Land Information New Zealand
Toitū te whenua

Crown Pastoral Land Tenure Review

Lease name : OMARAMA STATION

Lease number : PO 369

Public Submissions – Part 3

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

These submissions are released under the Official Information Act 1982.

February 13

Submission 14

15 October 2012

WALKINGACCESS
ARA HĪKOI AOTEAROA

Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
Private Bag 4721
CHRISTCHURCH

Preliminary Proposal for Tenure Review of Omarama Pastoral Lease, Po 369. Submission from the Walking Access Commission

Thank you for the opportunity to comment on the Preliminary Proposal for the tenure review of the Omarama pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal.

We were unable to inspect the property on the open day on 15 September 2012.

The following submission should be considered as new information as, to-date, the tenure review planning, extensive discussion and consultation have been undertaken without input from the Commission – the statutory body established in 2008 to lead and support public access negotiations.

The Commission's public access statutory role is described below, under section **A. Introduction**, and the detailed submission is presented in section **B. Submission.**

In summary, the Commission:

- notes the paucity of existing public access to the majority of the property,
- supports the proposed easements for public access 'f-h' (foot) and 'a-b-c', 'b-d' and 'e-f-g' (foot and mountain bike), and

seeks to have:

- camping provided for on proposed walking routes,
- a short loop walk created in close proximity to Omarama,
- public vehicle access provided for up Cattle Creek valley,
- public vehicle access investigated and provided for to the western boundary of CC1, and/or into the northern end of CC1,
- additional walking and biking access provided down the valley west from point 'c'.
- additional walking access provided from Mt St Cuthbert west, on appropriate alignment, to link in with the public access along Cattle Creek,
- provision for access by horse over the public access a-b-d, and b-c then down valley west from point 'c'.to join the public access in vicinity of the gravel pits,
- confirmation of the length and width of all marginal strips to be set aside on all qualifying water bodies, and
- clarification of the position and width of easements – 10m or 20m?

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A. Introduction

Purpose, Objective and Functions of the NZ Walking Access Commission

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

Focus of Submission is Public Access

The Commission's submission on this Preliminary Proposal is designed, as envisaged by the Act, to achieve certain, enduring and future-focused public access in this area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998 (CPL Act), in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2) (c) and (d) of section 40 of the Crown Pastoral Land Act 1998.

The Commission was not consulted during the preparation of this preliminary proposal, nor has the Commission been able to undertake a ground inspection.

Therefore, this submission should be considered as new information - provided by the Crown agency with statutory responsibility[1] for leading and supporting the negotiation, establishment, maintenance, and improvement of –

- walking access (including walkways, which are one form of walking access) over public and private land; and
- types of access that may be associated with walking access, such as access with firearms, dogs, bicycles, and motor vehicles.

B. Submission

Existing public access

The Omarama-Otematata Road adjoins the northern boundary of the property, east of the Omarama township, and the Broken Hut Road adjoins the north-west boundary of the property. The property also adjoins some 950m of unformed legal road running sou-sou-east off Broken Hut Road at Tara Hills.

The qualifying water bodies' report of 16 February 2007 indicates that all of Omarama Stream, and approximately the middle half of Cattle Creek within the property boundaries, have an average width of 3 metres or more. A 20 metre wide strip either side of these waterways would, therefore, be expected to be reserved from disposition and be available for public access.

Proposed public access

The Preliminary Proposal identifies public foot access to be created off the Omarama Otematata Road onto the Saint Cuthbert Range then sou-east to Glen Creek ("h-f-e"). Public foot and mountain bike access is proposed from Broken Hut Road south along the western boundary of the property to the Ewe Range ('a-b-d'). There is also public foot and mountain bike access proposed in the vicinity of the southern boundary of the property from the Ewe Range to Glen Creek ('d-b-c", 'g-f-e'). The Commission supports this proposed public access.

[1] Section 3(b) Walking Access Act 2008

Clarification of easement position and width
We are uncertain what width is intended for the proposed easements. In section 2.3.4 of the 'Summary of Preliminary Proposal' it is stated *"All easements are proposed to be 10 metres wide."* However section 1.1 of the 'Form of Easement to be Created' at Appendix 4 of the 'Copy of Preliminary Proposal' indicates that the easement is intended to be 20m wide.

We note that the proposed easement 'a-b' is shown as starting at Broken Hut Road, in the vicinity of the generally unformed legal road running off Broken Hut Road at Tara Hills, and that the existing track near the eastern corner of Tara Hills may be on the legal road line. We understand that the intention is to have the easement adjoining the property boundary with the legal road.

Provision for camping required
The public access as proposed presents some difficulties. We estimate that a 'round trip' on the property ("a-b-c-SR1-g-f-h') would be a distance of some 40km, and even the access up Cattle Creek valley to the adjoining Conservation Park is some 15km. Using Naismiths Rule[2], walking times of some 12 hours and 5 hours respectively are estimated, with no provisions for any camping en route, and no provision for any vehicle access. While there are extensive lengths of tracks available for mountain biking, and even more for walking, there are no relatively short loop tracks for either activity.

Some opportunity for camping en-route on the property is essential. There should be a realistic assessment of how far average walkers can travel on the route in a day, and there should be an opportunity for people to camp at those locations at least. Camping within even a 20m wide easement is not desirable, so specific 'camping areas' are likely to be required and included within the easements. Camping could also be provided for if parts of the property were to be retained by the Crown as conservation area.

Additional walking loop in vicinity of Omarama
Given the scale of the property and its proximity to Omarama, additional access is warranted to cater for a wider group of the public than trampers and mountain bikers. For example a short loop walk of around say 1 hour onto the lower slopes of the St Cuthbert Range close to Omarama, would cater for overnight visitors to Omarama, or people looking for a short break passing through Omarama.

Additional, alternative access to the Cuthbert Range and Mt St Cuthbert
Alternative, less arduous access to Mt St Cuthbert is also sought. Access to the western slopes from Cattle Creek valley would provide such alternative access. Making additional, less arduous access available will increase the range of New Zealanders and visitors who will be able to benefit from public access to the Cuthbert Range.

Vehicle access to CC1 and also up valley of Cattle Creek
Additional vehicle access into the western and northern boundaries of CC1,the lower slopes of the St Cuthbert Range, and also up the Cattle Creek valley would also enable a wider range of the public to enjoy the area. We note that some 7km of easement 'a-b' is proposed to be fenced *"..to ensure a separation between the public and important livestock areas."*. At least this section of the easement should be available for vehicle access as far up the valley as physically practical. This would have the benefit of not only making the area available to a wider range of the public, but would also shorten the walking distance to the Ewe Range.

Additional walk loop from valley of Cattle Creek
Associated with vehicle access up Cattle Creek valley, an opportunity for a day walk loop should be secured. This walk would start from the vicinity of the area marked 'gravel pits', or the ford immediately to the south before the southern end of the proposed lane fence, proceed south to 'b' , east and north to 'c', then west down the valley back to the starting point near the gravel pits. As

[2] http://www.magazine.ordnancesurveyleisure.co.uk/magazine/tscontent/editorials/outdoor-skills/2011/naismiths-rule.html

well as providing a day walk loop, this route would provide a relatively safe and easy departure route for any people who found that they were unable to complete the full walk out via 'g-f-h'.

Provision for riding horses
Provision for riding of horses should also be allowed over the areas where mountain bike access is provided for – including the additional loop from 'c' westwards towards the gravel pits, proposed above.

The Commission therefore seeks to have:

1. *Camping provided for on any proposed walking easement where it is assessed that an average walker would take a day to walk the route.*

2. *A short, loop walk of approximately 1 hours duration, easily accessible from Omarama and suitable for visitors to Omarama to walk, secured on the lower northern slopes of the St Cuthbert Range.*

3. *Public vehicle access secured up Cattle Creek valley within the proposed fenced lane, at least as far as the area identified as 'gravel pits' on the designations plan.*

4. *An appropriate route for public vehicle access to the western boundary of CC1, and/or into the northern end of CC1, investigated, with a view to securing public vehicle access at one of these locations at least.*

5. *Additional walking and biking access provided down the valley west from point 'c' to the vicinity of the area identified as 'gravel pits' on the plan.*

6. *Additional, less arduous, walking access to Mt St Cuthbert, on its west side, from the public access along Cattle Creek.*

7. *Provision made for riding of horses on tracks that also have mountain bike access provided for, including the additional access in recommendation 5 above.*

8. *Confirmation of the length and width of all the marginal strips to be set aside on all qualifying water bodies.*

9. *Clarification and confirmation of the position and width of easements being proposed in this tenure review.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Omarama pastoral lease.

We request timely advice as to how the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely

Mark Neeson
Chief Executive

Submission 15

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15 October 2012

Dear Sir,

Omarama Tenure Review

Submission from the Royal Forest and Bird Protection Society

Introduction

Forest and Bird is a national organisation comprising over 80,000 supporters and members in 56 branches throughout New Zealand. The main object of the Society is to take all reasonable steps within the power of the Society to preserve and protect New Zealand's remaining flora and fauna, and natural features of New Zealand, for the benefit of the public including future generations. This submission represents the views of the Society.

1. Forest and Bird wishes to thank the Lessee, Mr and Mrs Subtil for their generosity in hosting us as part of an NGO inspection with Mr Ken Taylor. We appreciated the robust discussions, and that many of the areas we saw continue to retain Significant Inherent Values (SIVs)..

