



PERMISSION FOR USE OF VERTEBRATE TOXIC AGENT(S)

Pursuant to section 95A of the Hazardous Substances and New Organisms Act 1996

To: Ian Roberts, Operations Director

Of: EPRO Ltd. , PO Box 1748, Taupo

Application Identification Code: **EPRO(Makaroro-Ngaruroro Aerial)4-2007: Approx. 7,588ha.**

I Noel Watson a person acting under powers delegated by the Environmental Risk Management Authority (the Authority), GRANT PERMISSION for the use of the following vertebrate toxic agent(s):

Sodium monofluoroacetate (1080) 0.15%ww in pellet baits

This permission is subject to the CONDITIONS set out in SCHEDULE 1 attached hereto.

Signed

Name: **Noel Watson**

Title: **Health Protection Officer/HSNO Enforcement Officer**

DATE: 9th May 2007

Notice: Section 125 (1A): A person may appeal to the District Court against a decision of the Authority under section 95A about the terms and conditions of a permission held by the person.

Section 127 Notice of appeal: Before or immediately after the filing and service of a notice of appeal, the appellant shall serve a copy of the notice on The Authority and every other party to the proceedings, and any other person who made a submission to the Authority



SCHEDULE 1

CONDITIONS PERMISSION FOR USE OF VERTEBRATE TOXIC AGENT(S)

Hazardous Substances and New Organisms Act 1996

Application Identification Code: **EPRO(Makaroro-Ngaruroro Aerial)4-2007**

In addition to the requirements specified under the Hazardous Substances and New Organisms Act and its regulations, and the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005, the following conditions must also be met:

Copies of the Transfer Notices can be found on the ERMENZ web-site at www.ermanz.govt.nz/hs/transfer-docs/

1. All statements of intended action that the applicant makes in the application form dated the 12th April 2007 (including documented Public Health Unit/EPRO communication) in answers to each section shall be complied with as a self-imposed condition. If there is a discrepancy between the applicants self-imposed, and the conditions in this approval then the more stringent condition shall be applicable.
2. The applicant shall advise the Public Health Unit of the actual proposed treatment dates, and any pre (non-toxic) feed treatment dates, as soon as possible after it has been decided. Please contact Noel Watson on (06)834-1815 or (027)279-3892, or the On-Call Health Protection Officer on either (06)834-1815 or (06)878-8109, particularly if Noel Watson's office voice mail advises that he is away.
3. All complaints relating to the operation that may impact on public health shall be documented and notified to the Public Health Unit. The applicant shall in particular be familiar with the notification requirements in case of lost, spilt, or unintended application of vertebrate toxic agent(s). These are contained within the Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004, and the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005. Copies of the Transfer Notices can be found on the ERMENZ web-site at www.ermanz.govt.nz/hs/transfer-docs/

Please contact Noel Watson on (06)834-1815 or (027)279-3892, or the On- Call Health Protection Officer on either (06)834-1815 or (06)878-8109, particularly if Noel Watson's office voice mail advises that he is away.
4. Any work vehicle used to transport vertebrate toxic agent(s) or its wastes shall be kept locked when the applicant is away from the vehicle.
5. If any circumstances relating to the application or the operation change the Public Health Unit (see Condition 2 above for contact details) shall be informed immediately and retains the right to withdraw permission.

