

Crown Pastoral Land Tenure Review

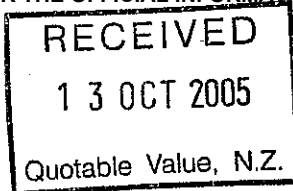
Lease name: MESOPOTAMIA

Lease number: PT 057

Public Submissions - Part 1

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

February 06



(1)

52 Kauri Road
Pukekohe
10 October 2005

The Commissioner of Crown Lands,
C/- Quotable Value Ltd,
PO Box 13 443
Christchurch.

Re Mesopotamia Tenure Review

Dear Sir

I wish to make a submission on the above proposal as follows.

In addition to the proposed easements for public access by foot and non-motorised vehicle, the tenure review should also include provision for public access for recreational purposes by both horse and motorised vehicles. It is reasonable to provide that such access may be managed in some way, however, permission for access should not be unreasonably withheld when requested. These right of access easements should cover all tracks, paths and roadways in both proposed conservation and freehold areas (including the areas covered by conservation covenants).

It should be noted that for a significant section of the community, including those with disabilities, the infirm, and families with young children, the only practical way to access, experience and enjoy the great New Zealand outdoors is by use of a vehicle.

I can be contacted by post at the above address, by email eyres@paradise.net.nz or on 09 921 9220 during business hours.

Thanks you.

Kind Regards,

A handwritten signature in black ink, appearing to read "RPE" followed by a long horizontal stroke.

Richard Eyres.

2

Geoff Clark
10 Smacks Close
Papanui
Christchurch 5

RECEIVED
14 OCT 2005
Quotable Value, N.Z.

30 September

Quotable Value

Re: Mesopotamia Tenure Review

Dear Sir,

This is so stupid it's hardly worth discussing!

You're telling me that it's O.K. to take land off the Maori (foreshore and seabed) and give it to the public, but here take the land off the public and leave it in the hands of an individual to use as he wishes, in this case hunting, while keeping out the public.

I wonder what Maori would make of this. It would certainly give them an excuse to demand back their beaches.

They would also want Don Brash to ensure no special privileges for one sector of society!

Where is the public access to CA3 ???

You don't need it, because you don't want the public going up there !!! Is that it ?? On public land.???

Did the farmer do this review????

Why still allow grazing on CA1. You've already stated that it should be returned to Crown ownership and given the reasons for it, under the Pastoral Land Act.

CC3 is no different, you state you're trying to protect the natural environment under this covenant, on land that is medium to steep hill sides!

Further to the exclusion of the public from CA3:

In the concession documents it states under Relationship of Parties,

- 1.....nothing expressed or implied.....gives exclusive occupation or use of the land.
- 2.....the public to have access across the land.

So the public has every right to go hunting on CA3 as it is obviously the intension of the owner to use it as a hunting park.

Also public access has to be provided.

For some reason you seem more concerned about the economic viability of the freeholded land.

From my knowledge, there has been, or is, an attempt to declare the Rangitata a world heritage river. Or the upper reaches anyway.

I feel that it would be better to look to Government to acquire the station in its entirety as has happened in the Ahuriri, after all,

It is stated in your review that the freehold land still has varying levels of inherent values to a degree that it is proposed some areas will have protective mechanisms to preserve them. CC1 and CC4 it's stated are remnants, well if the entire station was bought some attempt can be made to restore them, or let them revert back, and not just preserve them.

I would prefer it if you looked again at this proposal.

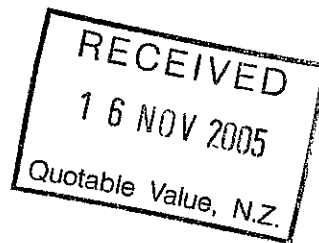
Regards,

Geoff Clark

3

11 November 2005

David Keen
68 McKenzie Street
Geraldine
(03) 6937003
(027) 2765054



SUBMISSION FOR THE MESOPOTAMIA LAND TENURE REVIEW

To Whom It May Concern:

I have been hunting on Mesopotamia Station for over 15 years. In that time the Prouting family have never denied me access, within reason, to all hunting on the property. The management of the land, access and booking of huts amazes me considering the amount of time and organization it takes.

I believe that Mesopotamia Station has the right approach towards hunters and with their booking system there are no double-ups with huts and every hunting group has their own area to hunt (this is done at no charge). You know that when you book a hut there will be no-one-else there.

This system is far better than DOC's policy of first in first served.

Also with a system like Mesopotamia's the land owner knows the whereabouts of various groups should the need arise to contact them or help them, DOC permits cannot do this and is far better managed by the family that have run this station of over 100 years.

I would like to see the owners of Mesopotamia to continue to control or at least have the knowledge of all hunters and/or trampers on the station even when it is returned to Crown control. I believe that this would be a better situation for the hunters/trampers

David Keen

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RECEIVED
18 NOV 2005
Quotable Value NZ



Land Access
P O Box 4536
Christchurch
Ph: 03 379 9174
Fax: 03 379 2623
guy@groundeffect.co.nz

16 November 2005

QV Valuations
PO Box 13 443
Christchurch

cc Mike Clare, DOC, P O Box 4715, Christchurch

**A submission on the preliminary proposal
For tenure review of Mesopotamia Pastoral Lease**

Mountain Bike New Zealand Inc. (MTBNZ) is this country's national association for mountain bikers. It is part of the umbrella cycling group "Bike NZ" which receives funding from SPARC and is affiliated to the Union Cycliste Internationale (UCI). We exist to promote recreational and competitive mountain biking in New Zealand.

We are writing with regard to mountain bike opportunities on the Mesopotamia Pastoral Lease and the proposed tenure review. Of particular interest to mountain bikers is access to the track over Bullock Bow Saddle into the top of Bush Stream. This is an exceptional two-day high country mountain bike ride. Ensuring future access to this area is highly desirable.

The Conservation Resources Report (CCR) records the recreational importance of public access to Bullock Bow Saddle. The Due Diligence Report (DDR) also notes that the need for this access was recorded and was seen as desirable well before the present tenure review process. Consequently it is a major concern that this access has not been provided as an integral part of the Preliminary Proposal. We submit that the management easement b-d should also be made public foot and MTB access.

Thank you for considering this submission.

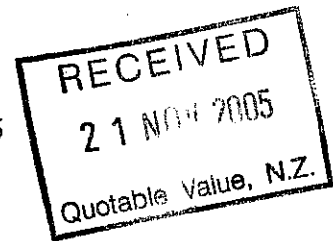
Yours sincerely

A handwritten signature in black ink, appearing to read 'Guy Wynn-Williams', written over a horizontal line.

Guy Wynn-Williams
Mountain Bike NZ

6

271 Centaurus Rd
Christchurch 8002
17 November 2005



Q V Valuations
Christchurch Office
PO Box 13 443
CHRISTCHURCH

Dear Sir

**RE: PRELIMINARY PROPOSAL FOR TENURE REVIEW OF
MESOPOTAMIA PASTORAL LEASE**

This submission is presented by the Peninsula Tramping Club (Inc). We are one of the larger tramping clubs in Christchurch, with approximately 200 members. We organise over 100 tramps every year, of which a large proportion visit high country pastoral leases.

Our club members frequently make tramping trips in the Mesopotamia lease, both as part of organised club trips, and privately. Areas we tramp in include Felt Hut, Bullock Bow Saddle, Sinclair Range traverse, the Bush Stream catchment including its headwaters in the Two Thumb Range, and challenging trips in the catchments of Black Birch Creek and Alma Stream. Our members also pass through the lease on trips up to the headwaters of the Rangitata valley.

The very scenic area of high country between the Rangitata River and the Two Thumb Range has the potential to become a very important public asset with excellent conservation and recreational values. Therefore it is essential that the tenure review process is used to formalise quality public access into these areas.

In summary, although we favour most of the delineation between freeholded land and land under Crown control, we consider that a number of provisions made to suit the Concessionaire's tourism activities are not in the public interest.

Our concerns come under three broad headings and are as follows:

1. Delineation between land proposed for Crown control and for freehold.

The delineation of freehold land on the High Terrace and to its west appears primarily designed to exclude the public from the Concessionaire's operations on the farm road and Felt Hut area. However these lands have significant landscape and conservation values, consisting of sub-alpine tussocklands and beech forest. They should enjoy the full protection of Crown control and the public benefit of full public access.

In particular we consider that none of the valley occupied by Felt Hut should be freeholded. This valley is an exceptional landscape. Additionally the proposal incurs substantial fencing costs in order to enclose a small and artificial enclave in the valley.

We submit that at the very least the delineation of Crown land from freehold land be along the existing fenceline N-R. The concessionaire's activities should be safeguarded with freeholding of the Felt Hut site and an easement along the road to the hut.

Preferably however, we submit that the delineation of Crown land from freehold land should be at Moonlight Creek, with all land to the west of the creek being included in land under Crown control.

2. Public access provisions via legal easements

a) Sinclair Range access

The Sinclair Range is unique within the lease because it is the only area that provides quality tops tramping (both day and overnight) suitable for visitors of medium fitness. The east side of the range also has several attractive tarn basins. Yet the proposal effectively excludes the public from the range.

The only practical routes for short-stay visits on the range are directly from the Rangitata Gorge Road to the east. However the three access routes closest to the road are all marginal strips and none is suitable:

- (i) Bush Stream is unsuitable for access because of the very steep and bluffy northern and north-western aspects of the range. Reasonable access to the range is feasible only from the headwaters of the stream.
- (ii) Scour Stream is unsuitable because the margins are thick with scrub including matagouri.
- (iii) Moonlight Stream is unsuitable because it is a long way up Forest Creek, and travel in the stream margins is difficult.

Although nominally public land, the poor access amounts to de facto exclusion of the public from most of the Sinclair Range and in effect gives the Concessionaire exclusive access. As such this is a clear breach of the Crown Pastoral Lands Act section 24 (c) (i).