2. This submission is based on the Objects of the CPLA and is informed by our inspection, the scientific literature and the expert ecological assessments as part of the CRR.

Proposed SR 1 and 2

3. Forest and Bird whole heartedly supports these proposed Designations

Choice of Protective Mechanisms – QEII Covenants and Conservation Covenants

4. The CPLA does not specify when a particular protective mechanism should be used, except that it should be by restoration to full Crown Ownership as the first preference, and the PP should provide reasons for the choice of the mechanism. It seems likely that the intention of the CPLA is that the mechanism chosen should match the SIV's present, as this would achieve Part 2 object of protection of the SIVs of reviewable land.

5. Forest and Bird submits that the proposed QEll covenant and the CC1, CC2, and CC3 Covenants will not result in protection of the identified SIV's, nor will they promote ecologically sustainable management, for the reasons set out below.

Proposed Protective Mechanism - QEII Covenant

6. Section 20 of the QEII Act sets out the Trust's functions. The general functions are to encourage and promote, for the benefit and enjoyment of the present and future

generations of the people of New Zealand, the provision, protection, preservation, and enhancement of open space.

7. Open space is defined, as '*any area of land or body of water that serves to preserve or to facilitate the preservation of any landscape of aesthetic, cultural, recreational, scenic, scientific, or social interest or value.'* Conservation, biodiversity, or ecological values are not listed as values.

8. There is nothing in the Act to prevent the voluntary inclusion of ecological values however monitoring and enforcement of conditions relating to biodiversity or ecological values of the land are not within the functions of the Trust.

9. The QEII Act does not contain any enforcement or offence provisions relevant to breaches of covenant terms by covenantors.

10. As the terms and conditions of open space covenants can be varied between the covenantor and the QEII Trust there is no guarantee that the SIV's will be protected into the future. The success of covenants relies on good will. While the current land manager is passionate about the covenant, long term experience with covenants suggests that when properties change hands the good will can change.[1]

11. Forest and Bird considers that where reviewable land has ecological SIVs, an open space covenant would not '*enable the protection of the significant inherent values of reviewable land by the creation of protective mechanisms',* and as such would not achieve an object of part 2 of the CPLA.

Ability of the QEII Covenants to Protect Identified Significant Inherent Values

12. The proposed protective mechanism – QEII Covenants both provide for on- going grazing of an unspecified number or type of stock.

13. The advertised PP notes that the QEII Covenant Areas were considered for restoration to crown control, "*but a combination of the success of the existing covenant and the opportunity to manage the values with some on-going grazing suggested the covenants as the appropriate protection.*

14. The PP indicates that the reason the proposed protective mechanism will be effective in protecting the SIVs is the considered success of the Covenant presumably on the basis that there are SIV's that have persisted under the Covenant, and that it is asserted that the overall vegetative cover has been sustained on the block under the management regime of the Covenant. But no evidence is sited to substantiate the success of the covenant in protecting the identified SIV's. The PP refers to "anecdotal evidence." In response to a request for Official Information seeking advice received by the CCL regarding the success of the Covenant, LINZ replied that the Department does not hold any information on the success of the existing covenant or monitoring results.[2]

15. In signing it's consent to the proposed protective mechanisms including the QEII covenants the Department of Conservation stated: *During consultation it was determined that the values associated with both these areas would be adequately protected by the continuation of the existing QEII Covenant areas…"* No evidence was sited.

[1] Minutes 2 July 2010 Canterbury Aoraki Conservation Board
[2] Letter to Sue Maturin, from David Rhodes dated 10 October 2012

16. The PP also states that one of the benefits of grazing is that it would minimise the impact of exotic plants. It is not stated what exotic plants nor is there any evidence of how grazing achieves this.

Forest and Bird submits:
The CCL is not in receipt of sufficient information upon which to determine the effectiveness of the appropriateness of the proposed protective mechanism in achieving the S24 Objects of the CPLA and needs to seek further independent advice, and peer review any monitoring data with DOC ecological experts..

Evidence that grazing under the QE ll Covenant is contributing to deterioration of SIV's

17. There is evidence contained in the Botanical Report by Mark Davis 2005 that informed the Conservation Resources Report, (CRR) as well as in the CRR its-self that the current pastoral management is resulting in degradation of the existing SIV's which indicates that the CPLA preference of restoration to full Crown Ownership and retirement from long term grazing would better provide for the CPLA Objects of tenure review.

18. Davis reports that overall the tall tussock communities on the St Cuthbert Range are of medium to high naturalness:

- Sheep grazing has caused local die back of slim snow tussock where stock access is easiest.
- Grazing impacts increase with decreasing altitude, cover of Slim tussock on the rolling summit is 80% at 14-1500m compared with lower altitude slopes where overall tussock cover is as low as 10-20% on sunny slopes and up to 50% on shady slopes.
- Un grazed areas such as talus, boulder fields and stone fields supported shrubs, including threatened brooms, herbs, native grasses, mosses and lichens.

19. Chinn[3] states that: '*Despite the QEII covenant on Mt St Cuthbert, grazing continues and this is clearly putting pressure on the tussock country by trampling and introduction of weeds between the snow tussocks.'*

20. In respect of the summit of Ewe Range Mark Davis reports a range of stock impacts. The range crest has a cap of slim snow tussock, with only 15-20% cover with patches of 50% cover, that demonstrate slim tussock should be expected to be more widespread. On some spurs and knolls, sheep grazing has resulted in the dominance of short tussock cover with 25% cover of mouse-ear hawkweed. Sheep grazing has resulted in the removal of original slim tussock which has been replaced by short tussocks, mouse-ear hawkweed, blue tussock, brown top and King devil hawkweed. Bogs characterise the gentle upper slopes of the Ewe Range QEII covenant area, and display evidence of localised sheep pugging.

21. The threatened spotted skink was only recorded in tall tussock grassland and the lizard survey found that both numbers and diversity of lizards declined with increasing intensity of grazing.[4]

22. Chinn (2005) noted that the summit of the Ewe Range appeared to be in reasonable condition despite continued grazing, with a healthy tussock sward. However he also advised that removal of stock would "*undoubtedly*' improve the natural processes.

[3] Chinn, W. 2005. Omarama Pastoral Lease Tenure Review Invertebrate Survey
[4] Sedgeley, Jane. 2005: Assessment of the Fauna Values of Omarama Pastoral Lease

23. The QEII Covenant areas contain most if not all of the C. macra represented on Omarama station, and is regarded as the best in the southern Mackenzie Basin. *C. macra* is much more sensitive to grazing pressure than *C. rigida*, and grazing can significantly affect the regeneration of *macra.* Due to the significant inherent values of the *C. macra* grasslands, ongoing grazing as provided by the proposed protective mechanism is not likely to sustain these values, demonstrating that the preferred mechanism of restoration to full crown owner ship and control is a better alternative.

24. Merino sheep tend to preferentially graze *C. macra* ahead of *C. rigida,* as it is more nutritious. *C. macra* has higher organic matter digestibility and metabolisable energy than *C. rigida.*[5] Thus even though the *C. rigida* is more dense at lower altitudes, the sheep will no doubt climb to the *macra.* Rose and Platt[2] in a study of the regeneration of *C macra* in 10 montane-subalpine sites in the Harper Avoca catchment, subjected to different sheep grazing and hare browsing found that on areas subject to about 80 years of sheep grazing most snow tussocks had been destroyed and remaining tussocks were predominantly senescent and seedlings were infrequent. In contrast the stands retired from sheep grazing for 34 or 21 years were characterised by low proportions of senescent tussocks and high proportions of seedlings and juveniles, suggesting the onset of increases in tussock abundance.

25. The summary of scientific evidence about the impacts of grazing in tall tussock grasslands, set out in Appendix One illustrate that continued grazing is highly likely to result in continuing degradation of the significant inherent values, demonstrating that the QEII covenant as the proposed protective mechanism is not adequate to protect the significant inherent values identified in the ecological reports, the CRR and the PP..

26. A purported reason for on-going grazing is the control of weeds. The botanical report records four wilding pines, indicating that wilding pines are not a major weed problem that justifies grazing, and in any event grazing at a level able to control wilding pines, would have significant adverse effects on the tussock grasslands, (see Appendix One for details).

27. The botanical report does not list *Hieracium* species as problem plant, although it notes that both mouse ear; *H officinarum* and king devil *H praealtum* are present. On-going grazing or retirement is likely to have little impact on controlling mouse ear or king devil. We did not observe *H lepidulum* on our inspection and it is not mentioned in the CRR or botanical report. *H lepidulum* is a potential threat to both pastoral and conservation values, but the best control methods are unclear. There is some suggestion, that grazing at the time of seed production may help reduce the seed rain, however sheep grazing for weed control usually only works at high densities, which would be detrimental to the overall health of the tussock grassland ecosystem, see Appendix One for details. Grazing is not able to control the other weed species, such as crack willows, sweet briar, or Australian sheep's bur mentioned in the Mark Davis report.

28. The preference for protecting the SIVs by continuing the QE II in part to provide weed control is not sustained by the evidence.

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[5] Fenner et al., 1993. Chemical features of Chionochloa species in relation to grazing by ruminants in Southland, New Zealand. *NZ Journal Ecology 17 (1).*

[2] Rose, A.B., and Platt, K.H., 1992. Snow tussock population responses to removal of sheep and European hares, Canterbury, New Zealand. *NZ Journal of Botany. Vol 30: 372 -382.*

29. The importance of protecting SIVs ahead of free holding in tenure reviews is asserted in the Act. There is a clear hierarchy in S24 Objects. Co-primacy is accorded to promotion of the management of reviewable land in a way that is ecologically sustainable and the protection of significant inherent values of reviewable land. These objects are more important than the freehold disposal of reviewing land. The Object of managing land in a way that is ecologically sustainable is more important than freeing land from management constraints.

