

Regulatory Impact Statement:

Canada goose: Intended Future Management Regime

Agency Disclosure Statement

1. This Regulatory Impact Statement has been prepared by the Department of Conservation (DOC). It provides an analysis of options for the future management of the Canada goose (*Branta canadensis*) to address longstanding dissatisfaction among various community sectors regarding the management of this species.
2. Details of the current management regime for Canada geese, and the perspectives of farming, recreational hunting and other interests regarding goose management, were gathered during DOC's Wildlife Protection Review. This included a public consultation process undertaken in 2006-07, followed by additional consultation with representatives of key sector groups having an interest in Canada goose. More recently, the Minister of Conservation has undertaken additional consultation with sector interests.
3. The analysis of options was constrained by a requirement that no option should involve amendment of primary legislation because this was outside the terms of reference for the Wildlife Protection Review. This eliminated consideration of some approaches advocated by some stakeholders. Two key uncertainties regarding the outcomes of some of the options considered are:
 - Unknown responses of fish and game councils to requests regarding goose management if geese remain listed on Schedule 1 of the Wildlife Act 1953 (the councils are not subject to Ministerial direction and are accountable only to game licence holders regarding goose management policy);
 - Unknown outcomes to public processes under the Biosecurity Act 1993 if geese are moved to Schedule 5 of the Wildlife Act and efforts are made to have Canada geese managed under regional (as opposed to national) pest management strategies.
4. If changes are made to the status quo, further work may be required to draft regulations or notices to implement any policy decisions.
5. None of the policy options involve new regulations that would impose additional costs on businesses, cause additional impairment to private property rights, or override common law principles (as referenced in Chapter 3 of the Legislation Advisory Committee Guidelines). However, the status quo situation impairs private property rights and may be causing disincentives for farm investment.

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Status Quo and Problem

6. The Canada goose (*Branta canadensis*) was introduced to New Zealand from North America in 1905 to provide a hunting resource. The species is now well established in the South Island, particularly in eastern areas from Marlborough to Otago. Over the last 30 years Canada goose has also become established in the North Island, particularly around Lake Wairarapa. The geese are still expanding their range in both islands.
7. As their numbers have increased, Canada geese have become a problem in New Zealand because their preferred habitat is farmland, where they feed on pasture and crops. Other problems arising from geese include fouling (defecation) on pasture and in public recreation areas. Recently, concerns have also arisen about the threat this large bird poses to aviation safety around airports and in aircraft flight paths, particularly at Christchurch.
8. Canada geese are currently listed on Schedule 1¹ of the Wildlife Act 1953 which means they are game birds managed by fish and game councils for the benefit of the game licence holders who elect them. Other parties with an interest in goose management (such as farmers, local councils, and airport authorities) have no direct say in game management policy or day-to-day operational decisions.
9. Canada goose impacts tend to be localised but can be significant for the individuals involved. Only a small minority of game bird hunters actively hunt Canada geese but all game licence holders have to contribute about \$3.30 each per year towards goose control. Geese create problems for only some farmers in some parts of the country but farmers have indicated that affected landowners can suffer losses of \$1500 to well in excess of \$10,000 per year from geese. The direct and indirect costs to the New Zealand economy (financial and social) in the event that a flock of geese brought down a large passenger aircraft, potentially resulting in the loss of hundreds of lives, would be considerable.
10. Fish and game councils have a statutory responsibility to “manage, maintain and enhance the game resource in the recreational interests” of hunters (section 26Q(1) of Conservation Act refers) under game management plans. When preparing game management plans, the councils are required to “maximise recreational opportunities for hunters” but are required only to “have regard to” any adverse impacts that the game species may be having on the interests of other “users of the habitat concerned” (sections 17L(4)(b) and (c) of the Conservation Act refer). This means that if a conflict arises between managing game species in the interests of recreational hunters, and managing game in the interests of landowners, urban amenity, or aviation safety, a fish and game council can be required to give precedence to recreational hunting interests. A council can choose to make aviation safety an overriding priority (e.g. on the grounds that an air crash would be detrimental to the long-term interests of recreational hunters) in a game management plan but cannot be required to do so by the Minister.
11. These limits on the responsibilities of fish and game councils align with the fact that the councils are funded entirely through recreational game licence fees and much game management work is undertaken through volunteer effort. It could be unreasonable to expect fish and game councils and hunter volunteers to undertake work outside the interests of recreational hunters.