Therefore we submit that a foot and mountainbike (non-motorised) access easement should additionally be provided for along the proposed management easement a-b-c.

b) Bullock Bow Saddle access via the vehicular track

The vehicular track b-d has long been a traditional and significant foot access route from the Rangitata Gorge Road to Bullock Bow Saddle. It provides the easiest access to the saddle via an attractive sweeping landscape and its outstanding recreational value is noted in the Conservation Resources Report.

The only public access to Bullock Bow Saddle allowed for by the proposal is via the Forest Creek marginal strip, and then traversing Crown land outside the perimeter fence N-P-d. This route is slower, more difficult and less scenic than the vehicular track, and may result in potential users being excluded from the area.

Additionally the Commissioner of Crown Lands should be recognising the legitimacy and importance of mountain biking in the recreation mix,

particularly where existing vehicular tracks in the high country are under review. This track in particular affords excellent mountainbiking in an area where publicly available mountainbiking opportunities, particularly of this standard, are rare (if they exist at all).

Therefore we submit that a foot and mountainbike (non-motorised) access easement should additionally be provided along the proposed management easement a-b-d.

c) Access to the head of the Rangitata River

- (i) The best vehicular route over Bush Stream and up the Rangitata valley follows the Rangitata Gorge Road to a vehicle bridge over Bush Stream. Thereafter a vehicular track continues across the lower part of Brabazon Downs to rejoin the legal road just south of Black Birch Stream in the vicinity of point j. This is a superior route to that which follows the legal road across the bed of Bush Stream since it is suitable for all vehicles and is an all-weather option for all visitors, whether by foot or vehicle.

We submit that a vehicle, foot and mountainbike access easement should be provided for the route over the Bush Stream bridge described above.

- (ii) The legal road that cuts across the northern end of CC3 does not coincide with the formed track. An easement for public access along the formed track would eliminate the need for new tracks to be cut to Black Mountain Hut and would cause minimal impact on property management.

Therefore we submit that a public access easement should be provided along the formed track at the northern end of CC3.

- (iii) Channels of the Rangitata River run right against the bank at the foot of CC3. In times of flood, this leaves no public access further up the valley.

To safeguard public access up the valley in all weathers, we submit that a public foot access easement be provided along the farm track that runs along the slope for the length of CC3. To minimise impact on property management, this could be signposted "Flood Track only".

3. Concession Document

In a number of respects the Concession Document does not safeguard the interests of the environment or recreational users in the area proposed for Crown control:

- a) The term of the three concessions in Schedule 1 (3) is 30 years. This is far longer than is normal practice for conservation land concessions of this kind, particularly as this concession has the potential to impact significantly on the enjoyment of the area by other users.

We submit that the term for the concessions should be limited to 10 years.

- b) Section 10.5 of the Concession Document states that "The Concessionaire ... may take onto or use vehicles on the land." The lack of limitations in vehicle use by the Concessionaire has the potential to damage the landscape and cause significant impact to other users.

We submit that the schedule of the Concession Document should explicitly state the specific tracks which the Concessionaire may drive on.

We further submit that vehicles should be limited to the stated tracks only.

- c) Schedule 2 (C) (4) states that the Concessionaire may maintain any existing tracks within the Concession Area. This stipulation leaves open the possibility of inappropriate upgrading of 4WD or foot tracks in wilderness areas in the areas of Crown land. We are concerned at the possibility of inappropriate upgrading which may bypass the environmental protections stipulated in section 10 of the Concession Document.

We submit that the Concession Document should explicitly state the specific tracks that the Concessionaire may maintain. We further submit that any upgrading of tracks should be permitted only with the consent of the Grantor.

- d) Schedule 2 (C) (2) states that use of huts by the Concessionaire "will be on an equitable basis in conjunction with other visitors to the Land." This is a vague wording that has the potential to cause conflict with other users.

We submit that schedule 2 (C) (2) state that the Concessionaire be limited to no more than 50% bed space when a hut is full. This type of clause is a common and accepted practice in Concession Documents.

- e) Aircraft activity is a significant intrusion into the enjoyment of conservation lands by recreational users. The Concession Document fails to stipulate any restrictions on flight activity.

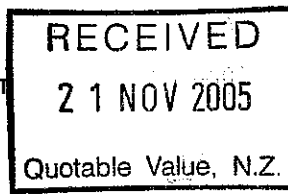
We submit that the schedules stipulate upper limits on flight activity in designated flight zones within the proposed lands under Crown control.

Thanking you for the opportunity to make this submission.

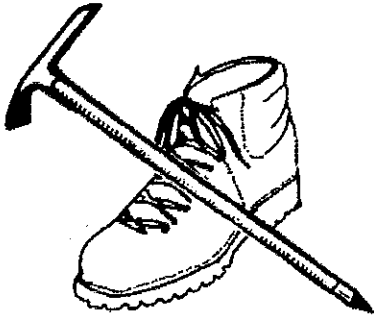


Terry Thomsen

Peninsula Tramping Club (Inc.)



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Christchurch Tramping Club Inc.

FORMED 1932

Affiliated to: FEDERATED MOUNTAIN CLUBS OF N.Z. /INC.

PLEASE ADDRESS ALL CORRESPONDENCE TO THE HON. SECRETARY P O BOX 527, CHRISTCHURCH

Attention: Team Leader – Tenure Review
Quotable Value Ltd
P O Box 13443
Christchurch

18 November 2005

Dear Sir

Tenure Review of Mesopotamia Pastoral Lease

I enclose the submission of the Christchurch Tramping Club (Inc) with regard to the Mesopotamia Pastoral Lease.

Yours sincerely

A handwritten signature in black ink, appearing to be "J. Harlow".

J. Harlow
Secretary
Christchurch Tramping Club

Enc.

CC: Mike Clare, Department of Conservation, Private Bag 4715, Christchurch.
Barbara Marshall, Hon. Secretary, FMC, PO Box 1604, Wellington

**A SUBMISSION ON THE PRELIMINARY PROPOSAL
FOR TENURE REVIEW OF MESOPOTAMIA PASTORAL LEASE BY THE
CHRISTCHURCH TRAMPING CLUB (Inc)**

Our Club's History

The Christchurch Tramping Club has been established for 75 years and is one of the larger tramping clubs in the Christchurch area with approximately 300 members. We run 3 or 4 tramps each weekend with parties ranging between 3 to 20 members. We also run several expedition style alpine tramps (ranging from one to three weeks) annually. Our programme is comprehensive ranging from easy day walks on Christchurch's Port Hills to climbs of major peaks such as Mount Rolleston in Arthur's Pass National Park. We own a club lodge at Arthur's Pass village which can be booked by any kindred group.

Our Club's Links with the Upper Rangitata area

Our programme covers most of the South Island but in particular we range widely in Canterbury Province. We visit the Rangitata Valley reasonably frequently including the land presently within Mesopotamia pastoral lease and also traveling through the lower portion of the property to reach public land in the headwaters of the catchment.

In recent years members of our club have undertaken the following tramps which involve crossing Mesopotamia land:

- 1) Up Forest Creek and up to tops and on to Lake Tekapo.
We understand this is also the proposed route of the Te Araroa Trail.
- 2) Over Bullock Bow Saddle:
 - a) to Royal Hut and down Bush stream
 - b) Along tops to the southeast with a return via Forest Creek
 - c) Along the Sinclair range to the north west with a return into Bush stream
 - d) into Bush stream and on to Stag Pass and Lake Tekapo
- 3) Brabazon Range with a return into Bush stream,
- 4) Mt Alma via Alma Creek
- 5) Alma Col to North East Gorge Stream with return via Tom Thumb Col
- 6) Alma Col to North East Gorge Stream with return via the Growler
- 7) Camp Creek with return via Carneys Creek
- 8) Upper Havelock River (access via 4 WD through Mesopotamia)
- 9) Ski touring on the Sinclair Range
- 10) Ski touring from Round Hill into Royal Hut area.
- 11) The Thumbs via Black Birch Stream
- 12) Black Mountain and Inkerman Saddle

In our recent submission on the Preliminary Proposal for Richmond Pastoral Lease we commented on existing and potential recreational travel across the ranges between the Rangitata and Godley catchments. This country is also good for winter ski touring with routes in the Bullock Bow Saddle, upper Bush Stream and Stag Pass areas.

This land is also superb mountain biking country with great trips possible in both the Bullock Bow Saddle area and up the Havelock Valley

Our Submission on the Preliminary Proposal.

1. The actual division between Conservation land and Freehold land is mostly reasonable and rational. However we submit that the proposed boundary in the Moonlight Stream area is unsuitable. This should be a straight line boundary between the fencing points R and N. If the lessees wish to retain Felt Hut for private use the footprint of the building could be excluded from the conservation land.
2. There is reasonable public foot access up several major streams such as Forest Creek, Bush Stream, Birch Creek and Alma Stream which are already Crown land with marginal strips.
3. On the other hand, there is no effective public access to the Sinclair Range via its eastern faces. This land has high potential use for weekend and day tramps owing to its proximity to the Rangitata Gorge Road. The Conservation Resources Report (CCR) raises the question of whether the marginal strip in Scour Stream provides practical access. In fact the marginal strip cannot be negotiated because of scrub and some deer fences which cross it. The failure to provide viable access to this important area is clearly a breach of the letter and spirit of the Crown Pastoral Lands Act, S.24 (c) (i) re public access. We submit that public foot and mountain bike access should be provided along the proposed management easement a-b-c.
4. The same CCR records the recreational importance of public access to Bullock Bow Saddle. The Due Diligence Report (DDR) also notes that the need for this access was recorded and was seen as desirable well before the present tenure review process. Consequently it is a major concern that this access has not been provided as an integral part of the Preliminary Proposal. We submit that the management easement b-d should also be made public foot and MTB access.
5. The lessees of the pastoral lease already hold a recreation permit (per a subsidiary company) from the Commissioner of Crown Lands for " safari guiding and helicopter operations" . This runs from 1st July 1996 for nine and a half years and covers the whole of the present pastoral lease. The Proposal documents indicates that this will be replaced with a similar permit issued by the Department of Conservation over the land to be retained in or returned to Crown control. While we do not object to this in principle we are concerned by the broad and non-specific provisions of

the permit and also the proposed 30 year term which is well beyond normal limits.