30. The CPLA does not define protection, and relies on the definition in the Conservation Act. In this Act protection includes not only maintenance in its current state but also includes restoration and enhancement or expansion.

S 2 Conservation Act 1987

31. ***"protection**, in relation to a resource, means its maintenance, so far as is practicable, in its current state; but includes—*
    a. *(a) its restoration to some former state; and*
    b. *(b) its augmentation, enhancement, or expansion"*

32. Forest and Bird submits that the proposal to protect the well recognised SIVs by the QEII covenant which provides for continued grazing with stocking rates to be determined annually according to unspecified monitoring, will not maintain the identified SIVs in their current state, nor will it enable restoration, or their augmentation, enhancement or expansion. Consequently the PP does not fulfil the Objects of tenure review in S24 CPLA.

33. There is no evidence that the proposed protective mechanism will enable management of the land in a way that is ecologically sustainable, and scientific information to indicate that it won't. Continued grazing without inputs of fertiliser causes a net annual loss of all the major plant nutrients. However the addition of fertiliser reduces the cover and/or diversity of native vegetation and is associated with increasing soil acidity. See Appendix One for details.

Suitability of Covenant Provisions for the Purpose of Protecting SIV's.

34. The stated purpose of the open space covenant is to protect/maintain the open space values; to protect the native flora and fauna with particular reference to the representativeness; to protect and maintain the landscape values; and to use the land for pastoral farming in conformity with the preceding objectives requiring change in management when monitoring proves it necessary.

35. The second schedule sets out the activities which will be constrained. These can be varied upon request and the Board will not unreasonably withhold its consent if it is satisfied that the proposed work is in accordance with the aim and purpose of the covenant contained in the First Schedule.

36. To assist in achieving the aims and objectives of the covenant, a management statement is provided. Monitoring is required and is prescribed.

37. Walker et al.,[6] set out suggestions as to what is required of a responsible monitoring program. These include:

- Measurable goals
- Clear quantifiable definitions of measurable triggers that require particular stipulated actions in response
- Method that measures structural and compositional changes with full lists of vascular plants.

38. The QEII provisions do not meet these requirements. The stated objectives of the Covenant are not expressed in measurable terms. There is no vegetation map to describe location and distribution of various tussock grassland and shrub land communities. The representative vegetation associations are not defined. The vegetation description is very broad, and it is noted that Para 7.4 states that the flora needs further appraisal, and there is need for a detailed assessment of the indigenous fauna. There is no evidence supplied with the proposal to indicate that the latter two requirements have been met, despite the Covenant being in place since 2001.

39. In *C macra* grasslands in Central Otago Lee et. al. (1993)[7] suggested that successful establishment of seedlings is possible at light stocking rates, no more than 0.2su/ha/yr, but that these grasslands should not be grazed the year after flowering as young tussock seedlings are very palatable to stock and grazing can prevent regeneration. This is not a requirement of the current covenant. As monitoring data has not been provided it is impossible to tell whether there is adequate recruitment and regeneration of tussock seedlings, and thus whether current management is successfully protecting the inherent values, and is ecologically sustainable.

40. The terms of the covenant do not make it clear that the protection of SIVs has primacy over the continued use of the land for pastoral farming. Clause 11.1 and the Objectives of the Covenant contain contradictory statements. Unambiguous primacy for protection of the SIVs is necessary to enable the protection of the SIVs and ensure the protective mechanism meets the objects of the CPLA.

Public Access

41. The covenant provides for limited public access provided that prior permission from the landholder is obtained. The proposed easement only permits access as of right within a 10m strip. This does not adequately provide for public enjoyment of the Summit Area, or access to the interesting shrublands at the head of Old Man Creek, and rock outcrop on the true right of the creek headwater in the Garden of Eden block for botanising, fauna study, photography and simply enjoying exploring the natural environment. The current landholder will no doubt be generous with public access, but this willingness cannot be guaranteed by future owners.

Forest and Bird submits:
The alternative and preferred protective mechanism to protect the SIV's identified in the two covenant areas is return to full Crown ownership as a conservation area. Protection of the SIV's

[6] Walker, Susan; Lee, William, G.: 2010. Proposed protection for indigenous ecosystems on Balmoral Station under the Crown Pastoral Land Act. Landcare Research Contract Report: LC0910/105

[7] Lee, W.G.; Fenner, M.; Duncan, R.P. 1993: Pattern of natural regeneration of narrow-leaved snow tussock *Chionochloa rigida* ssp. *rigida* in Central Otago, New Zealand. *New Zealand Journal of Botany*, 31:117-125

under Conservation Management is necessary to prevent further deterioration of the SIV's which are not capable of sustaining grazing, without loss of nutrients, loss of native species richness and abundance. Retirement from grazing is most likely to better protect the SIV's as scientific studies show that in relatively unmodified tall tussock grasslands, retirement from pastoral grazing generally results in increases in tussock biomass, the establishment of snow tussock seedlings and a reasonably rapid increase in abundance and/or diversity of native species.

The nature of QEII covenants, the specific conditions and purpose of the Covenant, the provision for on-going grazing of ecosystems that already show deterioration under existing management, mean that it is unlikely to protect the identified SIVs or promote ecologically sustainable management.

CC1 Cuthbert

42. CC1 contains a range of landscape, botanical (including threatened and palatable plants), and fauna SIVS, some on Critically Under Protected LENZ environments (map attached) which are threatened by on-going grazing for the reasons set out in Appendix One.

43. These SIV's are of such significance that they warrant return to full Crown ownership as a Conservation Area, as was recognised by the Department of Conservation: *"the values identified are of such significance that restoration to full Crown ownership and control is considered appropriate" – may be necessary to look at a phase out grazing period…* (Analysis and Info report 2006).

44. The CRR refers to LENZ environments, but did not attach a map. It is not clear whether the expert ecological reports considered these classifications. The Lenz Threat Classification Map, (see below) shows that CC1 contains a significant proportion of indigenous ecosystems on "Critically under Protected" land environments. This elevates the significance of the identified SIVs.

45. The proposed free holding with covenant, provides for seasonal grazing of no more than 0.15su per ha, and topdressing. Topdressing raises fertility levels and favours introduced grasses, which will degrade the value of the SIV's. Continued grazing will favour the unpalatable native shrubs at the expense of the more palatable species, compromise tussock vigour, seedling recruitment, and seedling survival. Grazing is likely to increase exotic species not minimise the impact of exotic species as stated in the PP. See Appendix One for details.

46. The ecological experts identified continued grazing as a threat to the protection of the SIVS:

- Chinn (2005), for invertebrates – this property is especially significant for the number of species at their northern or southern range limits and recommends de stocking and no over sowing for a range of species, as grazing pressure and habitat modification through weeds are significant threats;
- Sedgely (2005), for lizards – numbers and diversity of lizards declined with increasing intensity of grazing, grazing should be removed; and,
- Davis (2005) for botanical values – removing stock, preventing burning and over sowing and top dressing will improve the long term viability and condition of the plant communities.
- Davis, (2005) states that *'it is essential that the habitat for threatened indigenous spring annuals is surveyed before tenure review proposals are finalised*, ' as it is clear suitable

habitat exists. Should these be identified it will be important to identify an appropriate management regime to protect these SIV's. Some closely managed light grazing may be appropriate as a conservation management tool.

Forest and Bird submits:
CC1 be returned to full crown ownership as a Conservation Area in order to protect the large range of identified SIV's from further deterioration under grazing and top dressing.

Alternative Proposal

47. Forest and Bird is mindful that much of the lower parts of the Proposed CC1 contain more modified short tussock grasslands which are more likely to be able to be ecologically sustainably managed with light sheep grazing, and possibly fertilising, than the upper less modified tall tussock areas, see Appendix One for details. The botanical report reported that these short tussock grasslands may contain threatened herb species such as *Convolvulus verecundus* and *Vittadinia.* It is also part of a relatively intact altitudinal sequence which contributes to medium-medium/high overall range diversity and pattern, with shrublands in the tributary creeks.

48. Petrie, (2004)[8] identified the lower slopes above the Omarama- Otematata Highway as an area with high visual amenity, principally due to the visual accessibility of this area from the Omarama-Otematata Road, which is increasingly important as part of the tourist route from the east coast to the Mackenzie Basin. This area also has extensive shrublands including specialised rock plant communities and the threatened *Carmichaelia Kirkii, and at plot 8 Pimelea pseudo-lyallii* and *Vittadinia australis*. The shrublands are important for maintaining the biodiversity of native invertebrates and birds which are also significant over this area. It appears this area was dropped from consideration following the removal of the Lakeside protection policies. However this was relevant only for the landscape values and the ecological reports all recommend that most of it be protected for its ecological SIVs.

49. There may be an opportunity to reassess the boundaries of CC 1 to provide for a Conservation Area with no grazing (smaller than the proposed CC1) , and a Conservation Covenant with grazing on the lower more modified slopes. This would necessitate some new fencing, but would continue to provide more grazing opportunities. This is shown on the attached map.