6. No vertebrate toxic agent is to be applied where it is accessible to grazing stock.
7. Prior to commencing the operation, the applicant shall notify persons who take drinking-water downstream from the operational zone (i.e. water supplies with intakes inside the poison area or on adjoining properties) of the planned operation and its duration.
8. Residents and landowners adjacent to the operational area shall be identified by the applicant and shall be provided with information on safety and precautions with respect to the vertebrate toxic agent(s) being used.
9. No baits shall be laid within 150 metres of dwellings unless the occupier agrees in writing with the applicant to a lesser distance.
10. Warning notices shall be erected at every place the public normally obtains access to the operational zone, including fishing, hunting, and water access points etc. before the VTA is applied. They shall be in a fixed position, be checked at regular intervals (that reflect the public frequenting of the area where the signs are, and the level of vandalism that occurs), and must be repaired/replaced within 24 hours of discovery or notification of damage or theft. Notices positioned at distance from the operational zone shall have posted with them a map indicating the operational zone in relation to the notices location(s).
11. The applicant shall ensure that the information on the warning notices content and presentation complies with the requirements of Regulation 28(3) of the Hazardous Substances (Classes 6,8, and 9 Controls) Regulations 2001, and Regulations 34 and 35 of the Hazardous Substances (Identification) Regulations 2001, and any future amendments.
The exceptions to this are Regulation 28(3)(d) of the Hazardous Substances (Classes 6,8, and 9 Controls) Regulations 2001, and Regulation 35(3)(c) of the Hazardous Substances (Identification) Regulations 2001. These two regulations have been replaced by controls listed under Schedule 2 of both the Hazardous Substances (Vertebrate Toxic Agents) Transfer Notice 2004 and the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005.
It is the applicant's responsibility to ensure they are familiar with these legal requirements.
12. Apart from the legal requirements referenced under Condition 11 the applicant shall ensure that the warning notices have a statement advising that young children should not be allowed to wander unsupervised. They shall also have the internationally recognised skull and cross bones symbol prominently displayed on them.
13. In respect to how long the warning notes shall remain in place and when they should be removed the applicant is referred to the legal requirements of the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005.
It is the applicant's responsibility to ensure they are familiar with these legal requirements.
14. **Apart from those medical services already listed by the applicant as having been sent information about the operation, and the vertebrate toxic agent being used, the applicant shall also send this information to the:**

- Central Hawke's Bay Health Centre, 1 Cook St., Waipukurau.
15. The 150 metre buffer zone applying to Whitnell Lodge shall also apply to Ellis Hut beside it.
 16. A copy of this approval shall be sent prior to the operation occurring to organisations issuing hunting permits to anywhere within the operational area so that the operation can be noted on these permits issued.

For aerial operations using VTAs

17. If due to weather conditions and time constraints the toxic application needs to occur on a weekend, public, or school holiday the following additional requirements will apply:
 - While the toxic application is in progress, and until the initial clearance of baits from tracks, roads, lodges, huts, shelters etc. has occurred, at least one person shall be positioned at the following entrances into the operational area. This person shall be competent in respect to answering queries and concerns about the operation from members of the public that turn up, have handout material on the operation for the public, and be able to communicate with the pilot either directly, or immediately via the EPRO operational manager, should an issue arise.
 - Yeoman's Historic Mill at Makaroro River (access point to Yeoman's Track, Whitnell Lodge/Ellis Hut, and Parks Peak Hut)
 - Sentry Box Hut and track-eastern side.
 - Sentry Box Reserve
 - Masters Shelter-Golden Crown Ridge track-eastern side.
18. **Drinking Water Supplies:** Drinking water supplies shall be dealt with by the applicant as per the details in the application form (in particular on those permission forms signed by the drinking water consumers attached with Section H where requested buffer zones shall be complied with).
19. Dead Dog Hut, Sentry Box Hut, and Masters Shelter shall be provided with sufficient bottled drinking water prior to the operation. The amount supplied shall be sufficient to cover drinking and food preparation purposes for a time period of at least 48 hours from the application time based off the likely occupancy rate of the hut over the period. At least one prominent warning sign notice shall also be posted at the hut. Along with the warning sign the following information shall be provided-
 - An operational area map, and a statement that no baits have been laid within 150m of the hut.
 - The actual time and date the operation occurred (when this is known).
 - The time frame over which the bottled water should be used instead of river/stream/creek water (48 hours from application time).
20. All other huts that have a rainwater supply only shall have the following information left inside them before the operation occurs-
 - At least one warning sign.
 - An operational area map.
 - A statement that no baits have been laid within 150m of the hut.