¹ The species is listed on Schedule 5 when on the Chatham Islands

12. Farmers in parts of the country affected by goose impacts often find the level of goose control provided by fish and game councils and recreational hunters to be inadequate to meet their needs. There is, however, no basis for negotiation. Landowners have to accept whatever type and level of control the local fish and game council chooses to undertake or, on rare occasions, is willing to allow the landowners to do themselves. Farmers consider it unacceptable that they are beholden to people with no financial stake in their farms as to whether or not they can protect their land from the impacts of Canada geese. The current situation infringes on landowner property rights.
13. Fish and game councils have an incentive to minimise goose control in order to save management costs and volunteer effort and keep plenty of birds available for hunting. Farmers, meanwhile, are paying for farm overheads and experiencing sometimes significant pasture and crop losses, but have no say on the level to which geese are controlled. On the other hand, in situations where farmers do not have to pay for goose control, they have an incentive to request high levels of costly goose control from fish and game councils in order to minimise the costs of pasture and crop loss.
14. All parties therefore seek to maximise their own gains and minimise their losses, without regard to the costs that their decisions place on other parties. This does not lead to efficient goose management and results in ongoing resentment between sector interests for the costs that other sectors have imposed on them. This conflict has been ongoing for more than two decades.
15. Canada geese are difficult to control and the fish and game councils are currently the only agencies with significant expertise in goose management. However, in areas where geese are common, farmers are familiar with goose control methods and have expressed confidence in being able to undertake control themselves. The risk geese pose to aviation means the government is keen to ensure effective goose management for aviation safety.

Overall objectives

16. The Department of Conservation considers that the overall objectives for Canada goose management should be to:
 - (a) ensure that landowners and land managers do not bear unacceptable costs from Canada goose impacts
 - (b) ensure that Canada goose does not pose an unacceptable risk to aviation safety
 - (c) maximise recreational hunting opportunities subject to objectives (a) and (b) being met.
17. The options have been compared against these objectives with the additional criterion that goose management should be funded by those with an interest in that management.

Options considered for managing Canada goose

18. The consideration of options was constrained by a requirement that no option should involve amendment of primary legislation. Some potential options sought by some stakeholders – such as amending legislation to require fish and game councils to manage geese to objectives determined by the Minister – were therefore not considered.

19. It would be possible for the 2005 Conservation General Policy to be amended to require game bird management not to impede aviation safety or other matters of interest to the wider community (a game management plan cannot derogate from policy approved under the Conservation Act (section 17L(3)(b) of the Act refers)). However, the statutory processes required to amend statements of general policy (section 17B refers) generally take from one to three years to implement, and, at the end of such a process, other disadvantages of having geese listed on Schedule 1 would remain unresolved.

Option 1: Retain existing game bird status and continue to allow fish and game councils to manage this species but allow greater landowner supplementary control of geese via permits