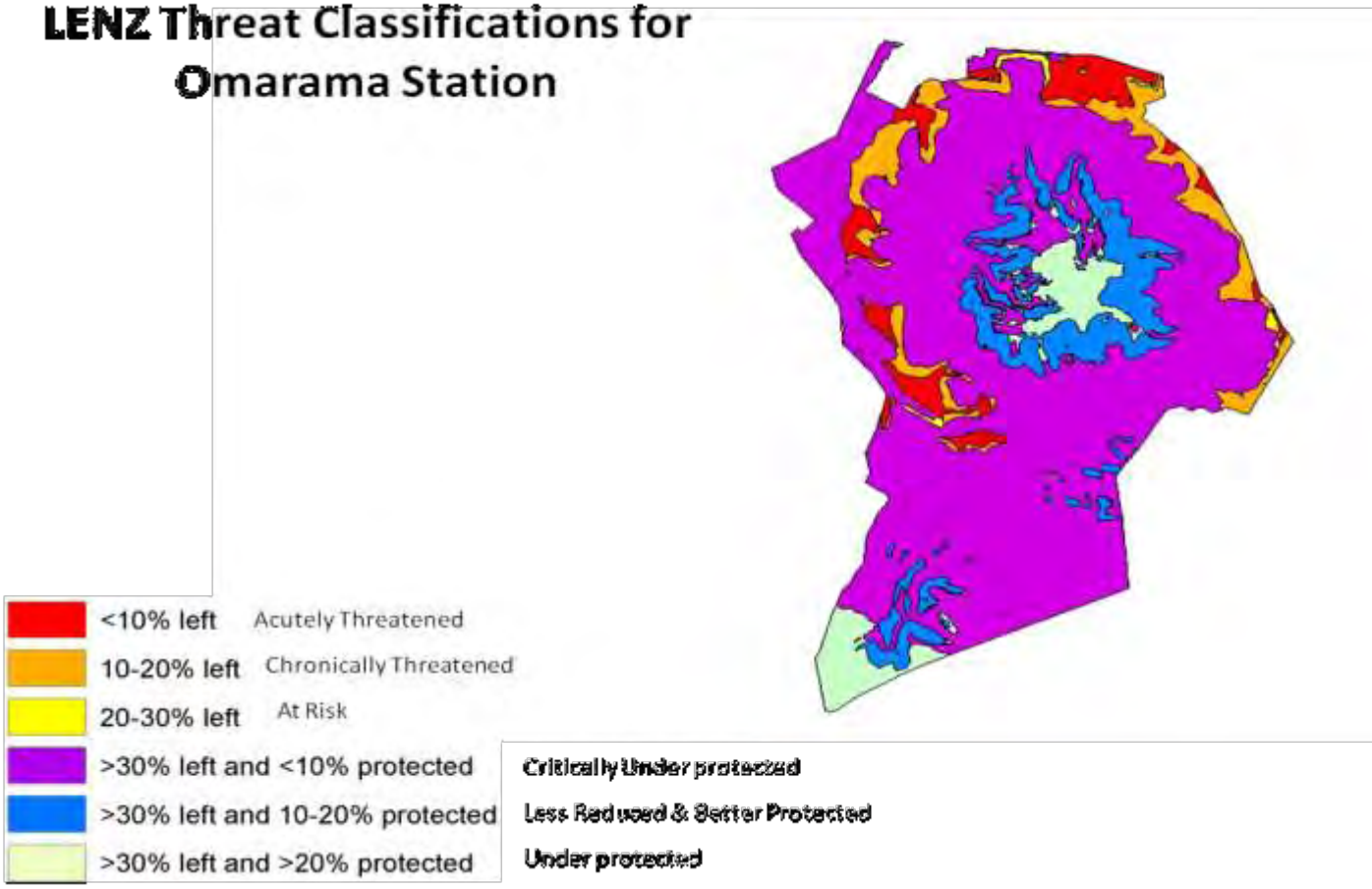
CC2 Ewe Range

50. Forest and Bird endorses the description of SIV's contained in the CRR and expert ecological reports. As DOC states these values are so significant they warrant return to full crown owner ship as a conservation area. Off special significance is the presence of the threatened spotted skink, extensive valley shrublands, seven threatened plant species, scientific and ecological values of endemic invertebrate fauna.

51. The LENZ threat map, (see below) shows that CC2 contains indigenous vegetation on predominantly 'Critically Under protected LENZ Environment. As noted above this elevates

[8] Petrie, Alan. 2004. Omarama Pastoral Lease Landscape Assessment.

the importance of protecting the SIV's and appears not to have been taken into account in the final recommendations.



52. The ecological experts recommend the area be retired from grazing.

- Davis (2005) States that: '*The degraded upper SE catchment of Cattle Creek should gradually improve over time in the absence of stock. It is important that stock do not access this area, and that wild animal numbers are kept low so that regeneration is not impeded.*'
- Sedgely (2005), for lizards – numbers and diversity of lizards declined with increasing intensity of grazing, grazing should be removed; and,
- Chinn (2005), for invertebrates – this property is especially significant for the number of species at their northern or southern range limits and recommends de stocking and no over sowing for a range of species, as grazing pressure and habitat modification through weeds are significant threats.

53. The proposed free holding with covenant, provides for seasonal grazing of no more than 0.15su per ha, and topdressing. Topdressing raises fertility levels and favours introduced grasses, which will degrade the value of the SIV's. Continued grazing will favour the unpalatable native shrubs at the expense of the more palatable species, compromise tussock vigour, seedling recruitment, and seedling survival. Grazing is likely to increase

exotic species not minimise the impact of exotic species as stated in the PP. See Appendix One for details.

Forest and Bird submits:
CC1 be returned to full crown ownership as a Conservation Area in order to protect the large range of identified SIV's from further deterioration under grazing and top dressing. In light of the scientific advice in Appendix One, and apparent lack of advice concerning the ecological sustainability and the ability of the Covenant to protect the SIV's, the CCL needs to seek further advice.

CC3 Cattle Creek Shrubland

54. CC3 in the PP is described as a shrubland however the wetland at the base of the shrubland was also identified as a spring fed wetland with significant inherent values worthy of protection. It is in a Critically under Protected LENZ environment, (see map above). The wetland according to Davis, (2005) is representative (low to medium) of original valley floor wetlands with reasonably intact hydrological processes. Being adjacent to dry shrubland, it provides a range of ecotones. Its perched nature is unusual. It rates low/medium for naturalness. It is very small and vulnerable but is the best opportunity for protecting an example of a valley floor wetland.[9]

55. The Bowie Aquatic Report[10] recommended protection for this area if it combined with other SIV's. Three unidentified galaxiid species were seen and considered to be likely to be one of two threatened species, bignose galaxidd and/or lowland long jaw galaxiids. According to Bowie if it is the latter then this would be a very important location on the pastoral lease and if the second an important location for the species. Wetlands are a national priority to protect. Further survey work is needed to adequately determine the significance of this site.

56. The ecological experts recommended removing grazing:

- Sedgely (2005) – habitat for threatened NZ falcon, abundant breeding habitats for lizards – grazing should be removed.
- Davis, (2005) – Grazing, over sowing and topdressing and burning should be excluded.
- Bowie, (2005) – Fencing is important as it is the best method for keeping stock out of the spring fed stream and wetland.

Forest and Bird submits:
CC3 be extended to include the wetland and spring fed stream and that the wetland and spring creek be fenced, and destocked. Providing it is fenced and de stocked it may be retained as a Conservation Covenant, as it is a small discrete area.

Insufficient Information in the CRR to determine extent of Significant Inherent Values

57. The Botanical Report by Mark Davis 2005, states on page 10; '*The presence of indigenous spring annuals could not be clarified as these tiny plants can only be found in spring and no survey was undertaken at this time. They include two acutely threatened species known from similar habitats on adjacent properties, including one site less than a kilometre away'.*

[9] Davis, Mark. 2005. Omarama Station Vegetation Report
[10] Bowie, Scott. 2005. Omarama Pastoral Lease A Report on the Aquatic Fauna Surveys

58. As this survey has not been undertaken the proposed protective mechanisms may not be sufficient to protect these species which if present would meet the criteria used to determine significant inherent values in S24 (b) CPLA.

Forest and Bird submits:
The CCL request that DOC experts conduct a survey of spring annuals prior to finalising this tenure review. It needs to be done now or next spring.

Access

59. The primary recreation focus for walkers and mountain bikers is likely to be access from public roads in the vicinity of Omarama to Mt St Cuthbert, to the Ewe Range, and access from Oteake.

Proposed route h-f

60. This will be an arduous route thus limiting public access to and enjoyment of the Cuthbert and Ewe Ranges. We note the original proposed designations 2005 map (attached) recommended access up the valley floors and along the existing vehicle route – k-v. Presumably this was unacceptable to the lessee. We recommend further discussions to find a more suitable route.

Proposed route g-f-e

61. Forest and Bird supports this route but submits that as it is an unnatural route, and a long way round to the Ewe Range, negotiations need to be reopened to pursue an alternative additional route. It is more natural to retain height and walk along ridge crests from Mt Cuthbert to connect with g. The proposed designations map 2005, proposed a route f-g, which is more suitable to get to the reserve then on to the Ewe Range.

