

Crown Pastoral Land Tenure Review

Lease name: MESOPOTAMIA

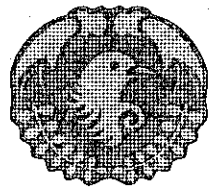
Lease number: PT 057

Public Submissions - Part 7

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

February 06

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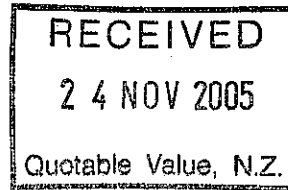
**FOREST
& BIRD**

ROYAL FOREST AND
BIRD PROTECTION
SOCIETY OF
NEW ZEALAND INC

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22 November 2005

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Dear Barry Dench

SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR MESOPOTAMIA PASTORAL LEASE

1. INTRODUCTION

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active voluntary conservation organisation. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand. This submission is on behalf of the Society's Central Office and Canterbury/West Coast regional office.

The Society's constitution requires it to:

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

"Protection of natural heritage includes indigenous forests, mountains, lakes, tussocklands, wetlands, coastline, marine areas, offshore islands and the plants and wildlife found in those areas."

The property was inspected over two days in October 2005.

2. PRELIMINARY PROPOSAL

Forest and Bird understands the preliminary proposal (PP) to involve:

1. Restoration to or retention in full Crown ownership and control as conservation area of CA4, approx. 15 ha. of wetland between Deep Stream and Rangitata Gorge Road.
2. Restoration to or retained in Crown control as conservation area approx. 21, 037 ha comprising:
 - **CA1 Rocky Ridge** between Alma Stream and Camp Creek and between 1000 m contour and Havelock River.

- **CA2 Part Black Mountain Range, Rocky Ridge**, Brabazon Range, Crooked Spur, eastern faces of Two Thumb Range, western slopes and southern end of Sinclair Range, steeper mountain and basin country.
 - **CA3 eastern faces of Sinclair Range** between Bush Stream and Mt Sinclair to the Tongue and Angel Spurs in south.
3. Grazing, tourism and commercial filming and photography and other concessions proposed for CA1, CA2, CA3.
 4. No public recreational hunting proposed for CA3.
 5. Freeholding of approx. 5,063 ha – all the flats and downs along Rangitata River from the south-eastern boundary of the lease to Alma Stream including High Terrace and Moonlight Stream.
 6. Three conservation covenants are proposed:
 1. **CC1** 5.5 ha **Scour Stream**
 2. **CC2** 66 ha of matagouri **fan of Black Birch Stream**
 3. **CC3** 691 ha. of hill slopes and flats **between Black Birch Creek and Alma Stream.**
 7. New fences N-O, P-R , U-V, W-X, and Y-Z and repaired fences Q-R.
 8. Public access easements in gross “f-g-h”, “g-i“ and “j-k”. Various Minister of Conservation and Central South Island Fish and Games management purposes access easements.

3. GENERAL COMMENTS

The establishment of CA1, CA2, CA3 and CA4 as conservation land is supported as these lands have high ecological, landscape and recreation values, are steep and generally LUC Class VII and VIII so are unsuitable for farming.

Problems with the proposal include:

- Lack of specificity and generality of the tourism, commercial filming, air tourism and other concessions, the lack of any impact assessment despite potential for significant impacts and the long 30 year term.
- Extensive use of covenants despite the problems in enforcement. Weak covenant conditions which do not adequately protect significant inherent values
- Freeholding of areas deserving protection as conservation land.
- Fails to provide adequate to secure public access to proposed conservation land.
- Does not implement Government’s High Country Objectives¹ (g) because freeholding of virtually all lower altitude land is inconsistent with the NZ Biodiversity Strategy.

¹ As set out in Cabinet Policy Committee “South Island High Country Objectives” POL Min (05) 2/9.

- No areas on the river flats and valley floor close to the Rangitata Gorge Road are protected for public enjoyment by the less mobile and those don't want to go hunting or tramping further up the valley.
- It does not provide a fair financial return to the Crown. The leaseholder is likely to be receiving a sizeable financial settlement but proposed conservation land is constrained by generous concessions and under represented SIVs such as wetlands on low altitude and valley floor areas are not securely protected.

SPECIFIC SUBMISSIONS

4. AREAS OF PROPOSED FREEHOLD WHICH DESERVE PROTECTION AS CONSERVATION LAND

4.1 High Terrace and Moonlight Stream

High Terrace is the highest and oldest of the lateral moraine landforms on Mesopotamia and is one of only two of the oldest known advance deposits on the south bank of the Rangitata valley. It has high landscape values as an intact landform (except for the track) and is obvious from the Rangitata Gorge Road.