The Rangitata is a relatively peaceful valley and the concession needs to be carefully managed to ensure tourist and recreation activity does not become too intrusive.

The proposed permit also provides that the public will not be issued with hunting permits for the front faces of the Sinclair Range (area CA3). The effect of this is to give the owners of Mesopotamia freehold a private hunting preserve over this public land. Once again this is contrary to the letter and spirit of the Crown Pastoral Lands Act.

We consider that some parts of the proposed concession are contrary to the public interest. We submit that the following changes should be made to the concession document:

SCHEDULE 1

Clause 2, Concession Activity. Delete the last sentence in sub-clause (C) To allow public hunting in area CA3

The term for the various activities in clause 3 should be reduced from 30 to 10 years. This is the usual period for concessions of this type and longer terms are normally granted only when there is significant capital outlay such as skifields.

Additional clauses should be added stipulating:

- specific landing sites for helicopters
- specifying which parts of the land will be used for the various activities

SCHEDULE 2

(A) Grazing – Clause 5 should be deleted. It is inappropriate to permit oversowing and top dressing and clearance of vegetation on conservation land.

(B) Tourism Activities – Clause 1 should be deleted to allow public hunting on area CA3.

Clause 3 which requires hunters to obtain access permission from the concessionaire for the balance of the conservation land should also be deleted. Conservation land is public land and public use should not be subject to control by private interests.

(C) General Conditions – The second sentence re combined use of huts is vague and should be replaced with "When other users are present at huts the concessionaire shall leave sufficient bunk space for them up to a maximum of half the number of bunks in the hut"

6. Public access to the upper Rangitata Valley and its headwaters depends on a complex mix of existing formed and legal access through existing and proposed freehold land. We consider the proposals for securing this in the proposal document are inadequate. Because of the length of the valley 4WD access is important for those parties wishing to travel to the upper valley. To solve this problem we submit the following:

We propose the existing track shown as the Rangitata Gorge road to the bridge over Bush Stream, this bridge ,and the existing track and lane (which are not shown in the proposal maps) between the bridge and point J be added to the legal easements for all vehicle, horse , mountain bike and foot access. This track is existing and is therefore the logical access easement.

If this easement is not possible the legal road from point F across Bush Stream to the legal road on the other side of the stream and then onto point J should be made legal access for all vehicle, horse, mountain bike and foot traffic. This track however is not formed and would need to be partly formed and marked. A covenant or condition that requires any river training work that could block this road to include reinstating or providing vehicle standard access to make the route viable, would need to be incorporated in the provisions.

The formed track across CC3 near Black Mountain Hut is an integral part of access to the upper valley so an easement should be provided here also for vehicle, horse , mountain bike and foot traffic.

We also propose that a foot access easement be created along the existing farm track through CC3 to allow people to exit the valley in times of flood.

David Henson

Andrew Turton

Steve Bruerton

17.11.05

064 09 34552

8

RELEASED UNDER THE OFFICIAL INFORMATION ACT



NEW ZEALAND FOUR WHEEL DRIVE ASSOCIATION INC.
PO Box 90960 Auckland Mail Centre
Auckland. New Zealand

www.NZFWDA.org.nz

Commissioner of Crown Lands
C/- Quotable Value Ltd
PO Box 13 443
Christchurch

Fax 03 341 1635

21 November 05

Mesopotamia Tenure Review

The NZFWDA is a national 4WD organisation representing over 2000 members and their families.

One of the features of the South Island enjoyed by many, has been the ability to traverse the backcountry by utilising the myriad of farm and old roads. Those roads may even include some of the unformed legal roads that crisscross the country. These routes can frequently be linked together with permission; to create opportunities to drive suitably equipped vehicles through our high country providing a wonderful viewpoint on the grandeur of the countryside.

The process of the Pastoral Lease reviews is shifting the management of many of these routes, or sections of them, to the Department of Conservation along with policies of minimising or eliminating the use of public vehicles on these lands. This is a major waste of a tremendous and unique asset and an imposition on those who may not be able to walk these areas.

Any plan for Mesopotamia lands must include provision for recognising all existing vehicle routes and should make allowance for continued and future possible use by vehicles. This must include permitted use for private vehicles.

Yours truly

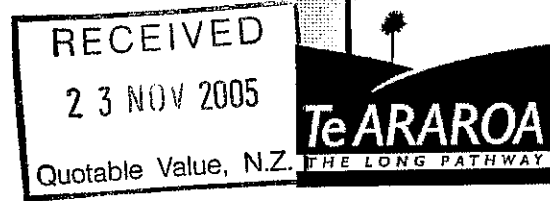
Peter Vahry
NZFWDA northern zone public relations.

9

Te Araroa Trust
C/- Michael Pullar
29 Lynwood Ave
Dunedin
Ph 03 4672524

21 November 2005

Tenure Review Team Leader
Quotable Value Ltd
PO Box 13 443
Christchurch
Fax 03 3411635



Mesopotamia Tenure Review

This submission is made on behalf of the Te Araroa Trust ('Trust') following discussion with the Leaseholder, whose input is gratefully acknowledged.

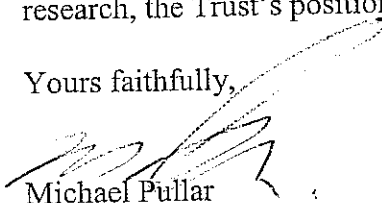
By way of background, the Trusts aim is to establish a tramping route from the Rakaia River to Tekapo as part of an emerging national trail. One option for this section includes a crossing of the Rangitata River between Mt Sunday and the Potts River and then travel via Mesopotamia Station over the Two Thumb Range.

The proposed designation plan ('plan') establishes a satisfactory route west of Felt Hut. The position east of this point is less clear. The most desirable route appears to be via easement a-b-d but this is set aside for management purposes only. There are two alternative options which are both consistent with the plan. The first is via the Scour Stream marginal strip and the boundary of CA 3. The Leaseholders have granted me permission to test this route in mid December. Until then the Trust is uncertain as to whether this route is an acceptable alternative to easement a-b-d.

The second alternative to easement a-b-d is via Forest Creek which involves 6 or 7 km of road walk beyond Scour Stream. This conflicts with the Trust's objective of securing viable trail off formed public road where possible.

Unfortunately the deadline for filing submissions occurs before the Trust has concluded its research. As a result, the Trust must now seek variation to the plan to enable public foot access over easement a-b-d. If, following completion of its research, the Trust's position changes this submission will be withdrawn.

Yours faithfully,


Michael Pullar
Authorised agent for the Trust



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Timaru 8601
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DX WA 31520
~~XXXXXXXXXX~~
davidwood@xtra.co.nz

GST 63 086 746

FAXED

21 November 2005

Mr Barry Dench,
QV Valuations,
P.O. Box 13 443,
CHRISTCHURCH.

Dear Mr Dench

Re: Mesopotamia Tenure Review: Ref No: CON/50000/16/12695/00/A-ZNO

The Tenure Review has been referred to me for comment after discussion with some of our members.

The Tenure Review is very important to the members of the South Canterbury Deerstalkers Association as it is intended to set the pattern for access for usage for the next 33 years for certain important parts of this country.

The South Canterbury Deerstalkers Association has had a long history with this area, maintaining vehicles at the station, instructing and maintaining a hut network in the upper reaches of this catchment.

It is arguable that the greatest use of the upper part of his area is by hunting parties and people associated with our network of Clubs. Please note that not all of our members hunt with rifles, so the word "hunting" is used liberally as it also entails sightseeing members and photographic expeditions, youth training in climbing, snow and ice experience tramping and high level camping.

There are a large number of aspects that we like to be heard on in respect of this proposed review, mostly to do with access and usage.

For example, there are large areas of the backcountry above the marginal strip in the Growler Stream which is technically not accessible by our members unless they trespass on a short piece between the Growler and the southern boundary of the piece marked "CA1" and "CA2". We would prefer to see the easements made more liberal to allow our members to reach the upper limits of some of these areas in the top of the Black Mountain Range, Almer Spur, the Growler, Big Spur, Camp Creek and Carneys Creek.

Some of our members are old enough to remember when parts of this country were set aside by DOC many years ago (e.g. in Carneys Creek). The consequence ecologically was disastrous as the Department then found that the thar population in Carneys Creek got out of control.

QV Valuations,

There is very little mention in the qualified designations of the ability for our group to use various access routes, but it should be borne in mind that these marked routes are not always available due to the physical problems of floods and washouts.

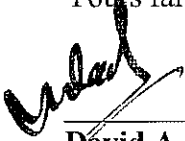
It should be made very plain in the easements that wherever washouts have occurred that the public access will be by the most practicable route, other than the legal roads. This Club does not want a repetition of what has occurred in the South Opuha where the legal road has been washed out and the local landholder has effectively blocked us out of the most practicable route into the upper reaches of the South Opuha catchment, despite the most practicable route being maintained by the County Council.

An alteration should be made, we think, to the easement where the Department of Conservation has a right to go on certain parts of the land so that it includes from time to time members of S.C.N.Z.D.A. who will be required to go on to help control various areas that have been set aside, but where no mention of hunting has been made. Our members have a code of ethics that they are required to abide by and are covered by Public Liability insurance policies.