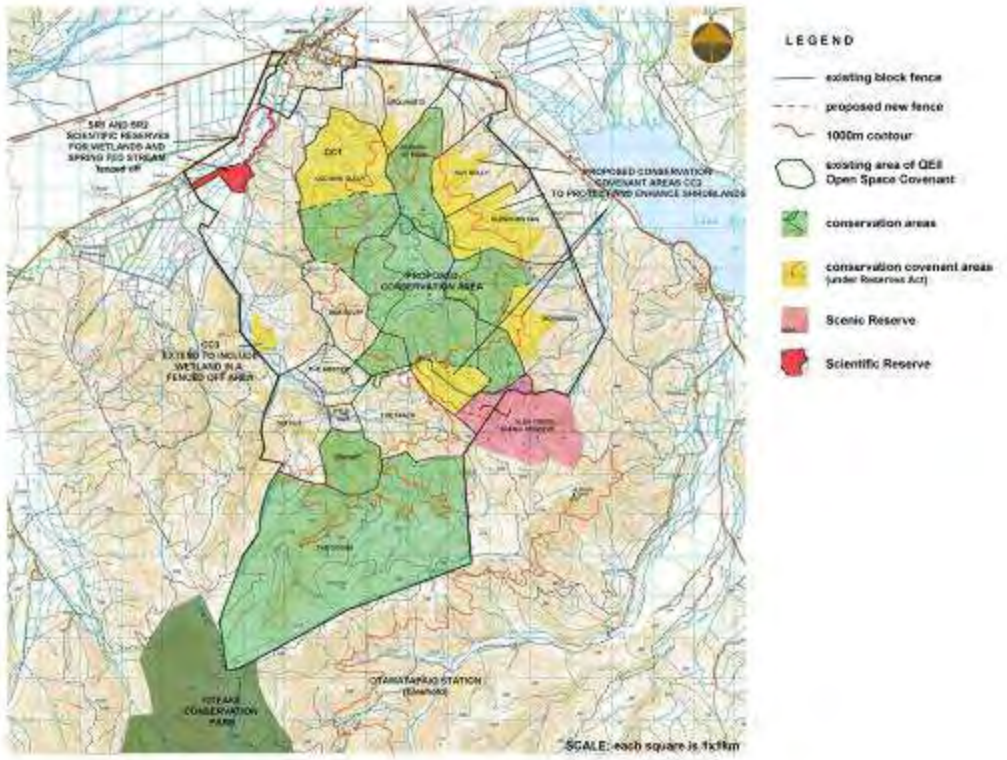
Proposed mountain bike and foot access a-b- d – c

62. Forest and Bird supports providing foot and mountain bike access, but observes that should these areas be returned to full Crown Ownership, part of the easement will not be needed.

Yours sincerely

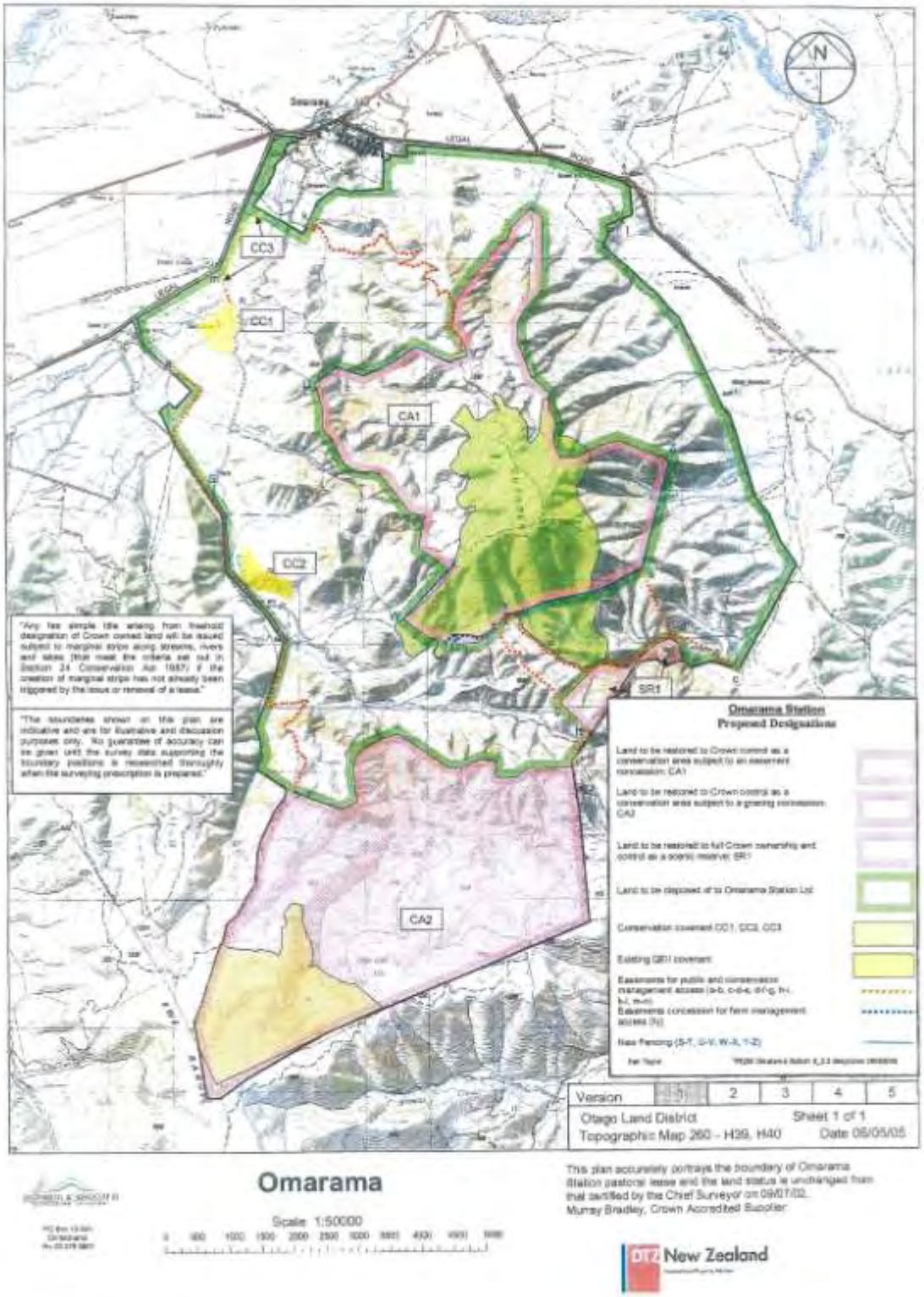
Sue Maturin
Otago Southland Field Officer

Map Showing Forest and Bird's Alternative Proposal



2005 Map of proposed designations

Forest and Bird endorses the access provisions as shown on this map.



Appendix One – Overview of Scientific Literature – Management to protect SIVs and promote ecologically sustainable management

Ecologically sustainable management and protection of SIV's.

A review of scientific studies showed that in relatively unmodified tall tussock grasslands, retirement from pastoral grazing generally resulted in increases in tussock biomass, the establishment of snow tussock seedlings and a reasonably rapid increase in abundance and/or diversity of native species. [11]

Ability of continued grazing to protect SIVs

Grazing is a major driver of vegetation composition and pattern. Grazing affects species composition of plant communities by selecting or avoiding specific plants, reducing competitive vigour of selected plants and release un grazed species from competition. Defoliation through grazing can reduce height and cover of grazed species, and decrease flower and seed production, either directly by eating them, or indirectly by stressing them. Grazing can also exacerbate the dispersal of weeds. Feeding, urination, defecation and death of herbivores also shifts nutrients and redeposit them unevenly across the landscape.[12]

Tall tussocks are poorly adapted to any sort of defoliation and are exceptionally slow to recover from it in their nutrient reserves, biomass or stature. (Walker and Lee citing O'Connor 1963; Mark 1965; Payton et al.1986; Gitay et.al 1992; and Lee et.al 2000.)[13]

'New Zealand's grasses in general, including tussocks, show conservative nutrient acquisition and use compared to grasses international (Craine&Lee 2003). All of these traits are associated with slow-growing species adapted to low resource availability and infrequent defoliation. In addition, seedlings and juvenile plants of tall tussock are palatable: stock rabbits and hares all feed selectively on them, compromising regeneration. For example, in snow tussocks (Chionochloa rigida), Lee et al. (1993) showed that grazing reduced overall recruitment, proportions of small seedlings, seedling height and, and seedling survival at increasing distances from tussock plants.'[14]

Surveys of montane to alpine tall tussock grasslands at sites in Canterbury, Otago and Southland have shown that exclusion of stock generally promotes tall tussock recovery, but that diversity and abundance of inter tussock species is usually reduced, Lloyd citing, Duncan et al (2001); Grove et al (2002) and Meurk et al (2002).[15]

Lloyd[16] reports that regeneration of snow tussock grasslands can occur in the absence of fire at low grazing intensities, however recruitment is mostly confined to within 2m of the parent tussock. Snow tussock tends not to regenerate on bare ground. "*The patchy nature of snow tussock regeneration indicates that retention of sparsely distributed snow tussocks in depleted tussock*

[11] Ewans, R. 2004: Effects of removing grazing from native grasslands in eastern South Island of New Zealand. A ;literature Review. DOC Science Internal Series 168. Wellington , Department of Conservation

[12] Walker, Susan; Lee, William, G.: 2010. Proposed protection for indigenous ecosystems on Balmoral Station under the Crown Pastoral Land Act. Landcare Research Contract Report: LC0910/105

[13] Walker, Susan; Lee, William, G.: 2010. Proposed protection for indigenous ecosystems on Balmoral Station under the Crown Pastoral Land Act. Landcare Research Contract Report: LC0910/105

[14] Walker, Susan; Lee, William, G.: 2010. Proposed protection for indigenous ecosystems on Balmoral Station under the Crown Pastoral Land Act. Landcare Research Contract Report: LC0910/105

[15] Lloyd, Kelvin. 2008. Ecological processes in the South Island Pastoral High Country. Wildland Consultants, Report No 1955 for Parliamentary Commissioner for the Environment, Wellington.