The proposal fails to consider how more intensive land use following freeholding (eg structures, new tracking, loss of tussock cover) could destroy or degrade existing SIVs.

The proposal is contrary to s24(b) CPLA because of its failure to protect an area has high SIVs deserving protection. Continued grazing and farm development would compromise these. Cattle or deer grazing would severely degrade the wetlands in particular. No information is provided as to how freeholding would promote ecologically sustainable management, without destroying indigenous vegetation which is a significant component of SIVs.

DoC recommended that part of the High Terrace and most of Moonlight Stream be protected as Area 2². SIVs include the tall tussock grasslands on High Terrace which are in good condition and highly natural, and a string of wetlands in the moraine hollows at the toe of the High Terrace (see photo) and between the Butler Downs beech forest remnants and the vehicle track (see photo). These wetlands are not well described in the CRR. Some have standing water and are used by waterfowl such as paradise ducks.

Wetlands are a depleted and threatened ecosystem deserving protection yet Preliminary Proposals consistently fail to recognize their SIVs, lack of protection in the conservation estate and the degradation caused by continued grazing and nutrient enrichment. Freshwater wetlands are one of the most productive of all natural ecosystems. Of New Zealand's 27 native species of freshwater fish, at least eight are habitually found in various types of wetland, including the short finned eel, inanga, and other galaxiid species and the common bully.

The SIVs also include a stand of mountain beech forest near the confluence of Forest Creek and Moonlight Stream. This was one of the priority natural areas recommended for protection as the Forest Creek Beech Remnants RPNA 6 in the Protected Natural Areas

² DoC Map Recommendations 8 July 2002.

survey programme report in 1986 for the Heron Ecological Region. The report noted that these Forest Creek beech forest "*are important remnant stands of a vegetation type once much more widespread*".³ The threatened New Zealand falcon had been recorded there. The Preliminary Proposal includes very little of the 511 ha area recommended for protection in the PNA survey report, as conservation land. Given that PNA survey reports only recommend the areas of highest botanical value for protection, the PP's failure to implement its conclusions is a major concern. Ground cover and the beech forest understorey in this remnant forest is already sparse.⁴ Continued stock access will impede regeneration.

The southern end of High Terrace and the slopes in Moonlight Stream catchment are steep, prone to erosion and unsuitable for continued grazing.

The weak controls on forestry in the Timaru District Plan, the Council's failure to publicly notify applications and the extensive forestry plantings on neighbouring land make High Terrace vulnerable to forestry plantings and wilding spread.

On Pukaki Downs the freeholding of land on Little Rhobro Hills with a covenant requiring wilding control failed to ensure wildings were controlled. DoC has since been burdened with increased control costs. High Terrace is vulnerable to wilding spread which risks further spread onto the Sinclair Range. Management as conservation land would make timely and well funded wilding control more likely.

Freeholding would also privatise access to Bullock Bow Saddle, a popular walking and tramping route with potential for increased use by mountain-bikers.

The current proposed freehold-conservation land boundary does not follow landforms or any logical line. It seems designed to retain control of the 4WD track.

The current Q-R fenceline excludes the wetland adjacent to the southern edge of Butler Down beech forest. The fence cuts through the wetland but does not protect it from stock.

The proposed repaired fenceline Q-R and new fenceline R-P are an unnecessary expense for the Crown.

Proposed fencelines and repairs fail to exclude stock from wetlands eg standing water wetland between 980 and 1000 metre contour south of beech forest, and wetlands at the base of High Terrace.

Decision sought

Restore to full Crown ownership as conservation land all of the High Terrace and Moonlight Stream catchment, including all of the mountain beech forest remnants at the Forest Creek and Moonlight Stream recommended for protection in 1986.

³ Harrington W.M.A. et al (1986) "Arrowsmith, Hakatere and Two Thumb Ecological Districts. Protected Natural Areas Programme Survey Report 4". Department of Lands and Survey at p 154.

⁴ Anon (October 2002) "Mesopotamia Conservation Resources Report (CRR)", Department of Conservation at p 12.

Amend the boundary between proposed freehold and conservation land to the "notch" near point "Q" on the proposed Q-R fenceline close to the lease boundary so that all land south of this point becomes part of CA3. Such a boundary would ensure that the wetland at grid reference J36 365 222 and wetlands at the base of High Terrace became conservation land..