We would be pleased to meet with your officers before anything is put into transfer form.

We would like to note that our Club has always maintained the highest relations with the Prouting family and on every point that we have raised we would like to confer with the Prouting family so as to ensure that none of our requirements impede their reasonable requests.

Yours faithfully



David A. Wood
Legal Adviser to the South Canterbury
Deerstalkers Association Incorporated

CC to:
The Secretary,
South Canterbury Deerstalkers,

CC to:
Mr L. Prouting,
Mesopotamia Station,



21st November 2005

Barry Dench
Tenure Review Team Leader
Quotable Value Ltd
PO Box 13 443
Christchurch

Dear Barry

Thank you for the opportunity to submit on the tenure review proposal for Mesopotamia Station. Game and Forest is available to discuss any of the issues raised in this submission.

1. The Game and Forest Foundation

The Game and Forest Foundation (Game and Forest) is an incorporated society representing organizations with interests in New Zealand's game animals. It includes recreational, farming, tourism and commercial user groups and is particularly interested in fostering responsible, legitimate recreational hunting in the great outdoors. Over 150,000 people hunt in New Zealand each year and with such a diversity of membership, Game and Forest is a key stakeholder with respect to access for hunters to our public land, water and large game animal resources.

2. Game animals in New Zealand

- New Zealand's game animals are an important recreational, social and economic resource.
- All game species in New Zealand are harvested for food, and while deer farming accounts for the vast majority of game meat exports, shot wild game is significant in both export statistics and domestic consumption.
- The combination of recreational hunting and aerial recovery expertise developed over the past 30 years allows privately funded control and management of New Zealand's big game populations at no cost to the government.

3. Submission

3.1 Objects of Part 2 of the CPL Act

A key provision in relation to our submission is clause 24(c) of the CPL Act which states:

"Subject to paragraphs (a) and (b), to make easier-

- (i) The securing of public access to and the enjoyment of reviewable land; and

3.2 Access generally.

The Game and Forest Foundation of New Zealand Inc
P. O. Box 27-069 Wellington, New Zealand. Tel/Fax 64-(0)3 3125680
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The upper Rangitata has been a traditional recreational hunting area for deer, tahr and chamois hunting. It is acknowledged that the current lessees have generally provided unfettered access through the property for hunters to access public land.

The bulk of public use of the public land currently adjoining Mesopotamia is related to recreational hunting. We expect that the land that passes to the crown as part of this proposal would continue this usage pattern as the bulk of the access to and enjoyment of the land in question.

Historically both foot and vehicle access has been available up the true right of the Rangitata. Due to the distances to be travelled, vehicular access is extremely important to facilitate practical hunting access for recreational hunting. The current proposal does not cater for the retention or enhancement of existing vehicular access.

Game animals on public land are a public resource the public should have access to that resource.

Public land should have the automatic presumption of unfettered access on foot, vehicle, air, boat or whatever means is necessary to practically access the land or water in question. From there, any restrictions should be on the provision of an identified and quantifiable need for restriction. Criteria should be developed for the occasions when that restriction might apply.

3.3 Specific Provisions

3.3.1 Vehicular access

There needs to be contiguous vehicular access to the end of area CA1. This could be done by connecting the sections of existing public road to provide practical vehicular access all the way to the end of CA1. This should include any bridges and culverts (compensation for such may be appropriate) and the road vested in and maintained by the local authority.

3.3.2 Access easements

For those that hunt, access itself is no use unless the carriage of firearms, necessary for hunting is permitted. All access easements and public roads should specifically be designated as including the carriage of firearms. These provisions could be included in a code of conduct developed to cater for such carriage.

Failure to address the issues in 3.3.1 and 3.3.2 may in fact create access issues in the future when clearly the CPLA has the purpose of solving them.

3.3.3 Tourism Concession & No public hunting in area CA3

Currently under this proposal the area designated as CA3 will be restored to the crown and managed for conservation purposes by the Department of Conservation. It is also proposed that the current lessee be granted a 30 year tourism concession that includes hunting. It is also proposed that the public be excluded from hunting in this area. There has been no rationale given for such restrictions.

Game and Forest does not believe this can be done within the current concession and policy environment.

Such restriction is contrary to clause 20.1 (a) of the concession document where it states that:

"Nothing expressed or implied in this Document shall be construed as:

Conferring on the Concessionaire any right of exclusive occupation or use of the land".

The granting of a concession for area CA3 when the public is excluded is doing precisely that.

Game and Forest also believes that excluding the public from hunting on public land also contravenes current DoC policy.

The DoC Deer Control Policy 2001 states on page 1:

"The right of New Zealanders to hunt deer on public conservation land for recreation, trophy value and venison is being enhanced through this policy statement. The existing hunter permit system will be streamlined and restrictions on recreational hunting will be removed, as a first step towards removing the need for hunting permits entirely. This will make it easier in future to hunt deer."

On page 4 it continues:

"The department will continue to encourage both commercial and recreational hunting on public conservation lands where this is consistent with management for conservation. Commercial and recreational hunters will generally have open access to public conservation lands."

On page 8 it states:

"The department currently regulates recreational hunting by issuing hunting permits. Recreational hunters have open access to almost all public conservation lands with few restrictions on what deer they can kill and when they can kill them."

It is clearly the intent of the policy to remove restrictions on hunting and to have generally open access for recreational and commercial hunting. This is also consistent with the Canterbury Conservancy's approach to recreational hunting in that hunting permits now cover all of the conservancy for a 12 month period. Again more open access.

This applies as equally to tahr and chamois as it does to deer.

Game and Forest believes that the restrictions proposed could only be imposed following a review of legislation to allow the formulation of properly constituted game management plans. In their current form these restrictions may create unintended precedents for future tenure reviews.

Any restrictions that might be imposed would by necessity include a 5 yearly monitoring and review provision.

It may be possible to negotiate a management system for hunting in this area that could address any concerns of the lessee and the public's interests. Game and Forest would offer to assist in this area

Yours faithfully,



Garry Ottmann
Executive Director



New Zealand Deerstalkers' Association Incorporated

Level 1 45 – 51 Rugby Street P O Box 6514 Wellington
Phone: 04 801 7367 Fax: 04 801 7368
Email: deerstalkers.org.nz
Website: <http://www.deerstalkers.org.nz>

22 November 2005

QV Valuations
Box 13 443
Christchurch
Fax 03 341 1635

Submission: Mesopotamia Tenure Review: Preliminary Proposal

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA).

NZDA is the national body of recreational deerstalkers and other big game hunters. We have 57 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and recreational hunting, and running training courses, trips, conferences etc since 1937. NZDA also maintains ethical standards for hunting and animal welfare for its members.

Summary: NZDA is very concerned at the inadequacy of this preliminary proposal. We have major concerns about the proposed intention to set up New Zealand's biggest private Tahr Safari Park (3,477 Ha) on proposed surrendered land going to conservation, on the eastern slopes of the Sinclair Range. Public hunters will be excluded, unless they pay, from going onto this proposed public land. This proposed 30 year exclusive hunting and tourism concession appears ultra vires the Crown Pastoral Lands Act (CPLA). We are astounded that the Minister of Conservation has agreed to this travesty.

The detail that should have been supplied about the environmental impact of this proposal has not been provided. The 30 year term is far too long. A 7 year term is more appropriate. We are also concerned about the exclusive nature of this concession.

NZDA is also concerned that further high altitude lands that are of low grazing value, but with high inherent values, are set down for freeholding, at significant cost in new fences. These include area around the High Terrace, Felt Hut and Moonlight Stream, and CC3. We also question why a 30 year grazing lease is proposed over CA1, with oversowing and topdressing, when this face has high scenic and landscape values.

Public access for walkers and vehicles has been severely compromised, especially up Scour Valley, where the lessee blocks marginal strip access with deer fences, in contempt of public access rights, and with foot and vehicle access over Bullock Bow Saddle, to the rear of the property. This seems a direct conflict between the public interest and the desire of the lessee to gain exclusive commercial advantage for his proposed tourism and hunting concession.

We do not support these aspects of this preliminary proposal. So we cannot support this Proposal.

We would also like to see fixed marginal strips included in all tenure reviews in future, so that all marginal strips are made movable at tenure review. We also ask that, in this and future tenure

reviews, where protective mechanisms are used, that public access to and over them be provided. This is the intent of Section 24 of the CPLA.

1 The Mesopotamia Preliminary Proposal:

The present lease is of 26,115 Ha on the SW side of the Rangitata River, above the gorge.

There are 4 areas of land to be returned to full Crown ownership and control. The first three, CA1, CA2, CA3, make up an estimated 21,037 Ha of steep land at the back of the lease (western and northern sides). They are to be made conservation area under S 35 (2) (b) (i) (restored to full Crown ownership and control as conservation area) and S 36 (1) (a), of the CPLA.

CA1: A small area of approx 619 Ha, fronting the Havelock River in the north of the lease, up to the 1,000 metre contour line on Rocky Ridge, between Alma Stream and Camp Creek (north-western boundary). It is subject to grazing and tourism activities concessions for 30 years.

CA2: By far the largest of the proposed conservation areas. Runs at the back of the lease from its northern to southern boundary, along its western boundary, along the Brabazon and Two Thumb Ranges, (to 2,371 m on Captain's Peak), and containing the all the upper watershed of Bush Stream, ie to the top of the Sinclair Range. Subject to a tourism activities concession, including hunting and tahr hunting for 30 years.

CA3: Eastern Side of Sinclair Range: 3,477 Ha including Mt Sinclair (2,065 m) down to about 1000 metres, above the proposed freehold area. Subject to the tourism activities lease, but with the express exclusion of all public recreational hunting from the area for 30 years.

The fourth is a 15 Ha area (**CA4**) of modified wetland on the river lowlands to be made conservation area under S 35 (2) (a) (i) (restored to and retained in Crown control as conservation area).