- The actual time and date the operation occurred (when this is known).
 - A statement that the water supply to the hut is rainwater and has therefore not been affected by the drop.
21. In compliance with Rule 10 of the Hawke's Bay Regional Council's Regional Resource Management Plan no baits shall be laid within 20 metres of the Makaroro and Ngaruroro Rivers.
22. The 150 metre buffer zone around huts shall be inspected for baits, and any baits removed as soon as possible after the application to that area. These inspections shall be recorded as per the provisions of Condition 25 below.
23. Immediately after the application of 1080 baits in the specific area of No Man's Rd., Makaroro Rd., Mangleton Rd. the roads shall be carefully inspected and cleared of any baits present. If tree fall baits are likely at all to be an issue for any of these sections of roads then a subsequent inspection and clearing of baits shall occur between 24 and 48 hours after the time of application. All inspections shall be recorded as per the provisions of Condition 25 below.
24. Apart from those tracks that the applicant advises they will be clearing in the application form, that part of Yeoman's Track and Ellis Rd. leading to Whitnell Lodge/Ellis Hut shall be walked and cleared of baits twice. The first walk shall occur immediately after application to that area. The second shall occur between 24 and 34 hours after the time of application to clear wind fallen baits.

Inspections shall be recorded as per the provisions of Condition 25 below.

25. A log report must be compiled of activities associated with the aerial application of vertebrate toxic agent(s).
- The log shall as a minimum include:
- time, date and place of application
 - amount of vertebrate toxic agent applied and formulation
 - list of supervising operators
 - names of subcontractors with services provided
 - name, address and rating number of pilot(s)
 - any incidents that occurred and problems that arose during the operation including the investigation undertaken and where necessary the remedial action
 - any involuntary compliance transgressions of conditions in this approval, including reason for transgression and remedial action taken
 - records/results of track, road, lodge, hut and shelter clearances for baits including
 - track, road, lodge, hut, shelter
 - date and time of clearance
 - person(s) undertaking clearance
 - number of baits found and cleared

The applicant shall send this record to the Public Health Unit within four weeks of the date of the vertebrate toxic agent being laid unless a public health issue arises with the application for which these details must be audited and are therefore requested by the Public Health Unit to be sent through with greater urgency.

26. Differential Global Positioning System (DGPS) shall be used at all times for aircraft carrying bait-sowing equipment.
27. A copy of the DGPS download for the operation (showing the helicopter lines in relation to the operational zone) shall be sent to:
Public Health Unit
Hawke's Bay District Health Board
P.O.Box 447
NAPIER
Attention: Noel Watson, Health Protection Officer
Or e-mailed to: noel.watson@hawkesbaydhb.govt.nz

This shall occur within four weeks of the date of the vertebrate toxic agent being laid unless a public health issue arises with the application for which these details must be audited and are therefore requested by the Public Health Unit to be sent through with greater urgency.

28. The applicant must ensure that a copy of this permission is given to the pilot of the aircraft undertaking the aerial application.
29. The applicant must ensure that public newspaper notification, and nearest Police station notification, of the operation is conducted to the legal requirements contained within Part 5, Schedule 3 of the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005. If application does not occur within 2 months of the newspaper notification date it must be re-advertised.
The applicant shall send the Public Health Unit a copy of any newspaper notification, except that it already has the HB Today notification of the 2nd May 2007.
30. The applicant must ensure that aircraft, equipment, loading/storage area decontamination or fencing/warning signage requirements of Part 6, Schedule 3 of the Hazardous Substances (Sodium Fluoroacetate) Transfer Notice 2005 are complied with.
31. No 1080 pellets shall remain permanently stored at the loading zone, or anywhere at the operational zone. Any bait temporarily held at the site prior to application shall be kept under 24 hour surveillance by either EPRO, or a recognized security firm with after- hours contact phone numbers for key EPRO staff.

Note:

The requirements under HSNO are minimum requirements and stricter conditions may be imposed by a person acting under a delegation from the Authority. The delegation includes the power under section 95A of the HSNO Act:

- (i) to decide an application for a permission; and/or
- (ii) to add, delete or otherwise vary any condition on a permission; and/or
- (iii) to revoke a permission

for the use of vertebrate toxic agents in a catchment area from which water is drawn for human consumption or in any other area where a risk to public health may be



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created if the substance is applied or used where such a control has been set under section 95A of the HSNO Act.

Conditions in the permission form may be modified or waived with the agreement in writing of the person acting under a delegation from the Authority unless they relate to other regulatory requirements.