Provide leaseholder with an easement over conservation land to access Felt Stream for concession purposes. If the leaseholders consider ownership of Felt Hut is essential because of its historic association with the property and its use for concession activities consider freeholding the Felt Hut site.

If freeholded (least favoured option) include a covenant which prohibits forestry, subdivision, further tracking, grazing by cattle or deer, indigenous vegetation clearance by burning, spraying or any other means, and prohibits over sowing. Any covenant should also set limits on stock numbers to control grazing with the objective of maintaining or improving current tussock and shrubland cover. Any new fencing or structures should require DoC's consent.

Any covenants should require the landholder to engage appropriately qualified independent ecologists to monitor grassland condition and health and provide biannual reports to DoC. Without such monitoring there is no certainty that ecologically sustainable management will be promoted.

4.2 All of Butler Downs Forest deserves protection

The Butler Downs Forest is the largest of the three remnants of (mountain) beech forest in the Hakatere Ecological District and the only one occurring on moraine surfaces. As the 1986 PNA report notes "*The occurrence of such a large remnant on the moraine surface makes this a very significant area.*"⁵ The remnant is "*all that remains of the former forests on Butler Downs*" and it provides a significant habitat for forest birds.⁶ The area recommended for protection in the PNA report included the tongues of forest at the northern end of the remnant.

The boundary of CA3 close to the northern end of proposed fenceline Q-R does not extend far enough north and east to include all of the Butler Downs forest. Sizeable areas of the forest are proposed for freeholding possibly because a new deer fence (see photo) cuts off the tongues from the rest of the forest. This is contrary to the DoC Recommendations which sought that all of the forest and a buffer area be protected.⁷ Deer browsing and intrusion into the forest will not protect its high SIVs and no new fencing is proposed to exclude stock.

The PNA report said "*Care must be taken to ensure that boundaries allow for natural regeneration of this stand as well as providing adequate protection.*" The proposed boundaries do not do this and freeze frame the forest in the present rather than considering the extent of regeneration 50-100 years hence.

⁵ Harrington, W.M.A et al (1986) at p 116.

⁶ Harrington, W.M.A et al (1986) at p 116.

⁷ DoC Recommendations Map 8 July 2002.

Decision sought

Extend the boundary of CA3 to include all of the Butler Downs forest remnants as conservation land including the north eastern forest tongues.

If the land is freeholded, protect all of the forest remnants by an additional conservation covenant under the Reserves Act. Extend fenceline Q-R to prevent stock and deer from accessing any of the beech forest including a 40 metre buffer area around the current forest margin to allow future regeneration unimpeded by grazing and browsing.

4.3 CC3 Black Mountain Range faces and wetland

This area, particularly the large schoenus dominated wetland near Black Mountain hut and associated matagouri and coprosma shrublands, deserves protection as conservation land. (See photos).

Continued cattle grazing will cause dessication, pugging of margins and trampling and destruction of wetland plants. Freeholding is inconsistent with Government's High Country objectives (g) and the NZ Biodiversity Strategy given that wetlands are a much depleted and threatened ecosystem. Even if farm development means the wetland is not pristine, it is one of only a few valley floor wetlands remaining in the Rangitata valley.

The covenant conditions by allowing spraying, OSTD and grazing will progressively degrade the SIVs and current indigenous cover. As the CRR notes (p19) the schoenus and red tussock vegetation in the Black Mountain Hut wetland is representative of the original vegetation. The wetland is spring fed and water quality is high.

Nothing in the PP provides any justification as to how continued farming and grazing of a wetland and shrublands with high SIVs would promote ecologically sustainable management. Such wetland degradation is completely at odds with such management, and the protection of SIVs.

The freeholding of the faces is opposed as being inconsistent with DoC's recommendations which sought their protection as conservation land.⁸ No reasons are given as to why these have not been followed.

The proposal involves a new fenceline at around 900 m. Given the dense shrublands and the steep, rocky terrain, particularly at the southern end of Black Mountain Range (see photos) this is likely to create obvious landscape scar through vegetation clearance especially if a line is bulldozed or bladed. The Consultation Notes with the holder state that such a fenceline is impractical and the Proposed Designations Report notes that "*these slopes would be an integral part of the upper valley mountain lands and would be difficult to fence from adjoining land*".⁹ It is inconsistent for the PP to ignore this.

Freeholding of two gullies with dense matagouri and coprosma shrublands north of Black Birch Stream (see photo) is opposed because they have SIVs which will be degraded. The

⁸ DoC Recommendations Map 8 July 2002.