Freeholding: 5,063 Ha, with 3 conservation covenants CC1, CC2, CC3, on the lower land.

Public Access etc Easements: Public access for persons on foot, with horses, person powered non motorised vehicles, and motor vehicles, over f-g-h, g-l and j-k under S 36 (3) (b) of the CPLA. **Access for DOC employees,** tenants, agents, contractors and invitees of the Minister, with motor vehicles and implements etc over the 3 easements above, plus a-b-c (road to Scour Basin), b-d (round the side to Forest Ck) under S 36 (3) (b) of the CPLA.

Central South Is Fish & Game: f-g-h, j-k as for DOC, but under S 26 S of the Cons. Act.

2 NZDA Concerns:

2.1 Recreational and hunting values on this lease: Recreational hunting values throughout the wild areas of this lease are very high, as the lease is within the feral range of Tahr, Chamois and Red deer. This is especially the case with Tahr, a much sought after big game animal, with bull Tahr prized as a trophy. Equally, chamois and Red deer are prized big game animals. NZDA's annual conference in Timaru, earlier this year, highlighted Tahr hunting, and displayed Tahr trophies obtained from New Zealand Tahr.

The area is historically important for hunting, something not set out in DOC's conservation resource report, which we would like LINZ and its contractors to be aware of. DOC has a major apparent conflict of interest on this matter. Although it is the Crown's manager of the publicly owned big game resource, it prefers not see this as a public recreation resource, nor manage it as such. This is because DOC has become a botanic preservation agency, irrespective of its legislative responsibilities to be a balanced recreation and protection agency.

These big game animals are a natural resource owned by the Crown, and as such are a significant recreational and ecological inherent value on this lease. Under the CPLA, these significant inherent values are to be protected, and made easier for the public to secure public access to, and enjoy.

The undeveloped wildlands, unsuitable for sustainable grazing, also make valuable public wildlands, and should be surrendered, as they have been from other parts of this property in the past.

2.2 NZDA Agrees CA1-3 need Surrendering: We agree with LINZ that the areas to be surrendered, CA1, CA2, CA3, all being areas of poor soil, or scree, on steep faces, and at altitudes usually above 1100 metres, are not capable of economic management in a way that is ecologically sustainable. The land is almost exclusively LUC Class VII and VIII. These areas therefore cannot be freeholded. Because of their high recreational, scenic, landscape, and inherent values, they must be surrendered.

2.3 Tourism Concession and its Hunting sub-concession are Ultra Vires the CPL Act. Must be changed:

The tourism concession proposed for CA1, CA2 and CA3 appears to give occupancy rights, as hunters will be required to ask the current lessee's permission before being allowed to go onto these surrendered lands. The comment in B of Schedule 2 for this concession "such permission will not be unreasonably withheld from -" is meaningless. Next it will be a \$100 note if you want to hunt ie exclusive capture of hunting rights on the conservation land by the current lessee. This is just the sort of thing TR is aimed at stopping.

If the lessee has trespass rights, then he/she can do whatever he/she likes without fetter. If he/she has no rights under the Trespass Act, then he/she cannot do anything. Consequently NZDA assumes the concessionaire is being given trespass rights under the Conservation Act ie the Concession has the power of a lease under the Conservation Act.

S 24 (b) of the CPLA requires either the use of protective mechanisms (across or on freeholded land – easements, or conservation or sustainable management covenants), "**or (preferably) By the restoration of the land concerned to full Crown ownership and control**"

If some occupier exclusive hunting right exists for 30 years, then the land has not been restored to "full Crown ownership and control". Consequently, the occupier rights proposed, requiring hunters to ask permission of the lessee (occupier), are ultra vires the Act as the land will have not been restored to full Crown ownership and control, as public conservation land. Also, permits to hunt on public land are issued by DOC, not a private concessionaire.

If the land had been truly restored to full Crown ownership and control, then the land would be available to all hunters eligible for a DOC hunting permit, and not restricted to those authorised by the proposed Concessionaire.

The proposed concession is also ultra vires S 24 (c), which requires the securing of public access to and enjoyment of reviewable land. Prohibiting one significant public group, namely recreational hunters, in an area renowned for recreational hunting of tahr and red deer, is not "the securing of public access". It is instead setting up an enormous (3477 Ha) private Tahr and Red deer safari park on proposed public conservation land, for 30 years. The size of this proposed private safari park is over two thirds of the area proposed for freeholding (5063 Ha), highlighting just how large it is, probably the largest in the country. We are astounded the Minister of Conservation has provisionally agreed to this travesty.

Decision Sought: NZDA therefore seeks that the occupier rights proposed by LINZ and/or DOC, to allow the concessionaire to exclude any person he/she believes is a hunter, from CA3, and also CA1 and CA2, be removed from this proposed tourism concession. No Occupier rights go with a DOC licence.

We note too that this DOC concession is a licence, not a lease. No exclusive occupancy rights are possible for a licence over conservation lands, except where there are buildings or structures.

NZDA notes that, under S 41(a) the Minister of Conservation has given his written consent for this concession. Under the Official Information Act NZDA requests a copy of this written consent.

2.4 Proposed Tourism Concession Term (30 Years) is too Long: Our understanding is that concessions, especially for grazing, are a transitional process to full Crown management and control. A grazing concession of 7 years would seem more in line with this. Equally, a 7 year term for the exclusive Tourism concession is also appropriate, and in line with what DOC normally offers.

Decision Sought: Seven year term for the Tourism, exclusive hunting and grazing Concession.
Note: We do not support the exclusive hunting component of this proposed concession.

2.5 S 39 CPLA not fulfilled: S 39 CPLA requires significantly more information on proposed concessions on surrendered land than is provided in this PP. For example, S 39 requires "A preliminary proposal designating land as land to be restored to and retained in Crown control, subject to the granting of a concession - - must include:

- (c) A description of the potential effects of each proposed activity, and any actions the proposed grantee of the concession proposes to take to avoid remedy or mitigate any adverse effects.
- (e) A statement of the proposed duration of the concession, and the **reasons** for the proposed duration.
- (f) Relevant information about the proposed grantee, including information relevant to the grantee's ability to carry out each proposed activity.

Decision Sought: Re-advertise the PP with this information provided.

We also note that, under S 50 and 51 of the CPLA, the Minister of Conservation can refuse this preliminary concession proposal.

2.6 Tourist etc Concession must not be exclusive: This is essential to stop exclusive capture of concession values on this massive area of land (over 21,000 Ha) being surrendered. There is certainly room for more than one concessionaire. There is a need to provide better public access also, to stop exclusive capture.

2.7 Land proposed for freeholding, not capable of being managed ecologically sustainably:
 We request that the following steeplands not be freeholded, as they do not appear to be capable of ecologically sustainable agriculture:

1 The area on the west of High terrace, running down the ridge to Forest Creek, at its junction with Moonlight stream, and upstream to the next tributary draining tongue spur. This face and area is very steep. Also, there is significant cost to the Crown in fencing for this very small area of steep terrain. The cost of fencing alone must be more than the land is worth. Reducing the area would halve the new fence length. It would also remove the private land blockage to Bullock Bow Saddle. An alternative proposal would be to surrender all land from point Q on the map south, and save enormous new fencing costs.

2 A significant part of CC3: This has high landscape values because of its location on the river faces. Yet the covenant allows it to be oversowed, topdressed and fenced. Also, a major fence (new or replacement) is shown as required to protect the covenant. The cost of this is likely to be greater than the value of the land. Why is LINZ wasting public money in this way?

Decision Sought: Replace freeholding and covenanting with surrender, a summer grazing lease, and no ridgeline fence to be supplied. We note the area of this covenant is similar to CA1, which is surrendered.

3 Public Access across Freeholdable Land:

There are some difficulties that mean the public access proposed is inadequate, and should be rectified.

3.1 Public access up the Scour Stream (a-b-c) is not proposed to be provided by the farm track. But it is a direct walking access to Scour Basin, more convenient than the marginal strip in the stream bed. This strip has 2 metre high deer fences across it, so blocking public access. The lessee has refused offers to provide styles for the public. NZDA asks that this track access be available for walkers, including hunters.

There is a conflict of interest because DOC is the public advocate for public access. DOC has provided for itself, for all modes, plus access for the Minister and his friends. But not for the walking public. The Sinclair Range provides attractive alpine tramping, and ready access to high view points looking across and round the Rangitata Valley and its outstanding nationally important landscapes and scenery.

It also has attractive wild animals for hunters to shoot, thereby assisting DOC control wild animal numbers. These attractions seem an ideal reason under S24 (c) (i) – **the securing of public access to and enjoyment of reviewable land.**

We note there are major conflicts of interest between the lessee, who wants to obtain an exclusive tourism, and hunting concession, with maximum exclusive rights and resale value, and the CPLA requirements for public access to enjoy inherent values. The exclusive commercial rights for the lessee seem to be winning hands down, counter to the requirements of the CPLA. Why?

The issue also appears compromised the lessee's desire to operate a game hunting farm on the eastern slopes of the Sinclair Range, and his consequent desire to keep public hunters out. Again, this is not a reason to keep the public out.

Decision Sought: Allow easement a-b-c to be a public easement for walking access to Scour basin and beyond.

3.2 Public Access needed to Bullock Bow Saddle and the Upper Reaches of Bush Stream: Even for walking access up Forest Creek, the little bit of freehold that blocks access up the next stream west of Moonlight Stream looks like a device to stop walking access, and stop Fell Hut being available to the public.

We strongly oppose this sort of tactic by the lessee, and by LINZ/DOC. This seems a device, agreed to by LINZ, for the current lessee to cement his competitive advantage as a tourism concessionaire, against the public and any competing concessionaire. LINZ and DOC run a strong risk of behaving in an anti-competitive manner on this issue. This is exclusive capture by the lessee for a proposed 30 years, and is not acceptable. The whole purpose of tenure review is to stop this exclusive capture of the adjoining public conservation land by the lessee.

