Department of Conservation
Te Papa Atawhai

19-E-0099/docCM-5728535

13 March 2019

T Benseman
fyi-request-9583-3fb8289e@requests.fyi.org.nz

Dear Mr Benseman

Thank you for your Official Information Act request to the Department of Conservation, dated 13 February 2019. You have requested the following:

please provide copies of all the photos of all the Protected Native Kea birds that your department staff or contractors have poisoned with toxins in 2011, 2012 and 2013.

Before addressing your request, we set out the following contextual information as it is relevant to the approach we have taken in this instance.

Kea nesting improves after 1080 treatment
DOC scientists have monitored kea after 1080 operations for a number of years. One of the observations to come from our monitoring is that using 1080 can result in some individual kea being killed, but that this risk is offset by the improved nesting success after predator control.

Overall, monitoring shows that when predators are controlled with well-timed aerial 1080 treatment and/or traps, about 70% of kea nests are successful, i.e. produce at least one chick.

Without pest control, typically only around 40% of kea nests are successful. This is mostly due to the birds being preyed on by stoats or possums, and in some areas, feral cats**.**

Without pest control the number of successful nests falls to just 10% in a stoat plague, the year after heavy beech or rimu forest seeding.

Our monitoring shows that the use of 1080 to control predators is essential in improving kea breeding success.

Research also supports the use of 1080 to protect kea
DOC scientists have published research (external site) https://newzealandecology.org/nzje/3341 in the NZ Journal of Ecology (June 2018) on the effects of aerial 1080 in protecting nesting kea from predators.

This research was carried out from 2009-2012 on the South Island West Coast. It measured the nesting success of kea and compared this before and after aerial 1080 treatment and with an area where there was no predator control.

The results showed that kea nests were nine times more likely to survive and successfully produce chicks after aerial 1080 predator control.

Our scientists conclude that overall, the kea population is better off after 1080 treatment than without it.

An example of a predator control success story
DOC has monitored kea nesting success in Kahurangi National Park since 2009. Between 2009 and 2014 only 2% of nests were successful in areas without predator control.

DOC undertook aerial 1080 predator control in Kahurangi National Park in 2014 and 2016. In the 2015 and 2016 kea breeding seasons, on average 50% of monitored nests produced young kea.

During those operations DOC tracked a total of 71 kea at four different sites (Mt Arthur, Wangapeka, Anatoki, and Oparara) and two birds were poisoned. The loss of these birds is unfortunate but was offset by the much better nesting success of the kea population in the park after predator control.

Eating and scavenging human food puts kea at greater risk of dying from 1080
Our scientists have analysed the risk that kea will eat toxic 1080 cereal baits. Published research (external site) https://newzealandecology.org/nzje/3351 shows that the kea that live close to areas where they can scrounge food from people are at much higher risk of being poisoned than kea in remote areas.

Kea in the remote backcountry, where most of our aerial 1080 predator control work is done, are at low risk of being poisoned and any deaths are offset by greater nesting success and more young birds in the population.

Feeding kea and allowing them to scavenge our food is not only bad for their health but puts them at greater risk of dying in our predator control operations. From the Department's perspective it is important that the public and visitors to our country properly understand the risk this issue poses to kea.

Photos held by the Department of Conservation
We have identified 23 photos that fall within the scope of your request to the extent that they capture kea that died during 1080 operations between 2011-2013. 17 photos relate to 6 of 8 kea that died in 2011 and 6 photos of another 5 birds that died in a similar operation in 2013.

DOC has been open and transparent about the death of those kea. They are referred to on both our website and in the research we have cited above. Put simply, those deaths are a matter of public record and are not disputed by DOC. We consider that the

public interest in the availability of information about the kea that died as the result of predator control operations 2011 and 2013 has been properly served by making it available to the public in that manner.

The Department's involvement in the conservation of New Zealand's native animals is a matter of national importance. Ensuring that the public are properly informed about the merits of the use of 1080 in our predator control programmes is essential to our achieving that crucial function.

Our consideration of a refusal under section 18(h)

We note that information previously provided by DOC under the Official Information Act concerning the use of 1080 has subsequently been edited and republished. This has been conducted in a manner that misrepresents the scientific evidence and facts around the use of 1080 in predator control programmes in New Zealand. As we have explained, that evidence establishes that kea nesting success improves as the result of our predator control programmes.

In addition, we are conscious that other images, including those that have been released by DOC, have been used by others to misrepresent the effects of 1080 on other native birds. An example of this is discussed on the following page of our website in relation to a hoax that asserted that 1080 had caused the death of 50 brown kiwi: https://www.doc.govt.nz/nature/pests-and-threats/methods-of-control/1080/fake-1080-news/. As that page advises, no kiwi has been found dead as a result of 1080 poisoning, ever.

With all of the above in mind we consider that there may be grounds to believe that the request you have made is vexatious and should be refused under section 18(h) of the Act.

Consultation and opportunity for comment

We wish to provide you the opportunity to comment and provide any evidence that would disprove the possibility that your request is vexatious.

In doing so we are extending the time in which we are to make our decision on your request by 15 working days (now due 3 April 2019).

Please provide any comment or evidence you have to refute a refusal under section 18(h) **by no later than Wednesday 27 March 2019**. Following receipt of any comment or evidence from you, or in the absence of such, we will proceed to make our decision by no later than **Wednesday 3 April 2019.**

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.

If you wish to discuss this with the Department, please contact me on abill@doc.govt.nz.

Yours sincerely

Amber Bill
Director, Biodiversity Threats
for Director-General