⁹ Anon (8 July 2002), Proposed Designations report Tenure Review of Mesopotamia Pastoral Lease at p 4.

proposal fails to protect a sequence of vegetation and landscapes from mountain tops to the riverbed given the extent of freeholding and continued grazing.

Decision sought

Forest and Bird seeks the protection of all of CC3 as conservation land with a five year grazing lease. Given the under representation of lowland areas and wetlands on the conservation estate it is particularly important to protect as conservation land all of the Black Mountain hut wetland and the feeder streams and the two areas of dense matagouri shrublands below the upper level farm track across the range faces (see photos). This would be best achieved by extending CA2 to include the matagouri shrublands and the wetlands.

As a minimum if freeholding proceeds:

- a) ensure the Black Mountain hut wetland is securely fenced against stock access and from stock in CC3.
- b) extend CA2 to include the two most south eastern gullies on Black Mountain Range to connect CA2 with the Rangitata River and protect an altitudinal sequence of vegetation and habitats.

4.4 CC2 matagouri on Black Birch fan and part of Brabazon Downs

Schedule 1 of the proposed Reserves Act covenants summarises the SIVs of Black Birch fan which DoC recommended for protection as conservation land. The area is an important part of the riverbed and alluvial fan landscape. It is important for its intactness and integrity.

The PP fails to consider strategic importance of Brabazon Downs and Black Birch fan in controlling access further up the valley. Current leaseholders have been generous with access but this may change with future owners.

The PP also fails to provide any areas which are easily accessible by two wheel drive vehicles from the Rangitata Gorge Road for those who want to camp or picnic or enjoy the area's spectacular landscapes on a day trip without organising a major expedition tramping, hunting or MTBing up the valley. This is a major oversight and is contrary to s24(c) because it significantly restricts the ability of the general public, and those with lower fitness or outdoor skill levels to access and enjoy reviewable land.

The recent significant increase in public vehicle traffic up the Birchwood Road in the Ahuiri Valley highlights future trends. The absence of a large area of easily accessible conservation land suitable for camping, picnicking, short walks close to the roadend and visitor facilities (information boards, toilets) is likely to frustrate members of the public. After a long drive they come to the end of the road and without a 4WD or advanced outdoor skills there is nothing to do but turn around. Providing access to the riverbed on easement "f-g-h" does not meet these needs.

Providing a generous area of conservation land on Brabazon Downs at the road end with appropriate facilities eg toilets may also reduce the intrusion on the landholder and prevent problems with inappropriate toileting and carparking on private land

The Bush Stream bridge constructed by the leaseholder is on unoccupied Crown land. As such it should pass into public ownership (which would remove any liability issues). The bridge is important in accessing Brabazon Downs.

The PP fails to consider the impacts of more intensive land use post freeholding and the risk to vegetation cover on Black Birch fan from more intensive stocking. Given the large area which is being freeholded, the generous concessions over proposed conservation land and the large equalisation payments likely to be made to the leaseholder, there appears no need to freehold of this small area with limited grazing values, given its high landscape and ecological SIVs.

The Consultation Notes¹⁰ say of Black Birch fan "*this is a valuable area for stock post shearing*" but no other farming values are mentioned. This could be accommodated by a concession allowing seasonal grazing for a short period. Alternative areas for stock shelter exist elsewhere on the 5,063 ha of proposed freehold.

Decision sought

Extend the existing legal road for the Rangitata Gorge Road across Bush Stream to Brabazon Down, down the true left bank of Bush Stream (but set back far enough to prevent undercutting by the river) to connect with the existing legal road on Brabazon Down and to Black Birch Stream.

Transfer ownership and maintenance responsibilities for the Brush Stream bridge on the Rangitata Gorge Road to the Crown or the District Council.

Create a wide corridor of conservation land across Brabazon Down from Bush Stream to connect with proposed CC2.

Restore CC2 to full Crown ownership as conservation land. This would provide an appropriate area for road end car parking, toilet facilities, a picnic and camping area.

If alternative areas for stock shelter post shearing cannot be found anywhere else on the 5,063 ha to be freeholded, consider allowing seasonal grazing for a short period by a limited number of sheep through a concession with a term of 5 years.

4.5 CA4 Red tussock wetland, river flats

The proposal appears to protect less of the wetland than the recommended by DoC. Red tussock wetlands are much depleted in Canterbury and NZ and the intensive development on the Rangitata River valley floor has destroyed what was likely to have once been extensive wetland areas.

Decision sought

Extend CA4 to include all of the wetland.