There is also the matter of public motorised access. The easement a-b-d is the only vehicular track to get over Bullock Bow Saddle, to give access to the upper reaches of Bush Stream, between the Sinclair and two Thumb Ranges. Thus this track is important for public vehicular access also to allow public access to and enjoyment of surrendered land.

Decision Sought: 1 Allow public vehicular and foot access via a-b-d to Bullock Bow Saddle.
2 As well restore the area to public conservation land, as proposed above (Section 2.6)

3.3 Public Vehicular Access up the Valley to the Havelock: It is important that through vehicular access be provided to the Havelock, as a public road. At present this does not appear to be the case where the legal road is not aligned with the actual road at the north of proposed freehold block, CC3.

3.4 What Environmental Constraints on the Concessionaire's Horse Trekking, motorised vehicle use, aircraft use, etc: Horse trekking and motor vehicle use, at high densities, cause bad erosion and degradation. What levels of use is DOC proposing? NB this information should have been supplied under S 39 of the CPLA (2.5 above, but was not.) Guided horse trekking should be restricted to formed tracks only, because of the environmental damage they cause.

Also, aircraft noise can be disturbing to the enjoyment of wildlands. What constraints on aircraft noise is envisaged?

4 Marginal Strips and providing Public Access:

These two items deal with what the CPLA appears to allow for all Tenure Reviews. But they have not so far been proposed on this lease or others that have come through TR. We ask that these two ideas be evaluated for this and all future TRs.

4.1 Movable Marginal Strips Preferable: To provide adequate public access for current and future generations, as is one of the Objects of the CPLA.

As fixed marginal strips are areas of Conservation land, then, by S 31, given the agreement of the Minister of Conservation, these fixed marginal strips can be included in any tenure review. Obviously the Minister has not done this in this TR, probably because his department poorly advised him. Because of this poor advice, the ability to achieve all marginal strips on this lease as movable, and hence more likely to provide stream access in the future has been lost.

NZDA wants to see all future tenure reviews include all fixed marginal strips, so that they can be swapped for movable marginal strips via tenure review. If that can be done in this TR so much the better.

Lessees should be happier to seem movable marginal strips, where they should be, along river and stream beds, rather than going where the bed was in the past. In any case, lessees have had the grazing rights to these strips since they were set aside ie at least since 1990, for zero rental.

Decision Sought: Make all fixed marginal strips be part of each tenure review, via S 31 and agreement with the Minister of Conservation, and swap them for movable marginal strips during TR. There is also the opportunity for movable marginal strips that are wider than 20 metres, where this would help get round cliffs or bluffs.

4.2 Public Access to Covenanted areas: S 24 (b) makes it clear that the protection of significant inherent values of reviewable land is one of the objects of the CPLA, and that this can be done by protective mechanisms (conservation covenants, sustainable management covenants, or easements).

S 24 (c) states that subject to paras (a) and (b) an important object (c) (i) is to make easier the securing of public access to and enjoyment of reviewable land. This proposal does this for land surrendered to conservation. But it is deficient in not also providing access to protective mechanisms such as conservation covenants.

This is an important object, and should be provided for at least in some occasions eg both access to covenant, and access over the Covenant. There is no problem to have covenants that have public access over them eg the 135 Ha covenant on Makara Farm west of Wellington, which allows public access, and also has a nationally important Walkway on it.

It is clear access to or over covenants is not excluded by the CPLA, as LINZ and DOC seem to have assumed to date. S 40 (1) (c) makes it clear that land freeholded can have more than one of the protective mechanisms listed in S 40 (2) provided. This includes S 40 (2) "(c) public access across or to the land concerned" and S 40 (2) "(d) public enjoyment of the land concerned".

Consequently it appears that the intent of the CPLA is to provide public access easements to conservation and sustainable management covenants, and across them. The test is the significance and importance of the inherent values present on the Covenant.

We note too that the Minister of Conservation has to agree to covenants and easements to land to be freeholded. Consequently, as the Minister's Department has a duty to foster recreation, he should too, be encouraged to fulfil the objects of the CPLA by advocating for easements to and over covenants.

Decision Sought: NZDA proposes that:

1 In all future Tenure reviews, that the option of public access to and across protective mechanisms be positively considered, especially where the covenants protect significant inherent values.

2 In this tenure review, public access be provided to and across CC3, if it is kept as freeholdable land.

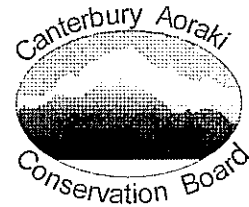
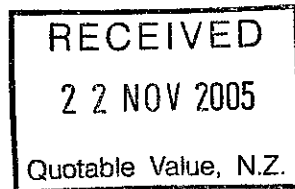
5 Conclusion: NZDA has the above major concerns about this TR, so cannot support it in its present form. We would appreciate, and request, the opportunity to discuss it further with LINZ or its contractors. We would be pleased to supply further information or comment as this TR proceeds.

Thanking you

Yours truly

Dr Hugh Barr
NZDA National Advocate

13



21 November 2005

The Commissioner of Crown Lands
C/- Quotable Value Limited
P.O. Box 13 443
CHRISTCHURCH

Dear Sir

SUBMISSION TO MESOPOTAMIA STATION TENURE REVIEW

The Canterbury Aoraki Conservation Board (thereinafter known as 'the Board') welcomes the opportunity to provide comment on Mesopotamia Station Tenure Review.

The Board applauds the retirement of over 21,000 hectares and believes this an extremely good deal as it does not allow ongoing grazing.

Public access

It is not clear from the document whether the public has the right to take their 4WD up the Havelock River as they have done for years. There is a public road, however it is discontinued in places where there is a line marked "public access". If this is foot access only then it excludes 4WD.

Recommendation: Traditional 4WD access should be retained.

The document says "public access" however in previous Tenure review documents it specified the type of access.

Recommendation: Please specify the type of public access.

The proposal is lacking public access from the Rangitata Gorge Road to the Sinclair Range, and from the Rangitata River to the Black Mountain Range.

Recommendation: Please include appropriate public access.

Public walking and mountain bike access has been strategically blocked off for access over Bullock Saddle from Forest Creek to Royal Hut.

Recommendation: Please include appropriate public access.

A concession for guided hunting, heli activities, walking, mountain biking, horse trekking for all of the DOC land for 30 years. Any guiding concessions must be in line with all other recreational concessions that are usually for not more than 10 years, in exceptional circumstances they are for 15 years. The concession appears to be exclusive, is broad and unspecific and allows for very large numbers of visitors with no monitoring.

Recommendations:

- *This concession should not be exclusive, and should be granted for 15 years maximum and be subject to monitoring.*
- *Mountain bike and walking access must be permitted on the existing farm track marked orange on the map.*
- *Guided horse trekking on Conservation land must be restricted to pre-approved formed tracks only.*

A large block of Conservation land (CA3) is being offered for an exclusive hunting concession. This is unacceptable for public land. Hunting permits must be issued by the DOC.

Recommendation: *Amend the agreement to a non exclusive hunting concession*

Para 25 of the concession is pretty vague re co-siting of other concessionaires. It should simply be stated that the concession is non-exclusive. This is standard practice with all other concessions. The present wording leaves the door open for the concessionaire to object to other concessionaires engaging in the same activities. Naturally when a concession is advertised anybody including the concessionaire has the right to object if they can demonstrate that there is a conflict.

Recommendation: *Amend the agreement to a non exclusive concession*

Recreational concessions

Generally other recreational concessions for guided activities are granted for max. 10 years, a 30 year term seems excessive and must be subject to monitoring.

Recommendation: *All concessions limited to 15 years maximum and subject to monitoring.*

Effects from tourism and aircraft activities

To comply with section 17S (1) (c) of the Conservation Act means that an environmental impact assessment needs to be provided. There is no reference in the PP in terms of effects from tourism and aircraft activities, we assume no EIA has been prepared.

No landing sites have been specified in the PP. This has a potential effect on the experience of users, e.g. natural quiet.

Recommendation: *An EIA be prepared for tourism activities and aircraft landing sites be agreed with noise and or operating limits agreed..*

Grazing concession.

Conservation Area CA1 is being offered back with a grazing concession, oversowing and topdressing permitted. Stock numbers are stipulated. Para 4 of Schedule 2 mentions that fences on the land need to be stock proof. There is no fence line keeping the stock in on the concession area.

Recommendation: *Install fence lines to control stock on all grazing land.*

Scour Stream

There is no provision for a practical access to Scour Stream because of a deer fence that runs beside the Rangitata Road. Currently the stream bed is passable but it may not remain in future as growing matagouri will be prevent this. As we understand, there is a deer fence across the stream hence deer running free in the marginal strip.

Recommendations:

- *The presence of deer in the marginal strip is not an acceptable farming practice, hence the deer fence needs to be re-aligned.*
- *An easement needs to be created to allow foot and mountain bike access along Scour Stream to Felt Hut.*

Forest Creek

Access from Forest Creek to Angel Spur is difficult due to the landform, steep escarpments prevent reasonable access.

Recommendation: *Ensure that reasonable foot access is available.*

CC3 Black Mountain Range

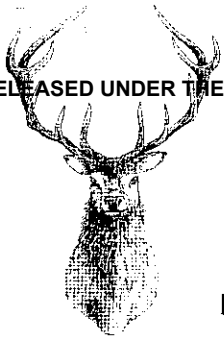
A fence line is proposed at an altitude of approx. 900 m. The effects of such a fence line most definitely will provide a massive scar in this landscape of steep rocky terrain, dense shrub lands.

