

ENQ-35269-W1W3Y1

1 February 2018

Wendy Pond

Via: fyi-request-9283-14f9a39d@requests.fyi.org.nz

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Official Information Act Request

Dear Ms Pond

I am writing in response to your request to the Environmental Protection Authority (EPA), received on 19 December 2018, in which you asked for further information relating to the response we had provided to you in our letter of 14 December.

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

As background information for our response, please note that the EPA has delegated the power of issuing permissions for the use of some specific Vertebrate Toxic Agents, including 1080, to the Ministry of Health (MoH) and to the Department of Conservation (DOC):

- Power is delegated to MoH if there might be a risk to public health when the substance is applied or used
- Power is delegated to DoC where the substance is applied on land administered or managed by DoC.

This delegated responsibility means that the EPA is not responsible for providing feedback, reviewing, or ensuring that the plans conform to the Communications Guideline for Aerial 1080 Operations. That responsibility lies with the organisation (MoH or DoC) that issues the permission.

Our responses to the specific parts of your request are provided below.

1. A copy of the communications plans for Moehau and Papakai

The communications plans for the Moehau and Papakai aerial drops are attached to this letter.

2. The grounds on which DoC rangers were not required to offer options for control for the 2017 aerial 1080 poisoning operations

The EPA does not have any documents relating to the grounds on which DoC rangers controlled their operations. I am therefore refusing this part of your request under section 18(e) of the OIA (the document alleged to contain the information does not exist).

3. *Explain why it is acceptable to EPA staff who reviewed the communications plan, for Department of Conservation rangers not to offer iwi and community options for control and at the same time to declare they have complied with the Communications Guideline.*

Please refer to the information, earlier in this letter, about the EPA's delegation of responsibility for issuing permissions to MoH and DoC. Because of that delegated responsibility, EPA staff are not responsible for reviewing the communications plans.

4. *On 22 June 2017, I sent to EPA an extensive collection of letters from Coromandel iwi, conservation groups, and general public complaining that they had not been offered options in accord with the consultation requirements of the Communications Guideline. Dr Allan Freeth courteously responded on 4 December 2018 ENQ-35090-G2W6FO, "A Hazardous Substance Enforcement Officer contacted DoC on 21 November 2018 with regard to the consultation process. No evidence was found that DoC had consulted inadequately."*

Please provide a copy of the reports and exchanges by the Hazardous Substances Enforcement Officer and DoC, and any other documents relating to EPA's enquiry into the matter.

When we received your concerns (in your letter dated 14 November), we asked DoC about the consultation on the Moehau operation. DoC advised us that the two local iwi associated with Moehau were consulted and were supportive, and that all letters from iwi had been responded to.

I have attached DoC's response and have withheld some personal information under section 9(2)(a) of the OIA.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

Yours sincerely



Dr Allan L Freeth
Chief Executive
Environmental Protection Authority

From: 9(2)(a)
Sent: Wednesday, 28 November 2018 9:32 AM
To: 9(2)(a)
Subject: Wendy Pond

Hi 9(2)(a)

These are replies to Wendys questions. I hope they are satisfactory. Wendy has made 15 OIA requests in relation to this operation.

1. *Local kaumatua have not given their consent for aerial poisoning.*

The two Local Iwi associated with Moehau were consulted and were supportive of the operation.

2. *Local government resolutions supporting hunting and trapping and opposing aerial 1080 have been ignored.*

The Coromandel/Colville community board does not have any jurisdiction over pest control

3. *DOC officers have not complied with the Communications Guideline (ERMA 2009)*

We have an extensive communication plan that meets all EPA requirements and was to the satisfaction of the MOH.

4. *DOC has breached Treaty of Waitangi statutes by ignoring letters from kaumatua exerting their rangatiratanga over their taonga.*

All Letters from Iwi have been responded to.

Thanks^{9(2)(a)}

9(2)(a)

Island and Marine Reserve Advocacy
Department of Conservation—*Te Papa Atawhai*
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Conservation leadership for our nature *Tākina te hī, tiakina te hā, o te ao tūroa*