¹⁰ File Note of Consultation , 1 April 2004

5. COVENANTS INADEQUATE

5.1 CC1 Scour Stream

The covenant does not protect the full extent of the beech forest along the stream margins. None of the forest on the true left of the stream is included, and large trees with red mistletoe (e.g. next to vehicle track at the top of the terrace on the true right of Scour Stream) are excluded. No regeneration is obvious and the under storey is eaten out by stock. The forest will collapse and degrade further.

In the middle reaches of Scour Stream gully there is obvious erosion on the stream banks (see photo). There is potential for matagouri regeneration with scattered beech trees but continued grazing will compromise this. The small size of the covenant area fails to recognise the importance of beech forest on both banks of Scour Stream, the presence of mistletoe or provide for regeneration and restoration.

Decision sought

Extend the covenant CC1 to include all of the beech forest on both sides of Scour Stream and fence all of the covenant area to exclude stock. The covenant should also include some smaller stands of forest further downstream.

6. STRONGER COMMITMENTS NEEDED FOR WEED CONTROL

The CRR (pp22-25) contains a comprehensive description of problem plants with a potentially significant effect on indigenous plant communities which can be controlled or contained. Current infestations of several weed species e.g. cotoneaster and gooseberry are small in scale but without control may spread. Some such as rowan are a significant threat to most montane plant communities but no control has been done to date.

Decision sought

The Proposal needs to include a bond for weed control and/or covenant conditions to require control of weeds such as crack willow, gorse, broom and rowan on the proposed freeholded land.

LINZ and DoC should make a commitment to control gooseberry, white currant and other weeds described in the CRR on land proposed as conservation land.

7. INADEQUATE PROVISION FOR SECURE PUBLIC ACCESS

7.1 Scour Stream

There is no public access from the Rangitata Gorge Road across the front faces for more than 6 kms up to the Sinclair Range; or from the Rangitata Riverbed for another 7 kms to the Black Mountain Range tops.

Scour Stream does not provide practical or secure access because it has deer fence beside the Rangitata Road so there is no practical access from road up the stream. There is matagouri in stream bed which is currently passable (but may not be in future). There is deer fencing across the stream in one if not two places. Lessees have opposed DoC marking marginal strips or creating gates or stiles over the deer fence because of claims

that deer run free in Scour Stream valley. LINZ/DoC should address the issue of lessee preventing use of the marginal strip through fencing.

Forest Creek is not a viable alternative because while it has a broad stream bed, access from stream bed up onto Angel Spur involves steep escarpments which are very difficult for anyone but very agile trampers to climb up.

Decision sought

Create an easement or preferably a legal road to allow foot and mountain bike access up the current farm track beside Scour Stream as far as Felt Hut.

Require the lessee to remove deer fences (or provide stiles over them) where they cross the marginal strip in Scour Stream.

8. GRAZING CONCESSION CA1

CA 1 Lower slopes Rocky Ridge and Big Spur (619 ha)

Mesopotamia covers a wide altitudinal sequence from the lower montane to alpine zones which are intact at higher altitudes and relatively intact elsewhere. This is a key SIV. Contrary to DoC's recommendations the proposal fails to protect a complete altitudinal sequence from continued browsing damage by stock because of the grazing proposed in CA1 and the freeholding of CC3.

A 30 year grazing concession is excessive and will not protect SIVs. Condition 5 which allows oversowing and topdressing would result in the progressive loss of SIVs and conservation values as indigenous grasses and shrublands are replaced by exotic pasture grasses. It is contrary to section 24(a) (i) and s24 (b) (ii) CPLA to restore land to full Crown ownership and then allow such destruction of the values which conservation status is supposed to protect.

The CRR notes that while briar was relatively common on eastern parts of the property it "does not appear to be aggressive" and has a "limited" impact on native plant communities. Allowing mechanical clearing of briar is likely to result in the incidental destruction of associated indigenous shrublands and grasslands.

CA1 was recommended for protection by DoC. The lack of a fence between CA1 and CA2 is likely to result in stock trespass and browsing damage on CA2.

There is no provision for the lessee to pay for monitoring impacts of grazing so the financial costs of this will deter DoC from doing any.

Decision sought

Reduce term of grazing concession in CA1 to five years.

Delete provision in concession for OSTD and for mechanical clearance of briar.

Allow the chemical clearance of briar by spot spraying ground methods with no aerial or mechanical spraying.

Insert new conditions which require control of broom, gorse and other weeds described in the CRR (pp22-25) in consultation with DoC and using a control programme agreed to by DoC.