[16] Lloyd, Kelvin. 2008. Ecological processes in the South Island Pastoral High Country. Wildland Consultants, Report No 1955 for Parliamentary Commissioner for the Environment, Wellington.

grasslands will be important to speed the recovery of such grasslands under conservation management.'

Stock and rabbits also graze native shrubs, particularly the highly palatable native broom species, effecting their vigour and regeneration. According to Walker et al, (2003).[17] Many of the shrublands that persist in the high country that are accessible to stock are composed of species that are relatively unpalatable to stock, e.g. matagouri, Mingimingi, *Drcophyllum uniflorum* and *Olearia bullata.* Sheep tend to use shrublands for shade and shelter and graze the ground cover resulting in loss of indigenous ground cover and increase in weedy exotic herbs and grasses.[18]

The effects of grazing cessation is mixed and less predictable on more modified short tussock grasslands, where short tussocks have largely replaced tall tussocks, and native biomass is low and where *hieracium pillosella* – now known as *Pilosella officinarum* is a major component of the vegetation. Some studies report further loss of inter tussock herbs, and sometimes fescue tussock. However, grazing cessation is likely to be appropriate to increase the biomass and stature of tussocks.[19] Meurk et al (2002) found that indigenous woody species increased following the exclusion of stock and rabbits on a range of Mackenzie montane sites.[20]

Ewans concludes that there is no single management regime that fits all scenarios. 'However, the removal of grazing has generally been considered beneficial to the indigenous components of native grasslands, although results are variable and must be considered in context.' Vegetation responses, he found are influenced by vegetation type, stature and density of the dominant vegetation types at the time of grazing cessation, the environment and the competitive abilities of the exotics present.

The presence of stock results in increased nutrient cycling (i.e. through the urine) which favours the more competitive adventive inter tussock grasses.[21]

Grazing for weed control

In the Mackenzie Basin Meurk et al found no evidence that removal of grazing led to increased weed invasion in fescue tussock, tall snow tussock or red tussock grasslands.[22]

Grazing for Hieracium Control

Ewans reported that many studies observed increases in frequency and/or cover of *Hieracium* spp, mostly *H. pilosella)* independent of grazing regimes. Meurk et al (2002) in their study of grazed and un grazed grasslands in the Mackenzie Basin concluded that removal of grazing in the degraded

[17] Walker S., Wilson, J.B. and Lee, W.G. 2003: Recovery of short tussock and woody species guilds in un grazed *Festuca novae-zelandiae* short tussock grassland with fertiliser or irrigation. *New Zealand Journal of Ecology. 27: 179-189.*

[18] Lloyd, Kelvin. 2008. Ecological processes in the South Island Pastoral High Country. Wildland Consultants, Report No 1955 for Parliamentary Commissioner for the Environment, Wellington.

[19] Walker, S.; Lee, W.G.;Rogers,G.M.. 2003: Post-pastoral succession in intermontane valleys and basins of eastern South Island, New Zealand. *Science for conservation 226.* Department of Conservation Wellington.

[20] Meurk, C.D.;Walker, S.; Gibson, R.S.;Espie, P. 2002: Changes in vegetation states in grazed and un grazed Mackenzie Basin Grasslands, New Zealand, 1990-2000. NZ Journal Ecology 26:95-106.

[21] Meurk, C.D.; Norton, D.A.; Lord, J.M. 1989. The effect of grazing and its removal from grassland reserves in Canterbury. In: Norton, D.A. (ed.) *Management of New Zeeland's Natural Estate,* New Zealand Ecological Society Occasional Publication No. 1. pp 72-75.

[22] Meurk, C.D.;Walker, S.; Gibson, R.S.;Espie, P. 2002: Changes in vegetation states in grazed and un grazed Mackenzie Basin Grasslands, New Zealand, 1990-2000. NZ Journal Ecology 26:95-106.

fescue tussock grasslands would encourage very slow succession to canopy forming native shrublands and woodlands, creating environments less conducive to *H Pilosella* invasion.

Meurk et al reported that at one snow tussock locality grazing had exacerbated the loss of tussock cover and facilitated invasion and transition to a *H.*pilosella – dominated state, while grazing removal reversed this process. They reported that these results are consistent with other studies showing the recovery of snow tussock following the removal of grazing (Rose and Platt, 1992: Lee et al., 1993: Duncan et al., 2001.[23] They suggested that the removal of both rabbit and sheep grazing will provide the best opportunities for the establishment of later-successional vegetation, such as native shrubs, the regeneration and extension of tussock canopies, and for the build-up of litter to combat *H. pilosella* invasion.

Inter tussock species richness appears to be declining in tussock grasslands irrespective of management and widespread invasion of *Hiercacium.*[24]

Recent monitoring of the extremely degraded short tussock grassland Tekapo Scientific Reserve show that with increasing time since retirement from stock grazing and intensive rabbit control there can be a recovery of tussock grasses, inter tussock native species, shrub cover and a reduction in bare ground and *Heiracium.*[25]

Mouse-ear hawkweed, *Hireacium officinarum* is generally not regarded as a significant conservation weed, however *H. lepidulum* is potentially a serious threat to tussock grasslands whether managed for pastoral or conservation purposes. It should be noted that this species is not recorded in the documentation provided for Omarama Station tenure review.

Mark et. al., 2011 in a study of exclosure plots on the Old Man Range in Central Otago found that the abundance of *H. lepidulum* decreased with altitude, possibly as a consequence of frost-killing the maturing inflorescences, so reducing the availability of seed, indicating that this species is clearly less aggressive above c. 1000m. They recorded high infestations of *H. lepidulum* only in the un grazed plots that had previously been burnt 20 years ago, and very low infestation in the un gazed, un burnt plot. Vascular plant richness was generally greater than in the adjacent grazed areas, regardless of their burning history, with several native species only recorded in the plot that had been un burnt for 61 years and un grazed for 46 years. Mark et.al., concluded that protection from stock grazing and burning for a number of decades may induce the establishment of indigenous species that are otherwise rare or absent under pastoral management. They suggest light grazing by sheep may help retard its spread through grazing of seed heads.

<u>Grazing to control wilding trees</u>

Lloyd[26] records that grazing by stock and rabbits can reduce recruitment of palatable woody weeds such as pine species, however effective control only occurs where grazing is intensive and repeated at sufficient intervals. Once a woody weed has exceeded the browse height of stock there is no further limitation by stock browse. He notes that exclusion of grazing can result in rapid release of supressed woody weeds. However this is not the situation on Omarama Station where there is a

[23] Meurk, C.D.;Walker, S.; Gibson, R.S.;Espie, P. 2002: Changes in vegetation states in grazed and un grazed Mackenzie Basin Grasslands, New Zealand, 1990-2000. NZ Journal Ecology 26:95-106.

[24] Duncan,R.P.; Webster, Robert J.; Jensen, Carol,A.J; 2001: Declining plant species richness in the tussock grasslands of Canterbury and Otago, South Island, New Zealand. *NZ Journal of Ecology. 25 (2): 35-47.*

[25] Walker, Susan; Lee, William, G.: 2010. Proposed protection for indigenous ecosystems on Balmoral Station under the Crown Pastoral Land Act. Landcare Research Contract Report: LC0910/105

[26] Lloyd, Kelvin. 2008. Ecological processes in the South Island Pastoral High Country. Wildland Consultants, Report No 1955 for Parliamentary Commissioner for the Environment, Wellington.

very low presence of wildling trees, in part due to vigilance by the current lessee, but also because they have never been a significant component of the vegetation here.

Impact of continued use of Fertiliser

Norton et al's study of short tussock grasslands in the Mackenzie Basin found that the blocks with no fertiliser additions contained higher native species richness than in the fertilised blocks, though not cover - due to the increase in stature and cover of short tussocks in the fertilised blocks. They cite several other studies that have also shown a decrease in native species richness in fertilised sites. Fertiliser and direct drilling can however lead to reduced *Hieracium* cover.

The addition of nutrients through top dressing alters natural habitat conditions favouring plant species that are adapted to higher nutrient levels enabling them to outcompete native species which are generally adapted to low resource availability. According to Craine and Lee (2003), native tussock grasses have a more low-Nitrogen strategy than non –native species and it is likely that native species are poorly adapted to being productive and/or competitive under high nutrient regimes. Introduced species are the ones that perform best in high fertility sites. Over the past 100 years, areas where fertilisation or clover growth has ceased have often reverted back to native grasses and other low N plants like bracken fern. [27]

Fan and Harris (1996) suggested that where inputs of fertiliser and seed have not been maintained in short tussock grasslands, the grassland becomes predisposed to invasions by hawkweed. They suggest that when the introduced grasses and clovers die during times of stress e.g. drought, over-grazing, the bare patches of soil between the tussocks, which are rich in nutrients, favour hawkweed ingression. [28]

Fescue tussock density and growth are increased where fertiliser containing phosphorus and nitrogen are applied (FRI 1990). However, the application of fertiliser creates an environment better suited to competitive exotic herbs and grasses, than the slower growing native tussocks and associated plants.[29]

A study of the effects of exclosure and management on biomass and soil nutrient pools in seasonally dry high country in Canterbury found that oversowing and fertilising significantly raised soil nitrogen and carbon levels, but had an acidifying effect on soils. Stopping grazing and oversowing and topdressing was the only treatment that maintained pH levels, stopping grazing alone did not.[30] Lloyd[31] cites other studies of the effects of fertilising high country tussock grassland indicate that addition of fertiliser generally raises major soil nutrient and carbon concentrations, increases soil microbial biomass, acidifies the soil, and reduces the cover of bare ground and indigenous plants. However grazing short tussock grasslands in dry basins without fertiliser inputs, with or without burning has been shown to cause a net annual loss of all the major plant nutrients, while fertilising

[27] Craine,J.; Lee, W.G. 2003. Covariation in leaf and root traits for native and non-native grasses along an altitudinal gradient in New Zealand. *Oecologia 134: 471-478*

[28] Fan, Jiangwen, and Harris, Warwick; 1996. **E**ffects of soil fertility level and cutting frequency on interference among Hieracium pilosella, H. praealtum, Rumex acetosella, and Festuca novae-zelandiae. New Zealand Journal of Agricultural Research, 1996, Vol.