20. One option is to retain the existing Schedule 1 listing for Canada goose throughout mainland New Zealand. Fish and game councils would continue to manage this species as a game species, including carrying out culling operations (for farmers and the aviation industry) where the fish and game councils considered this appropriate. DOC, however, would be more liberal in issuing permits under section 54 of the Wildlife Act to allow any land occupier or airport company to undertake their own goose control where additional control was required to address goose impacts or risks. The main condition on these permits would be that the permit holder had to advise DOC how many geese were subsequently killed. This statistic would be passed to the relevant fish and game council for its information and planning purposes.
21. The advantage of this option is that no regulatory change would be required. Fish and game councils would continue to manage geese for the benefit of recreational hunters, and the expertise of fish and game managers would continue to be available for the benefit of the wider community. Over time, Canada geese can be expected increase in numbers and range thereby increasing recreational hunting opportunities. Landowners affected by geese would be able to seek support for increased hunting or culling effort from their fish and game council or apply to DOC for a permit to undertake goose control themselves.
22. There are a number of disadvantages to this option. Since many farmers affected by geese are dissatisfied with current goose management, this option could lead to significant permitting application and processing costs for land occupiers and DOC, and DOC staff would continue to face significant pressure from recreational hunting interests to decline permits requested by landowners. Recreational hunters would continue to be levied for Canada goose population management, including culling, even when this goes against efforts to enhance recreational hunting opportunities. Allowing landowners to control geese would provide a further disincentive for fish and game councils to control goose populations. However, if significant landowner funding was required for goose control, regional councils would be unable to raise goose management funds under the Biosecurity Act 1993 on behalf of affected landowners.
23. This option might not address aviation safety risks if fish and game councils choose not to undertake coordinated control where required or if key landowners do not give consent to such control. Making aviation safety an over-riding objective in a game management plan (rather than as something to give high regard to) can be contrary to legislation, although this potential obstacle could be overcome by amending conservation general policy.
24. This option is not a good match against the overall objectives as geese would be managed primarily to hunter rather than farmer and aviation safety objectives, some goose control

funds would be expected to come from people not wanting control, and it could be difficult to gather funds from those wanting goose control.

Option 2: Retain existing game bird status and continue to allow fish and game councils to manage this species but allow landowners to cull geese when required

25. Another option is to retain the existing Schedule 1 listing for Canada goose throughout mainland New Zealand as in Option 1 but for any land occupier or airport company to be permitted, via an Open Season for Game Notice, to undertake their own additional goose control where required without the need for a permit. The Notice would not allow activities that risked reducing the effectiveness of key goose control methods. Details of the matters needing to be covered in such a Notice are given in Appendix 1.
26. This option has similar advantages and disadvantages to Option 1. While landowners would not need to obtain a permit from DOC to undertake goose control on their land under this option, there would be a new need for most people assisting with a goose cull (including all contractors) to hold a game licence. Paying for these game licences would probably be more costly to landowners than obtaining a permit from DOC.
27. As with Option 1, this option may not address aviation safety risks if key landowners do not give consent or if fish and game councils choose not to undertake effective goose control. Aviation safety would not necessarily be an overriding objective in game management plans without a prior amendment to conservation general policy.
28. This option is not a good match against the overall objectives for the same reasons as Option 1. In addition landowners would need to pay for game licences when they had no interest in game hunting.

Option 3: Amend the protection status of Canada goose by moving it to Schedule 5 of the Wildlife Act, possibly supported by regulations to ensure that key goose control methods remain effective

29. A third option is to move Canada goose to Schedule 5 of the Wildlife Act (not protected) for all mainland areas, supported by regulations to ensure key goose control methods remain effective. This would allow any individual or agency to hunt or control geese and would eliminate all or most permitting costs. However, fish and game councils would no longer have a statutory role in Canada goose management.
30. This option would have the advantages of allowing the needs of land occupiers and aviation safety to be met, while providing a strong incentive to all land occupiers, regional and local councils and airport companies to provide as much recreational hunting of geese as practicable. Landowners would have an incentive to provide good hunting opportunities to minimise costs of both goose control and damage to crops. Game licence holders would have an incentive to provide good support to farmers or risk losing hunting opportunities if farmers decided to cull geese.
31. This option could also allow regional councils to raise goose management funds on behalf of land occupiers (via pest management strategies under Biosecurity Act) if desired, and allow regional communities to take proactive measures to prevent new goose problems developing in new areas. This option could ensure that goose control was carried out where desired by the wider community (e.g. for aviation safety) even if an individual landowner was opposed to it. The outcomes of the statutory public processes required to develop pest management strategies cannot be known in advance but the process for

developing national (as opposed to regional) pest management strategies may provide Ministers with a greater ability to determine goose management objectives, such as giving priority to aviation safety. Any proposal to manage Canada goose under a pest management strategy would also need to meet the tests in the Biosecurity Act for establishing a strategy, such as meeting a cost-benefit test.

