

Ngāti Hei, Ngāti Whanaunga, Ngāti Tamatera, Ngāti Maru and Ngāti Hako were all notified and consulted initially regarding the operation and benefits.

The Operation Lead and Hauraki settlement implementation ranger met with Ngāti Hei on their marae in Whitianga. Discussions covered details of the operation, opportunities for iwi, post site visits and building closer working relationships.

Hauraki iwi were invited to engage on the Whenuakite Aerial 1080 Operation 2019. Both the Operation Lead and Hauraki settlement ranger for the Department met with iwi representatives prior to the operation and discussed several aspects of the planned operation.

### **Written consent/evidence**

The evidence of the consultation undertaken is captured in the Operations and Communications Plans to which you have referred.

The Communications plan is the key document in capturing the detail of the nature and breadth of the relevant consultation. We understand you to have obtained a copy of that document from the District Health Board. To the extent you seek evidence of written consent this aspect of our request is refused under section 18(e) as it does not exist.

We consider that the public interest in the information you seek is satisfied by the release of the redacted Communication Plan you have been provided. In saying that we note that when



dealing with such information personal details are withheld where release would interfere with an individual's privacy (section 9(2)(a) or where release would endanger the safety of a person section 6(d). In the absence of you having authority to act for the individuals referred to in the plan we are unable to release their personal information to you and this aspect of your request is also refused.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hilary Aikman'.

Hilary Aikman  
Director Operations Issues and Programmes