[29] Sited at http://www.tussocks.net.nz/refall.htm#FRI2

[30] McIntosh,P.D.; Allen, R.B. and Scott, N. 1997. Effects of exclosure and management on biomass and soil nutrient pools in seasonally dry high Country, New Zealand. *Journal of Environmental Management 51: 169-186.*

[31] Lloyd, Kelvin. 2008. Ecological processes in the South Island Pastoral High Country. Wildland Consultants, Report No 1955 for Parliamentary Commissioner for the Environment, Wellington.

tussock grassland in a moist zone led to gains of most nutrients on sunny slopes but a decline in nitrogen on shady slopes, possibly because of nutrient transfer by stock. Lloyd concluded from his analysis of the literature that research indicates '…*that continued pastoral use of short tussock grasslands particularly in seasonally dry sites, will not be sustainable without inputs of fertiliser, but fertiliser use reduces the cover and/or diversity of indigenous vegetation and is associated with increasing soil acidity*.'

Submission 16

Federated Mountain Clubs of NZ (Inc)

P.O. Box 1604
WELLINGTON 6140
www.fmc.org.nz

10October 2012

The Commissioner of Crown Lands,
Land Information New Zealand,
Crown Property and Investment,
CBRE House, 112 Tuam Street,
Private Bag 4721,
CHRISTCHURCH 8140

Dear Sir,

Re: Preliminary Proposal for Tenure Review Omarama Station (Po 369)

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 15,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the Clark (Labour-led) government's stated objectives for the South Island high country especially the following:-

- ** to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- ** to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- ** to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

* Note that regardless of the changes of government and of governments' policies, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We recognize that additional objectives (introduced by the Clark Labour-led government) have been reviewed and modified by a previous government, and will no doubt be reviewed again by the 2012 Key (National-led) government, but we still believe they are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

Unfortunately FMC was unable to inspect or write a report on Omarama Station at the 'Early Warning' stage of the tenure review process. We were therefore, unable to submit our recommendations for the outcome of tenure review as has been our practice on most pastoral leases in the past.

FMC appreciates this opportunity to comment on the Preliminary Proposal (PP) for the review of Omarama Station Pastoral Lease.

Property Inspection, 19 September 2012.

A group of people, including a representative of FMC, and respected tussock grassland ecologist Prof Alan Mark and Mr Ken Taylor, the LINZ Agent, was recently privileged to share a day with the Lessee, Richard Subtil, who gave the group a guided 4WD tour of a large part of Omarama Station on 19 September 2012. Track conditions and time constraints meant we were unable to inspect the area along the summit of the Ewe Range, the shrublands in Old Man Creek, proposed scenic reserve (SR 1) and the wetland areas on the south side of Mt St Cuthbert.

This tour gave us an opportunity to see first hand the present condition of the land and natural resources on Omarama Station. It also provided an opportunity for in-depth discussion of the past, present and likely future management of the property which has been in the hands of the Wardell family for three generations.

We were impressed by a number of features of the property. These included the mountainous nature of the place, and its present vegetation condition. This appears to be relatively good, reflecting the careful management and husbandry employed over many years, by at least two generations of the Wardell family. The broad exposed summit of Mt St Cuthbert (1,558m) provides expansive and extensive views of the Upper Waitaki, the Ahuriri, the Omarama and Mackenzie basins and the Southern Alps extending away into the distance. The tussock grasslands on the northern end of the Ewe Range include an extensive area of slim snow tussock, *C. macra* which would have been likely to be much more reduced and depleted by a more intensive management regime. The proposed Covenant area on the Ewe Range would provide an appropriate extension to the Oteake Conservation Park.

Our impressions were mixed as they included respect for the present condition, diversity and management of the natural resources of the land. The field evidence appears to indicate that that the property has been and is being managed under a system which may be sustainable in the short term but not in the long term without appropriate inputs. (There was interesting debate about probable negative nutrient balances with no inputs, which require further examination). However, we were disappointed by many aspects of the Preliminary Proposal (PP) for the tenure review of Omarama Station. We have serious doubts as to whether the present condition of the significant inherent values (SIVs) and land resources of the property can be guaranteed into the future, even with continuation of the current management. We need to ensure that both natural and farming values are protected against the possibility of abuse by some future less responsible land owner. A long t5erm plan should be one of the outcomes of this tenure review, and might include a Sustainable Management Covenant to replace the proposed Conservation Covenant over at least part of CCI, together with a penalty clause which might include forfeiture of the land back to the Crown.

The provisions of the PP about which we have the greatest concerns are as follows:-

- The preference stated in the CPL Act, 1998 for the protection of SIVs by return to full Crown ownership and control (as opposed to protection under some other mechanism such as a Conservation Covenant) has not been implemented. In response to this concern, and given that all of this land has been classified Land Use Capability Class VIIe we recommend that all of the proposed covenant CC2, and adjoining QEII covenant, as well as the upper portion of the proposed CC1 above about 1,100m and the adjoining QEII covenant be destocked and returned to full Crown ownership and control.
- Failure to follow the generally accepted guideline that Covenants are most suitable for the protection of small, discrete areas.

- The vast area proposed for freeholding (8,620ha) with protection of all SIVs under covenants covering 3,870ha, including all of the higher altitude areas, represents 45% of the proposed freehold area or 44% of the entire pastoral lease.
- Public access provisions are generally long and arduous, being via walking and mountain biking only. They are likely to restrict recreational access to young and fit people seeking challenge and adventure. Older, less fit people seeking some of the more passive forms of recreation will be discriminated against.

Comparison of the 2012 Preliminary Proposals with the 2006 "Report on information gathering".

FMC has obtained (through an Official Information Act request) a copy of the Report "Analysis and Report on Information Gathering" [in relation to the tenure review of Omarama Station] compiled by DTZ New Zealand Ltd in 2006. We believe that the differences between that report and the recommendations for the tenure review of Omarama Station published in the Preliminary Proposals (2012) are important and deserve close examination.

We offer the following commentary on the 2006 and 2012 documents and their implications:

- We are impressed with the recommendations made in the 2006 document "Report on information gathering", and with the "Description of Proposed Designations" which explains why the recommendations were made.
- These recommendations were based on primary data reported in specialist reports such as "Omarama Station Vegetation Report" (2005) by Mark Davis which was based on detailed field inspections and concluded that areas now identified as CC1 and CC2 should be *"retained in full Crown ownership and control"*.
- The recommendations were also based on *"property reports and views submitted by DOC, F&G and Ngai Tahu and the Holder"* . All those reports and views are still valid.
- FMC strongly supports the recommendations for the designation of areas CA1 and CA 2, extinguishing the QEII Covenants and including these areas within Conservation Areas CA1 and CA2 instead.
- 2006 Recommendations for public access on foot and mountain bike (eg. up the main farm track, were much better than the very difficult climb up the fenceline from the Otematata Road. proposed in 2012.
- FMC asserts that if all that basic information, gathered from detailed field inspections was valid in 2006, then (with perhaps a few minor changes with regard to vegetation condition) it is still valid today.
- If that argument is accepted we believe that the 2012 Proposals should be revisited with a view to implementing some or preferably all of the recommendations made in 2006.

THE PRELIMINARY PROPOSAL

Detailed submissions and recommendations from FMC on the individual designations of the Preliminary Proposal (PP) for the tenure review of Omarama Station are presented below.

DISCUSSION OF THE PROPOSED DESIGNATIONS, AND FMC SUBMISSIONS ON THE PROPOSALS

The following general summary of significant inherent values is reproduced from the Report by M Davis "Omarama Station Vegetation Report"(2005). Other commentary about the significant inherent values is given in the sections referring to each of the preliminary proposals will follow.