32. Fish and game councils would no longer have to expend licence fee money or volunteer effort on goose management work that reduced hunting opportunities but recreational hunters would still be able to hunt geese. There would be no loss of game licence revenue as a result of this change because virtually all goose hunters also hunt other game birds and will therefore still need to buy a game licence. Recreational hunting opportunities may not develop in new areas if landowners decide to protect their interests and property rights by proactively controlling geese before damage to farmland becomes significant.
33. New arrangements would be needed to coordinate control of geese in high population areas, since fish and game councils would no longer have a primary role in this. The expertise of fish and game managers may not be available to assist the coordination of goose management work and game licence fee money would no longer be available to assist the wider community in goose control. If a decision was made to adopt Option 3, there would be a need to ensure continuity of goose control in areas such as Canterbury to provide for aviation safety requirements. DOC could therefore have a transitional role to liaise with Federated Farmers, Christchurch International Airport Limited, local government and recreational hunters to ensure goose control occurred in a coordinated manner until long-term arrangements could be established.
34. This option closely matches the overall objectives. Geese would be managed primarily to farmer and aviation safety objectives, and hunting opportunities maximised subject to the primary objectives. Goose control would be funded only by those benefiting from control.

Option 4: Move Canada goose to Schedule 5 of the Wildlife Act for some mainland areas only, while retaining the current game bird (Schedule 1) regime for other mainland areas

35. A fourth option is to list Canada goose on Schedule 5 for the areas currently most impacted by geese (namely the Wellington, North Canterbury and West Coast fish and game regions) while retaining the species on Schedule 1 for other mainland areas.
36. This option would have the advantage of addressing the immediate needs of the affected parties while still ensuring that, for most of the country, Canada goose would continue to be managed by fish and game councils for the enhancement of recreational opportunities. This option is therefore a compromise between the competing objectives of those wanting to carry out goose control on their own land, and recreational hunting enthusiasts who wish to retain or further develop recreational hunting opportunities. It would eliminate any need for land occupiers to obtain permits to manage goose impacts on their land in the three regions most affected by adverse goose impacts.
37. This option would bring a number of significant disadvantages. It would result in disparate management regimes in adjacent parts of the country (geese often migrate between regions). This option would also allow fish and game councils to manage goose numbers upwards in regions with low goose populations in order to provide improved hunting opportunities while denying farmers the right to protect their interests when goose impacts became unacceptable. It is likely that, over time, further areas would need to be moved from Schedule 1 to Schedule 5 as goose impact problems continue to spread.

38. While this option would provide a good match for the overall objectives in some areas, for other areas it would not be a good match against the overall objectives for the same reasons as Option 1.

Conclusion

39. The Department of Conservation considers that Option 3 (listing Canada goose on Schedule 5 for the whole country) would provide the best match against the overall objectives. This would provide continued recreational goose hunting opportunities while allowing landowners and aviation interests to ensure that their needs were met. No community sector would be able to impose unreasonable costs on other sectors and all interests would have incentives to maximise hunting opportunities within the limitations of ensuring aviation safety and avoiding unacceptable impacts on landowners. Where required, the wider community could fund goose management work via pest management strategies and individual landowners would not be able to prevent necessary goose management, such as that required to ensure aviation safety.