Recommendation: *If this is to be fenced then appropriate advice be sought from a landscape professional with high country landscape experience. However we note that such a fence may not be practical or desirable on the landscape.*

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Jolliffe', with a long horizontal flourish extending from the bottom of the name.

Alan Jolliffe
Chairman
Canterbury Aoraki Conservation Board

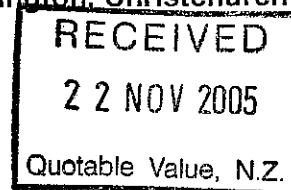


New Zealand Deerstalkers' Association

Incorporated

North Canterbury Branch Inc, PO Box 9034, Addington, Christchurch 2

21 November 2005



Submission:

by New Zealand Deerstalkers Association Inc, North Canterbury Branch re -

Summary of Preliminary Proposal for Tenure Review of MESOPOTAMIA PASTORAL LEASE under the Crown Pastoral Act 1998, 16.9.05

1. Introduction to NZDA and North Canterbury Branch

The NZDA North Canterbury Branch Inc, was established in 1949 and currently has approx 200 members. Historically the Branch members have regularly hunted the upper Rangitata river valley for deer, chamois and tahr. The association's 6,000 plus members may only represent 10% of the total NZ hunters.

2. Matters of concern in the Preliminary Proposal -


1. How far up Forest Creek, on the southern boundary of Mesopotamia, can a vehicle be driven towards the 'Historic site of Butlers 'V' hut at the mouth of Butlers Creek ? This creek will obviously be a main access way into the back of Mesopotamia to the Sinclair and Two Thumb ranges. The huts along this valley should be treated as future public assets and be discussed with the run-holders on that basis.
2. Why has special provision been made to have Fell Hut included in the free-holded land via a special extension of the freehold land, rather than on conservation lands.
3. Is the pink area between O and N classified as CA2 or CA3. Would be better as CA2 to provide public access past CA3 restricted access conservation land for the next 30 years. See also 1 above.
4. Confirmation required that existing public roads marked 'legal roads', and Rangitata Gorge Rd remain public roads. Also that the three legal roads into the bed of Bush Stream, as well as the new route marked f-g-h, are all available to the public.
5. What is the intention of the future use of the private bridge over the Bush Strm main channel. Will provision be made for a public crossing of this stream as it can be a problem at times for access up the Rangitata river?
6. Will the section of public legal access and the attached section j - k be maintained as a public road?

7. At the Black Mountain Hut will the existing legal road shown be kept? At the present time the best 4WD route past Black Mtn hut is out in the riverbed, but rivers are always changing their routes. Some provision should be made to cater for the maintenance of a public access route past here.
8. Is the concrete block Growler hut to become a public hut?
9. The proposal to alienate the Conservation land titled CA3, which appears to include all the land on the eastern side of the Sinclair Range, back to a leasee for the next 30 years, for their exclusive use as a hunting range is not acceptable. There must be some access for recreational hunters to this land. One change would be the reduction to a maximum of 10 years, followed by re-negotiation for the next 10 years. Another change is to provide for recreational hunter access during say the month of November with a restriction on the taking of bulls over 3 years old. This would allow the retention of the trophy animals but provide for hunter harvesting and population control as per the Tahr Plan as required by the Minister of Conservation. The leasee would be expected to keep a record of the tahr harvested by clients for compiling into the Department's Tahr Control Plan statistics, as would be the animals harvested by the rec hunters. There should also be a concession fee for each trophy bull harvested by the leasee's clients taken off such Conservation lands. Such fees should be recorded as a credit against the management costs of the Tahr Plan.

3. Summary.

The Rangitata river valley is a traditional hunting ground for deer, thar and chamois by NZ recreational hunters. Transport means have included foot, horse, 4WD, fixed-wing plane –Growler airstrip, and now helicopter. For the future the cheapest means of transport, foot and 4WD, must be encouraged so as to maximise the use of recreational hunters in wild animal control in this valley. There may be a positive spin-off if overseas hunter numbers increase so that local helicopters become more common. This would reduce the cost of helicopter trips.

On behalf of the Branch the author would be happy to answer any queries on this submission

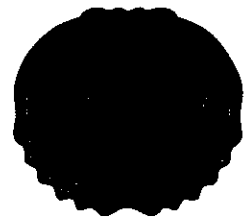

David Hodder
Secretary
NZDA Nth Canterbury Branch
PO Box 9034
Christchurch

15

South Canterbury Branch
29a Nile St
Timaru

18.11.05

Barry Dench
Team Leader - Tenure Review
Quotable Value Limited
P.O.Box 13 443
Christchurch



FOREST
& BIRD

Royal Forest and Bird
Protection Society
of New Zealand Inc

Re: Mesopotamia Tenure Review: Preliminary Proposal

Thankyou for sending the Branch the copy of the report for Mesopotamia Preliminary Proposal. Please find the Branch's submission and comments on the preliminary proposal as stated below.

The Branch's area of interest covers South Canterbury and Mesopotamia Pastoral Lease comes within that area of interest. And, the Branch fully supports the Society's objectives

"to take all reasonable steps within the powers of the Society for the protection and preservation of indigenous flora and fauna and natural features of New Zealand for the benefit of the public including future generations."

"Protection of natural features includes indigenous forests, mountains, lakes, tussock grasslands, wetlands, coastlines, marine areas, off shore islands and the plants and wildlife found in those areas."

The Branch and members have visited Mesopotamia and considers the area contains important inherent natural and landscape values on this pastoral leasehold land. We feel, all these important areas should be retained by the Crown, for conservation, ecological and recreational purposes.

Preliminary Proposal

The Branch understands the preliminary proposal to be those as documented in the *Summary of the Preliminary Proposal For Tenure Review of Mesopotamia Pastoral Lease under the Crown Pastoral Land Act 1998*. Dated 16 September 2005

Regarding Conservation Areas CA1, CA2, CA3 and CA4, which are to be restored or retained in full Crown ownership and control as conservation areas, the Branch fully supports these proposals. However, comments about concessions and other matters will be discussed later on.

The Preliminary Proposal appears to give the lessee many of the benefits of a Pastoral Lease on land retained for conservation without having to pay rental and at the same time gain 6,000ha of freeholded land. And has the privileged use of land, by way of concessions for considerable private benefit which, at the same time, the very same land has been retained for conservation purposes.

Re: High Terrace - part proposed to be freeholded;

Here a band of land extends back into CA2 and CA3, which contains significant lateral moraine landforms and so has high landscape values. And the tall tussock grasslands found here, are in good condition with several wetlands in the hollows at the foot of the High Terrace. It is understood that this area was recommended for protection by the Dept of Conservation. The proposed boundary, between the freehold land and CA3, does not follow the natural contours of the land forms and the proposed costly new fenceline Q-R and R-P will, most likely, impact on the landscape as the vegetation is low in that area.

So, the Branch requests that the High Terrace and the land in the Moonlight Catchment be retained by the Crown as conservation land. If ownership is wanted of the Felt Hut by the lessee, then a small area of the hut site could be disposed of as freehold land.

Re: CC3 Black Mountain Range faces and wetland;

The Branch does not believe a covenant, which allows for spraying, grazing and other activities, will protect and sustain the ecological values of that area. As the area contains extensive stands of matagouri, coprosma shrublands, above the wetland at the Back Mountain Hut. Continued grazing, especially by cattle, will cause pugging and degradation of the wetland shoreline plant communities and freeholding would be inconsistent with the protection of the biodiversity of this important area.

The proposed new fenceline, at 900m, is most likely to scar the landscape, in particular at the southern end of CC3 where there are dense shrublands, rocky outcrops and a steep terrain. Such a fenceline, as proposed, may not be practical.

The two gullies, north of Black Birch Stream contain dense matagouri and coprosma shrublands, and should not be freeholded because the significant natural values found there, will be degraded by stock.

So, the Branch requests, that all the land around the Black Mountain wetland, the feeder streams, and the dense matagouri shrublands below the upper farm track, along the faces of the range, and the two gullies north of Black Birch Stream, should be retained as conservation land to better protect the significant ecological values existing on those diverse sites.

CA4 Red Tussock Wetland and river flats;

This wetland is more extensive than the area proposed for protection. Red tussock wetlands are important regionally and even nationally. Especially here in Canterbury where

many such areas have been severely depleted. And extensive development on the flats of the Rangitata River, will have most likely depleted large areas of the wetlands there.

So, the Branch asks that CA4 be extended to include all of the red tussock wetland in this area. The integrity of Deep Stream, in this area and downstream, be maintained and protected from stock intrusion.

CC1 Scour Stream;

The proposed covenant does not protect the full extent of the stands of beech along the stream margins of Scour Stream. Regarding the forest on the true left of the stream, none of this have been included. And large trees in that forest, some of which contain mistletoe, have been excluded. With little or no regeneration present the forest will continue to degrade and eventually collapse which would appear to be contrary to *Objects of Part 2 of CPL Act*, and in particular;

24. Objects of Part 2 - the objects of this part are:

- (a) To:
 - (i) *Promote the management of reviewable land in a way that is ecologically sustainable:*

- (b) *To enable the protection of significant inherent values of reviewable land -*
 - (i) *By the creation of protective mechanisms; or (preferably)*
 - (ii) *By the restoration of land to full Crown ownership and control;*

So, the Branch requests that all of the beech forests along both sides of Scour Stream be included in the covenant and that the entire area be fenced to protect and restore ecological values.

Weeds; several plant species are found on the pastoral lease which have the potential to become invasive weeds. Such as cotoneaster, gooseberry, rowan, and crack willow, which, if left, will spread widely affecting indigenous habitats. So, the Branch asks that there be provisions put in place to control and prevent the spread of invasive weeds.

Access; The Preliminary Proposal lacks adequate provisions for public access, especially to land to be retained as part of the Conservation estate and then available for unrestricted public use. There is no public access from the Rangitata Gorge Road, across the front faces for some distance up to the Sinclair Range, or from the bed of the Rangitata River for another 7km to the tops of the Black Mt Range.