Require concession holder to monitor vegetation condition and health (using qualified ecologist) and provide a biannual report to DoC

9. PROPOSED TOURISM (INCLUDING GUIDED TRAMPING, HUNTING AND HELICOPTER TOURISM AND AIR FLIGHTS, COMMERCIAL FILMING AND PHOTOGRAPHY CONCESSIONS OVER CA1, CA2 AND CA3 .

9.1 General comments – all activities

The Minister of Conservation or his delegate should refuse consent under s51 (3) CPLA to the substantive proposal containing any concession designation similar to that in the Preliminary Proposal (PP) for the following reasons:

1. The concession does not satisfy the requirements of s51 of the CPLA or the concessions provisions of the Conservation Act 1987. Section 51(2) CPLA requires the Minister of Conservation the Minister “to have regard to” “the effects of the activity or facility” and to “any relevant environmental impact assessment” before consenting to a substantive proposal containing a concession. Section 17S (1) (c) Conservation Act requires the applicant to provide an environmental impact assessment. Effects of the tourism and aircraft activities are not described anywhere in the PP and no environmental assessment has been prepared.

2. Section 17U (2) Conservation Act enables the Minister to decline an application if inadequate information is provided. That should occur here. Lack of an effects assessment or any place specific conditions means effects cannot be avoided, remedied or mitigated.

3. The concession provisions are very broad, unspecific and allow extensive commercial usage by an unlimited number of people. For just three activities - guided tramping, hunting and mountain-biking, the concession allows 11,700 clients annually. There are with no limits on client numbers for thar hunting, hunting, heliskiing, helicopter tourism clients.

Over 30 years such large client numbers and the vehicles and infrastructure to service them will have potentially severe impacts on landforms and vegetation and on the recreational experience of other users, given the likelihood of a major increase and the scale, intensity and extent of tourism activities during that time.

4. The concession activities have potential significant adverse effects which have not been assessed. These include:

- The Rangitata is an outstanding habitat for braided river birds such as wrybill, banded dotterel, and black fronted tern. The Environment Court recognised the upper river’s outstanding values in recommending a water conservation order for the river. Increased aircraft activity over the riverbed may disturb breeding birds

and affect breeding success. The Rangitata riverbed is not administered by DoC so Clause E (2) of Schedule 2 is irrelevant.

- Clause 10.5 allows vehicle use for all the activities without limiting this to existing formed tracks. Vehicle damage is already evident on the High Terrace where vehicles traverse boggy ground. Uncontrolled off road vehicle use can cause significant impacts on vegetation, contribute to soil erosion and scar the landscape.
- Much of the proposed conservation land has high recreational values e.g. Sinclair Range tops. The physical effort and sometimes navigational skills required to reach areas on foot, the sense of achievement and self reliance involved are key parts of the recreational experience. So is natural quiet. Allowing uncontrolled aircraft access and an unlimited number of large guided parties degrades that experience and risks conflict between the applicants' clients and other recreational users. Potentially other users have no opportunity for quiet enjoyment of conservation land.
- This application when assessed with other existing aircraft concessions has potentially significant cumulative effects.
- Loss of indigenous shrublands and grasslands from allowing oversowing and topdressing and mechanical clearance of briar in the grazing concession.

5. The concession is not place specific. Section 17S (1) (b) Conservation Act requires the applicant to include a "*description identifying the places where the proposed activity will be carried out*". The Concise Oxford Dictionary (1990) defines "*place*" as "*a particular portion of space,*" "*a portion of space occupied by a person or thing*", "*a building or area for a specific purpose*", and "*a particular spot on the surface, esp. of the skin*". The application does not identify specific aircraft landing sites or heliskiing areas for example. The lack of particularity means effects cannot be assessed as required by section 17S (1) (c) Conservation Act or s51 (2) CPLA.

6. The requirement in Clause 13.1 that the department not "unreasonably withhold" its consent to the concessionaire transferring or selling the concession to a third party restricts the department's ability to decline consent if sale to a major tourism or aircraft operator is proposed. The proposed concession is creating a very generous property right which should be tendered out, rather than offered on a private basis to the lessee.

Concession term

7. The proposed 30 year term is excessive, particularly given the liberal regime proposed and lack of controls on commercial use. It is inconsistent with other recreational concessions for guided activities which generally have a term of no more than 10 years. Longer terms are normally only granted where there is a significant capital has or is being invested. That is not proposed here.

9.2 Grazing concession

The concession is contrary to Conservation General Policy 11.2 because the lack of fencing means that grazing animals cannot be effectively controlled; there is no evidence that grazing is needed for management purposes, and it would compromise the potential for restoration.