Consultation

40. A public discussion document was released by the Department of Conservation in August 2006 seeking public and sector input on possible changes to protection status of different species of wildlife under the Wildlife Act (the protection status of a species is determined by which schedule of the Act it is listed on). The document set out issues in relation to some species that might not have an appropriate protection status.
41. Some 306 of the 361 submissions received commented on Canada goose. Fish and game councils, hunting organisations and individual hunter submitters wanted the game status of the species to remain unchanged. They saw Canada geese as a national recreational asset and considered that game management has controlled goose numbers effectively in most parts of the country. Farming, aviation, horticultural and regional council submitters generally saw Canada geese as having unacceptable impacts on landowners. Most submissions from these sectors favoured a change in the status of the species to enable more landowner control. Major concerns include pasture and crop loss, aviation safety risks, and fouling of waterways and recreation areas.
42. Further consultation was undertaken with sector groups that have an interest in Canada goose management; in particular, this included Fish and Game, Federated Farmers, regional councils, Christchurch City Council, Ngai Tahu, and aviation industry representatives. The Minister of Conservation has subsequently undertaken her own consultation and discussions with sector interests.
43. Fish and game councils and recreational hunting interests prefer the status quo (Option 1 but with DOC not granting permits to landowners to allow them to kill geese). Federated Farmers and many regional councils prefer Option 3. Some regional councils would prefer legislative amendment to keep fish and game councils responsible for managing Canada geese while requiring them to meet wider community needs (amending primary legislation was outside the constraints of the review therefore not considered).
44. MAF and the Ministry of Transport would like coordinated goose control that ensures that landowner and aviation safety needs are met, and have expressed a preference for Option 3.

Implementation

45. Option 1 would require the least change to implement, and would require minimal transition arrangements. The Minister of Conservation would merely need to advise the Department of Conservation that it should be more liberal in its granting of permits to land occupiers wishing to undertake Canada goose control on their own land.
46. Option 2 would require the Minister of Conservation to ask² the New Zealand Fish and Game Council to include conditions in an open season for game notice, granting land occupiers the right to disturb or kill Canada geese on their land without a need for a permit. Anyone involved in such a control operation would need to hold a game licence. The control of geese on public land would continue to require a permit from DOC under section 54 of the Wildlife Act.
47. Options 3 or 4 would require an Order in Council under section 8 of the Wildlife Act to change the protection status of Canada goose in mainland areas. New arrangements for coordinated control, as discussed in paragraph 33, would be needed in some areas because fish and game councils would no longer be responsible for this. Where coordination was required, DOC could have a transitional role in liaising with Federated Farmers, the aviation sector, local government and recreational hunters to ensure that coordination occurred until long-term arrangements were put in place by local communities. If required, a national pest management strategy could be used to give Ministers a greater say in determining management objectives.
48. Under Options 3 or 4, regulations may be appropriate to ensure that key methods of Canada goose control remain effective. It is desirable that moult culls of flightless geese and aerial culls of geese able to fly be undertaken in ways that minimise the risks of geese learning to avoid future culls. This risk could be managed by the creation of new regulations under section 72 of the Wildlife Act, administered by DOC. Moult culls would be allowed subject to certain conditions being complied with, while aerial culls of geese able to fly would require a permit. Permits for such aerial culls would be issued subject to DOC being satisfied that a proposed operation would be undertaken in ways that minimised opportunities for geese to learn to avoid future culls. The regulations could include penalties for disrupting, or attempting to disrupt, organised cull operations as this has been an issue in the past which has resulted in further dispersal of wary birds.
49. For all four of the above options, changes would need to be advertised through a public awareness campaign for recreational hunters, farmer groups and others with an interest in Canada goose management. DOC would need to ensure that appropriate information was placed on its website.
50. Any amendment to conservation general policy to require game birds to be managed in ways that do not impede aviation safety would take from one to three years to put in place. Such a change would need to be complete before any game management plan could be required to reflect such general policy.

² The Minister of Conservation can require an open season for game notice to be amended before approval.

51. Concerns have been raised about a lack of expertise in bird management outside of the fish and game councils. For options 2, 3 and 4, there is a risk that *ad hoc* control of geese by some landowners could make goose control difficult for other landowners. This risk could be mitigated by not allowing certain activities (as under Option 2) or making regulations (as under Options 3 and 4) to ensure that certain key methods of control remain effective. In general, though, it is noted that many farmers in areas worst affected by goose impacts have decades of experience in managing farms in the presence of geese and in being involved in local goose control operations. DOC considers that farmer networks will allow this expertise to be shared nationally. Federated Farmers concurs with this assessment.