And, the proposed access up Scour Stream, does not provide practical or free access because there is a deer fence which acts as a barrier preventing access from the road. And, further along the stream there are stands of matagouri, while passable at present, in future it may not be so. There is more deer fencing across Scour Stream in one or more places which again would be a barrier to foot, bike and horse access. The difficulty of

access along the Scour Stream marginal strip, needs to be resolved to provide free and easy access as required by the Tenure Review process. Including direct access to the Sinclair Range.

Concessions: the preliminary proposal document includes a number of concessions on land that is to be surrendered to the Crown as conservation land. This appears unusual for a tenure review proposal in our area and, if adopted, could set a precedent which may have adverse impacts both for conservation and recreation.

In particular, the proposal to allow concessions for grazing over parts of the land to be surrendered for conservation for 30 years, is excessive and may not be consistent with the time period for other concessions elsewhere. And, the provisions for over sowing and topdressing, mechanical clearance of weeds such as briar will degrade the inherent natural values which are supposed to be protected by the inclusion of such land within the Conservation Estate. It should be noted that the disturbance of soils, not only allows them to be eroded by wind and rain, but provides a seed bed for weeds and other invasive plant species.

And there appears to be no requirement to fence the boundary between CA1 and CA2 and because there will be no fencing barrier, stock will be able to move onto CA2 land and may cause significant browsing damage to the plant communities there.

Importantly, monitoring of the grazing impacts should be a requirement, in order to assess the effects stock are having on the indigenous plant communities. There appears to be no such requirement to do that important monitoring and this should be included.

So, the Branch requests that the concession term for grazing be reduced to 5 years in CA1. And remove all provisions for oversowing and top dressing, and the mechanical removal of weeds including briar. Regarding the spraying of briar and other such weeds, only ground spot spraying should be allowed and aerial spraying not be permitted.

Re: Tourism, aircraft and commercial filming concessions on CA1, CA2 and CA3; Here the requirements of s39 CPLA do not appear to have been met as there appears to be no full effects assessment undertaken. Included should be a specific assessment of the possible impacts between more intense commercial uses and the need to protect and to maintain the inherent values on these important conservation lands. These concessions appear to compromise the tenure review process and put into question the ability of the public to freely access and use these lands.

Re: Thar and other Hunting;

Again the concessions appear to go against the intent of the Tenure Review Process, because the conservation land is being used for de facto private purposes and the activities could infringe on the free access to these conservation lands. And, regarding the requirement that thar be maintained at "an acceptable level", this is too vague and open to possible divergent opinion which could be based on the wants of the concession holder.

Any determination of acceptable thar levels should be based on the need to maintain the vegetation cover to a level and composition near its natural state. And, acceptable thar level determination should be made by the Dept of Conservation which has that role for the whole range where thar are presently found.

So, for thar, the Branch requests that the maximum number permitted be no more than 2 animals per square kilometre as to be consistent with the Himalayan Thar Control Plan. And, the Dept of Conservation retain its monitoring and control rights if numbers are no longer consistent with the Control Plan.

Regarding the proposed concessions for all the activities, the Branch requests that these be declined. An environmental assessment be required and prepared by the concessionaire, which outlines and assesses the potential environmental effects and there be a requirement for the renotification of the concession proposals which is open for public input.

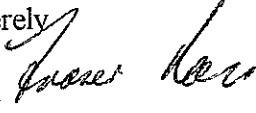
If, an amended proposal is not renotified, the proposed terms for all activities should be reduced to 5 years. Because, there is a lack of effects assessment or a First Determination Report and, there is a paucity of information provided which has not allowed, up to this time, an opportunity by the public to participate fully. Which we deem as being essential in a public consultation process especially when pastoral leasehold land is being reviewed..

Conclusion;

Mesopotamia is an important area of South Canterbury, because of the high landscape and inherent ecological values found over wide parts of the property. It appears many areas of ecological and conservation significance have not been protected as required by Part 2 CPL Act (b) *To enable the protection of significant inherent values of reviewable land - (i) By the creation of protective mechanisms; or (preferably) (ii) By the restoration of land to full Crown ownership and control.* The preliminary proposal contains aspects, in particular, the granting of exclusive concessions, which would set precedents and may have wider implications for the many other pastoral leasehold lands that are currently being reviewed or will come up for review in the future.

In view of the considerable discrepancies with this Review, we ask that this Preliminary Proposal be dropped and the whole process be renegotiated with the issues raised and requests made, by the Branch, included as a baseline for any such renegotiation's..

Yours sincerely


Fraser Ross
Branch Field Officer - South Canterbury Branch
Royal Forest and Bird Protection Society of NZ Inc.
29a Nile St
Timaru
(03 6843382)

BUILDERS HARDWARE

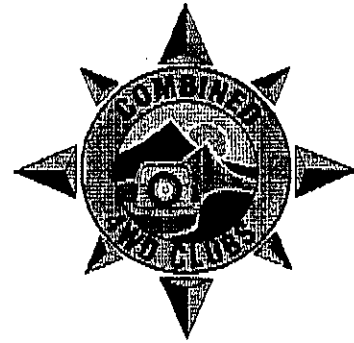
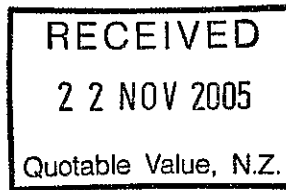
RELEASED UNDER THE OFFICIAL INFORMATION ACT

Combined 4WD Clubs Inc
P O Box 5457
CHRISTCHURCH

www.4wd.org.nz

21st November 2005

The Manager
Quotable Value Limited
P O Box 13443
CHRISTCHURCH



By Fax to Fax Number:341-1635

Dear Sirs

Re Land Tenure Review Mesopotamia Tenure Review

Combined 4WD Clubs Inc represents over 550 family members of our 9 member clubs . Our member clubs, being separately incorporated societies, are situated in Christchurch, and Timaru and are formed for the purpose of running outdoor 4WD recreational activities for their members, and in the main these are 4WD trips into the out of doors. Predominantly, Combined 4WD Clubs Inc represents the Clubs on issues of public access, and on going access to remote areas, and as such we also form a single point contact that allows for better communication between land managers and our members.

We support the preliminary proposal. We have looked at and considered mainly the easement aspects and landscape values as we see them for on going vehicle and recreation aspects, hence our supporting comments are as follows:-

Public Access Easements:-

Our member clubs recreate in the area regularly and the key attraction is the Rangitata and Havelock Rivers, the Mesopotamia property is important in allowing vehicle access through some of the property to gain access to the Rangitata & Havelock Rivers. The public access provisions in the proposal do allow in our view good on going public access by motor vehicle (4wd). In the main this access is through to the rivers using either easement 'f-g-h' or 'j-k' as per the plan.

Beyond 4WD Club use the Mesopotamia area and the areas beyond up the Havelock River attracts the more adventurous recreational person looking for remoteness with good vehicle access, as the area has good existing tracks that allow travel by 4WD almost right up to the main divide. It is also ideal for overnight camping and longer stays for those hunting, fishing and trampers looking for onward adventure, and the good 4WD access enhances that capability. Because of the distance the area is from the main centres the good vehicle access is a key to it's current recreational and also its on going recreational use. This level of existing good vehicle access through Mesopotamia also allows access by vehicle for those in our society who are less fortunate with disabilities, lesser mobility through age or injury and the like, to be able to also enjoy the landscape values that the area has to offer.

BUILDERS HARDWARE

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We are concerned about the ongoing public use of the old iron bridge that crosses the creek. Whilst it may be outside of the scope of the tenure review process to consider the ongoing use of the bridge, there needs to be some thought given to it's ongoing safety and maintenance at this stage as from the management of access, after the tenure review is completed this bridge could be an issue to be resolved.

We suggest two options here; firstly some method of public funding may be needed to be considered for the ongoing public use of the bridge as it would seem to be unfair for the entire cost to fall on the run holder. Or secondly, the public access route may need to by pass the bridge so that the bridge remains for farm purposes only, and a track bulldozed down the shingle fan to the river would be sufficient to allow for ongoing public access, on foot, and motorised transport. With this alternative route we would be prepared to offer help and advise in its planning and location, so that we are able to give our experience so that there is balance in particular to the safe use of 4WD vehicles down that route. As outlined we feel that the public use from there on will be predominantly for the more adventurous person and 4WD clubs, and as such these people are prepared to tackle a more difficult route rather than use the bridge, so the option here will not deter from ongoing public access.

Landscape & Scenic Values:-

The proposal gives a good balanced solution in our view to the ongoing needs of the commercial farming activities with the natural, scenic and conservational values. The entire area from Mesopotamia through to the Rangitata & Havelock Rivers is a great scenic and natural area, and people who travel their marvel at its remoteness and its scenic attributes. From our recreational point of view the area is held in high regard because of it's uniqueness, its remoteness and it's scenic beauty. And in particular the areas beyond Mesopotamia are relatively untouched so the natural aspects are preserved. Vehicle access using current routes and tracks do not hinder the landscape or conservational values as the vehicle tracks are kept pretty well on the actual river flats, and are an ideal way for the public to be able to enjoy the area. Additionally tramping access to the new conservation areas will be enhanced by this good infrastructure of track access.

In summary it is not just the importance and use of easements on Mesopotamia alone and the creation of new Conservation areas that are an issue, we believe the importance that it has for vehicle and public access to these new areas and the links to other areas like travel up the Havelock River as well. The contribution to the conservation estate as outlined in the proposal, is sound and makes sense, and we will see a wonderful piece of New Zealand remain in public ownership for all to be able to enjoy.

Thank you
Yours sincerely



Paul A Dolheguy
Access Co-ordinator