DoC's Recommendations identify CA1 Rocky Ridge as deserving protection. By allowing oversowing and topdressing and the mechanical clearance of briar (and presumably the incidental clearance of other native vegetation) the concession allows the current shrublands and tussock cover to be degraded.

9.3 Tourism Concession – Helicopter and aircraft activity

Under the Department's Temporary Aircraft Landing Permit (TALP) system, an application is considered on a site specific basis and appropriate conditions can be imposed. Given that this happens with temporary permits it should be mandatory for a longer term concession such as this.

There is increasing public and user concern about degradation and loss of natural quiet and other impacts of aircraft noise. Allowing aircraft landings over the extensive areas sought fails to recognise this concern and exposes a substantial proportion of the conservation estate in the Rangitata and nearby catchments to the impacts of aircraft.

There are no conditions controlling aircraft landing sites, the number of landings, their frequency, or number of aircraft able to be used. Granting the concession potentially allows a major increase in aircraft use. It would allow the existing Station Air airstrip at Mesopotamia to become a major air tourism and commercial node for the whole Rangitata valley and tributaries such as the Havelock. It creates the potential for significant noise pollution and commercial use impacts on new and existing conservation lands e.g. Harper Range, Lakes Heron and Emily, and Two Thumb conservation area if overflights occur here.

There is no condition limiting clients of the aircraft landings concession to positioning legitimate "recreational users" such as hunters or trampers. It would enable commercialization of conservation land for overseas tourists on champagne picnics.

The activity's effects cannot be effectively monitored given the widespread nature of the activity and the lack of a baseline to monitor against. With no limits on landing sites or frequency of landings the department can not address any issues raised by monitoring, e.g. by reducing landings.

9.4 Commercial filming and photography

The concession fails to include any conditions or controls on the scale of filming and its impacts. Commercial films can have significant impacts on conservation values from dozens of equipment trucks, caravans, and people occupying sites for days and increased helicopter and aircraft activity. They can conflict with other recreationalists through noise, exclusion of the public, and damage vegetation and natural features by trampling. They can create large encampments (as occurred with Vertical Limit at the entrance to Mt Cook village).

Clause 24.2 only gives the department the power to vary the concession conditions for effects which are not foreseeable at the time of granting or in response to inaccurate information. The effects of large scale filming are foreseeable but have not been addressed in the condition. The requirement in Clause G (1) of Schedule 2 for the concessionaire to make a filming application for each commercial filming event is of little value. There is no mechanism in the document for DoC to decline consent, or require activities to be changed to reduce the impacts of filming

9.5 Guided tramping, mountain biking, hunting, thar hunting, horse riding, ski touring

These are opposed as failing to meet the requirements of s39 CPLA. The proposal contains no description of the potential effects of up to five groups of 15 people a week using the huts or walking existing 4WD tracks, and includes inadequate information about the grantee and his/their existing tourism operations.

The 30 year term is inconsistent with the more common standard term for guiding concessions of 10 years (maximum 15 years). The term and the lack of specificity in the conditions risk major impacts from more intense commercial use of conservation land in future. It creates many potential management issues for DoC.

The lack of conditions means the holder could monopolise supposedly public huts on new conservation lands, excluding other users. The reference to "equitable use" is too vague to be enforceable.

No information on safety plans is provided.

9.6 Horse trekking

Horse trekking is already causing significant damage on the Two Thumb Range above Rex Simpson Hut with parties crossing from Mesopotamia. Deep trenching is obvious through alpine vegetation with rain and wind causing further down cutting and erosion.

Horse trekking parties which move off existing tracks risk damaging fragile sub alpine and wetland areas particularly with large parties of 15 horses and riders. Horses can introduce weeds and browse on protected vegetation. No conditions are included to limit horse use to existing formed tracks or to identify and restrict areas where horses are to be tethered. Concentrated grazing by a group of horses around a hut site risks severe impact on tussocks and other vegetation. Horse trekking parties using existing or new huts may conflict with other users.

The table in Schedule 2 (p17) appears to limit horse trekking to day trips. This needs to be made clear in the consent conditions.

9.7 Private hunting CA3 Sinclair Range (3,477 ha)

The concession would effectively create a private thar hunting safari park and is opposed.

The granting of an exclusive hunting concession over 3,477 ha in CA3 on the eastern faces of the Sinclair Range and the ban on public hunting is opposed as being contrary to the spirit and intent of conservation legislation that public lands are open to public access, and section 13 Conservation Act 1987 which provides that conservation land may only be

closed to public access if this is provided for in a Conservation Management Strategy or required for the conservation of natural resources. Neither reason applies here. It is contrary to section 6(e) Conservation Act and the department's responsibilities to foster recreation.

