

EXHIBITS TO EVIDENCE IN CHIEF OF JOHN EDWARD DOWDING

(on behalf of the Director-General of Conservation)

EXHIBIT JED1

“Assessment of potential avian mortality at the proposed Taharoa wind farm, Taharoa Beach, Kawhia, Waikato” (Fuller, S.; McLennan, J.; Dowding, J.; Barea, L.; Craig, J. 2009. . Unpublished report to The Proprietors of Taharoa C Block, Waitomo District Council, and Department of Conservation" 115 pp. (signed 27 February 2009)).

NOTE TO USE OF EXHIBIT JED1

At the present moment (1 April 2009), the report which is Exhibit JED1 is not currently a publicly available document, and is provided strictly for use for the purposes of this judicial proceeding, and on the following basis:

1. The report is released pursuant to s 59 of the Copyright Act 1994; and
2. The report remains subject to jointly held copyright by the Proprietors of Taharoa C Block, Waitomo District Council, and Department of Conservation (the parties for whom the report was prepared); and
3. The report is only to be used for the purposes of the Contact HMR wind farm matter; and
4. The report is not to be disseminated further (i.e. beyond parties' experts and/or counsel).

Please ensure that these conditions are observed in using the report.

Please also note that, at present, the report is before the Environment Court which is considering the appeal matter “ENV-2006-WLG-000525 Department of Conservation v Waitomo District Council”. It is anticipated that the Court will make a determination on this matter shortly. At that point, the report will become publicly available.