Monitoring, evaluation and review

52. The protection status of wildlife species need to be reviewed from time to time in response to changes in the abundance and distribution of species, and changes in land use. Where policy objectives are no longer being achieved, the protection status of a species may need to be reconsidered.
53. If Canada goose is moved from Schedule 1 to Schedule 5 of the Wildlife Act, responsibility for monitoring the success of the new regime would largely pass from DOC to MAF, as MAF has the primary role under the Biosecurity Act. However, the Ministry of Transport would continue to take an interest in aviation safety risks posed by geese. DOC could have a transitional coordination role in key areas until long-term arrangements were put in place. DOC might have a longer-term role if regulations under the Wildlife Act were considered desirable.

Appendix 1: Matters needing to be covered under an Open Season for Game Notice for Option 2

54. To allow land occupiers, or someone with their authority, to kill Canada geese, it will be necessary for the Minister of Conservation to approve an amendment to the Open Season for Game Notice under the provisions of sections 15, 17, 18 and 22 of the Wildlife Act, to override the normal conditions set out in the following parts of the Act:
- a) Section 18(1)(a) and (b) – which prohibit the erection and use of traps, nets, and pens, and the use of clubs, knives, axes, etc. These methods can be required when undertaking culls of flightless moulting geese.
 - b) Section 18(1)(c) – which prohibits hunting or killing game birds using other than a standard shotgun. Culling geese can require the use of rifles or repeating shotguns.
 - c) Section 18(1)(d) – which prohibits the use of silencers. These may be required when undertaking goose control to avoid alerting other birds.
 - d) Section 18(1)(f)(iv) – which prohibits the use of aircraft or motor boats. These may be required when undertaking culls of flightless moulting geese located in difficult ground (e.g. swampy areas at Lake Wairarapa). The use of aircraft against geese able to fly would not be permitted under the Notice (permits under section 53 or 54 of the Act would continue to be required in such situations).

- e) Section 18(1)(f)(v) – which prohibits the use of boats or kayaks to drive birds. This is often required when undertaking culls of flightless moulting geese and may also be required simply to drive birds away from areas they are causing problems.
55. The Notice would also need to link in appropriately with the following parts of the Wildlife Act:
- a) Section 15(3) and (4) to declare an open season for game for Canada goose.
 - b) Section 17(2) to allow land occupiers to hunt or kill geese in areas of crops or pasture planted within 100 metres of the margins of waters (e.g. streams, lakes, estuaries, ponds).
 - c) Sections 22(1) and 22(1A)(c) to allow the shooting of geese not in flight.

**Appendix 2: Matters potentially needing to be covered by
Regulations to support Options 3 or 4**

56. To reduce the likelihood of Canada goose populations learning to avoid control operations as a result of observing previous control work, regulations under section 72 of the Wildlife Act could require:
- a) That when flightless, moulting Canada geese are rounded up for culling, every goose rounded up must be culled (this avoids geese being rounded up and later released, thereby learning to avoid that moulting site in future moults).
 - b) That the use of aircraft to hunt or kill Canada geese able to fly require authorisation by an operational pest management strategy under the Biosecurity Act 1993 or by a written authority from the Director-General of Conservation (this would allow proposed operations to be vetted to ensure they are undertaken in accordance with best practice).
 - c) That geese able to witness the culling of other geese must, where possible, also be culled (this minimises the number of geese able to learn to avoid future control operations).
57. There may be value also in making it an offence to disrupt or interfere with a Canada goose cull being undertaken by others. A Canada goose cull being undertaken for the purposes of aviation safety has been disrupted and halted by recreational hunting interests wanting to safeguard the geese for future hunting. Some recreational game hunters are strongly opposed to goose culls being undertaken to protect farmer interests and could potentially choose to disrupt farmer-funded culls.