The purported reason for the public hunting ban "*to keep recreational hunters away from the farmed deer areas on proposed freeholded lands*"¹¹ is poorly founded. No evidence is provided that such poaching occurs in the area or is a real issue. There are many opportunities to poach farmed deer on properties close to urban centres without travelling such long distances up the Rangitata.

The public hunting ban effectively privatises the most accessible conservation land and forces anyone wanting to hunt here to do it commercially through the concessionaire. This sets a poor precedent for conservation land.

9.8 Thar hunting

Making thar control the responsibility of the landholder and the failure to specify limits on the thar population creates enforcement difficulties over what constitutes an "acceptable level."

Decision sought

Decline all of the proposed concessions. Require the prospective concessionaire or an independent person to prepare an environmental assessment which describes and assesses potential effects, identify the sites at which the ski touring, heliskiing, aircraft landings are to be undertaken. Renotify the proposal for public comment. This is Forest and Bird's favoured option and is appropriate given the breach of s51 CPLA.

If a substantially amended proposal is not renotified, reduce the proposed term for all concessions to five years given the lack of an effects assessment or First Determination Report, and the way in which public consultation has been obstructed by the lack of information.

Delete the provision in Schedule 1, Clause 2(B) and (C) and elsewhere for helicopter tourism as a concession activity.

Include new conditions limiting aircraft (including helicopter) landing sites to Royal Hut and The Growler Hut. Set a limit on the number of landings per week and exclude some holiday weekends so that recreationalists can enjoy the area without the intrusion and noise of aircraft. If further sites are requested specify and map these. Include conditions to control the number and frequency of landings at each of the designated sites.

Include new conditions which allow for helicopter landings on defined sites or a limited number of landings on unnamed sites to position recreationalists.

¹¹ File Note of discussions between A Ensor and B Dench 15 March 2005 Topics Financial and other matters.

Reduce the number of guided tramping, mountain biking and horse trekking trips to 104 annually and twice a week, with a party size of 12 including the guide. This allows for 1224 clients annually.

Impose limits on the number of trips, party size and for all other activities including hunting, thar hunting and heli skiing. This could be done by averaging the number of clients Mesopotamia Station has had on each activity over the last three years and using this as the limit for the activity.

Identify and map horse trekking routes and restrict these to the beds of rivers and existing formed tracks. Assess the impacts of horses on the tracks and in the areas proposed for trekking and only allow where effects are minor. Limit horse treks to day treks, limit group size to eight and limit the number and frequency of treks on each identified route.

Amend Schedule 1 Clause 2(D) and elsewhere to delete any concession for commercial filming.

Delete the provisions in Schedules 1 and 2 and elsewhere that provide for "no public hunting in the area outlined in area CA3. Instead ensure that all members of the public are allowed access to conservation land.

Amend clause 13 of the concession document to prohibit the assignment or transfer of any of the concessions to a third party.

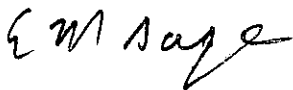
Include new conditions in Schedule 2 which:

- a) limit concessionaire's usage to no more than 50% of hut bunk space.
- b) limit the size of parties to 12 including guide, especially where accommodation is to be used. Fifteen is a large party which potentially overwhelms over users

Insert new conditions which limit thar numbers to no more than 2 animals/squ. km consistent with the Himalayan Thar Control Plan.

Delete provision in Schedule 2 Clause 5 of the grazing concession for oversowing and topdressing and for mechanical clearance of briar.

Yours sincerely



Eugenie Sage
Regional field officer

18

**Photo Supplement to submission on Preliminary Proposal
for Mesopotamia by Royal Forest and Bird Protection
Society.**

November 2005



Photo 1 Extensive *Schoenus* dominated Black Mountain hut wetland from farm track looking east to Rangitata Riverbed. Protect as conservation land.



Photo 2 Black Mountain hut wetland and spring fed stream looking north.



Photo 3 Matagouri and Black Mountain Hut wetland from upper farm track with hut site at top left. Extend CA2 to include all of this area because of wetland and shrubland values, spring fed stream and damage continued grazing and farm development will cause.



Photo 4 Matagouri and coprosma shrublands at south-eastern end of Black Mountain Range in proposed freehold. Extend CA2 to include all of CC3 to protect an altitudinal sequence from mountain top to riverbed.