"Summary of Significant Inherent Values

- *Alpine tall tussocklands occur on the summits of the Cuthbert and Ewe Ranges and are generally in good condition. They include original slim snow tussocklands and some induced narrow-leaved.snow tussocklands. Good condition cushion vegetation has been induced from slim snow tussocklands on the summit of the Ewe Range.*

- *Subalpine narrow-leaved snow tussocklands are extensive on both ranges, and their condition varies from good to poor at lower altitudes. They have mostly been induced, though some would originally have been present on bluffs and among woodlands.*

- *Short tussock grasslands are common on mid slopes, giving way to exotic grasslands on lower slopes and fans. Most are induced and their condition is moderate to poor.*

- *Rocklands support original shrublands, sparse herbs and grasses in very good or good condition on both ranges. Shrublands are common in gullies and gorges. They represent original communities and many contain threatened plants, including good populations of Carmichaelia kirkii and Hebe cupressoides to a lesser extent.*

- *Small floodplain wetlands in Omarama Stream, Cattle Creek and Glen Creek are very modified due to exotic plants. Their plant succession is compromised, grazing is widespread and artificial drainage is common along the Omarama Stream.*

- *Alpine cushion bogs are an interesting feature of the Ewe Range. They represent an original community type and are generally in very good condition. Seepages are small and rare on mountain slopes elsewhere on the two ranges.*

- *There are many altitudinal sequences across the property, but lower slopes are very modified."*

The Conservation Management Strategy (CMS) for Canterbury identified a number of important priority objectives for conservation in the Waitaki Place unit. The tenure review of Omarama Station provides an excellent opportunity to advance many of those objectives. The priority objectives identified in the CMS are as follows:-

- To identify, maintain and seek to enhance the natural landscape values of the Waitaki Unit.
- To identify significant indigenous vegetation and threatened species of the Waitaki Unit.
- To use a range of effective methods to protect the indigenous biodiversity of the Waitaki Unit.
- To protect and enhance the viability of priority threatened species' populations and their habitats in the Waitaki Unit.
- To investigate conservation park status for the areas managed by the Department in the Hawkdun-Oteake area and, if agreed to by the Minister, gazette relevant conservation parks.
- To prevent the loss of natural and landscape values from wilding trees on land managed by the Department.
- To reduce and maintain rabbit and tahr densities to levels that ensure their adverse effects on natural values are minimised.
- To provide new recreational facilities and opportunities by the Department and other organisations and concessionaires where natural and historic values are not compromised.
- To liaise with adjacent landholders to resolve conflicts over access for recreation to land managed by the Department.
- To increase public awareness of the natural, historic and cultural values of the Waitaki.

FMC SUBMISSION

In this submission we present our views and recommendations in the same format as the PP quoted above

2.1 Approximately 81 ha to be restored to full Crown ownership and control as a scenic reserve under Section 35(2)(a)(ii) Crown Pastoral Land Act 1998 and identified as SR1.

The area concerned includes shrubland, rock outcrops and wetlands with vegetation that is highly representative of this area. This locality also contains a range of insects, lizards and birds. Of particular note in this regard is the presence of the New Zealand falcon, which is considered to be in gradual decline.

We agree that the importance of this area is largely as a completion of the Glen Creek scenic reserve.

FMC SUBMISSION

- ***FMC supports this proposal***

2.2 Approximately 80ha to be restored to full Crown ownership and control as a scientific reserve under Section 35(2)(a)(ii) Crown Pastoral Land Act 1998 and identified as SR2.

SR2 includes the Omarama Stream with a margin 25 metres either side, and approximately 30ha of associated wetlands at the confluence of the Omarama Stream and Cattle Creek. The area contains a wetland with a range of representative bird and fish populations and elements of the original vegetation. This area is also of significance as an eel habitat and is highly treasured by the holder and local Maori.

We agree that to maintain the significant inherent values (particularly the eel habitat) this area requires an active management for the control of willows and other exotic species. It also requires managed access. Scientific Reserve status has been proposed and is probably appropriate.

We note that in the Omarama Station Vegetation Report (2005), Davis recommended that this area should be protected by a covenant. The Report gives ample justification for this recommendation.

FMC SUBMISSION

- ***FMC supports this proposal***

2.3 Approximately 8620ha to be disposed on freehold title to the current holder subject to protective mechanisms and qualified designations pursuant to Section 35(3) Crown Pastoral Land Act 1998.

This area comprises the majority (98%) of the pastoral lease. It is estimated that some 300ha of the lower land has been cultivated into permanent pasture. Most of this land is characterized by soils classified in Land Use Capability (LUC) Class VI or higher, and with appropriate maintenance is likely to be capable of supporting ecologically sustainable pastoral farming.

A further 3,250ha of the property has been oversown and topdressed. Much of this land is steep and is characterized by Omarama Steepland Yellow Grey Earth (YGE) soils and Benmore Steepland High Country Yellow Brown Earth (HCYBE) soils which have been classified LUC Class VIIe. Although generally below 1,000m, much of this land has serious limitations for pastoral use and may not be capable of supporting ecologically sustainable pastoral production unless it is very carefully managed, with regular replenishment of soil nutrients (especially sulphur) removed in animal products.

The balance of the property (5,070ha) is tussock grassland and shrubland with various levels of exotic herbs and scrub. The area is characterised by two core areas of existing QEII covenant (plus new CC1 and CC2 Conservation Covenant areas) on the St Cuthbert and Ewe Ranges. This area extends up to 1,500m on Mt St Cuthbert and 1,600m on the northern end of the Ewe Range. It is almost entirely characterized by Puketeraki HCYBE soils, and Kaikoura Steepland HCYBE soils all classified in LUC Class VIIe.

It is noted that significant inherent values are contained within three portions of this area and it is proposed that these are protected by way of covenant. It is proposed that the existing QEII Covenants over portions of the Cuthbert and Ewe Ranges will remain in place surrounded by conservation covenants.

FMC has serious concerns about the proposed freehold disposal of such a large area and such a high proportion of the whole property which extends up to such high altitudes.

We have studied the topographic map and conclude that almost half (4,150ha or 47%) of the property lies above 1,000m asl. This land is mainly situated in two blocks – on the Cuthbert and Ewe Ranges – with a smaller (300ha outlier, along the boundary with Tara Hills). Almost all this land has been classified LUC Class VIIe which indicates severe limitations for pastoral production. Our concerns about this proposal are as follows:-

- Climatic constraints at such altitudes seriously limit vegetative growth (eg pasture and native species)
- Soils are acidic and nutrient status is low
- In Class VIIe the subscript "e" indicates the potential for erosion on steep slopes
- It is unlikely that this land could be managed in a way that is ecologically sustainable (See CPL Act S.24(a)(i) Objectives.
- Significant inherent values (SIVs) are widespread and high (as detailed in the Conservation Resources Reports) and could be threatened by continued grazing.
- Failure to implement the preference for return to full Crown ownership and control to protect SIVs expressed in the CPL Act S.24(b)(ii).

FMC submits that most of this area is therefore unsuitable for freeholding, and that this proposal should be reviewed with the objective of developing a better solution for the sustainable future of the land and its natural resources. This might be achieved by revisiting the recommendations made in 2006 in the Report on information gathering compiled by the Crown Agent at that time – DTZ Ltd.

FMC SUBMISSION

- ***FMC is not opposed to the proposal to dispose as freehold some 300ha of developed pasture land.***
- ***FMC believes that with careful management, including the regular replenishment of nutrients lost in animal products, the area already oversown and topdressed (~ 3,250ha) may be capable of supporting ecologically sustainable pastoral use, and therefore be suitable for freehold disposal.***
- ***FMC has serious concerns about the extent of the high country (generally above ~1,000m) proposed for freehold disposal. While we believe that the current holder may have the management skills and grazing policies to enable the sustainable use of SOME of this land this holder will not occupy the land for ever, whereas the outcomes of tenure review are permanent.***

- ***FMC therefore submits that most of the land above ~1,000m is, for the reasons discussed above, unsuitable for freeholding, and that this proposal should be reviewed with the objective of developing a better solution for the sustainable future of the land and its natural resources.***
- ***Many of the recommendations made in the 2006 "Report on information gathering" are likely to fulfil this objective and should be reviewed in this context.***

2.3.1 Protective Mechanisms (Mt St Cuthbert):

Conservation covenant under Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 over approximately 1,160ha, shown as CC1, to protect tussock grasslands, shrublands and associated vegetation

Continuation of an Open Space Covenant pursuant to section 22 Queen Elizabeth the Second National Trust Act 1977 over approximately 865ha to protect high altitude tussock grassland and associated vegetation

We understand that the stated purpose of the Conservation Covenant is to "preserve the Values" listed in Schedule 1, pertaining to CC1 - St Cuthbert Range. Those values constitute a very impressive list which includes 10 threatened plant species and many rare or notable plants. It also includes diverse vegetation communities over a significant altitudinal range that are highly representative of the original vegetation including higher altitude tall tussockland (slim snow tussock), shrubland, scrub, rockland and wetlands. Parts of the area represent lands classed as "critically endangered" land environments which support indigenous vegetation. The area also supports threatened birds (eg NZ falcon), and insects; also breeding or feeding sites for good populations of indigenous bird, lizard and invertebrate species. The area makes a significant contribution to the natural quality and integrity of the Canterbury high country landscape and the wider South Island high country landscape with the intactness and naturalness of the indigenous vegetation over most of this area contributing to its high inherent values. Landscape features which are important and contribute to the high inherent landscape value include the craggy upper catchment of the Old Man Creek and the upland plateau of Mt St Cuthbert. Because of its prominent location, large parts of the area, with scenic and aesthetic values are clearly visible from public viewpoints in the Waitaki basin, Lake Benmore and the tourist highway between Christchurch and Queenstown. .

The Conservation Resources Report (CRR) on Omarama Station identifies four Landscape Units (LU1, LU2, LU3 and LU5) which collectively cover most of the proposed area (2,025ha) for protection on the Mt St Cuthbert massif, consisting of CC1 (1,160ha) together with a further 865ha in the existing QEII covenant. The report is comprehensive and convincing about the significance of the inherent natural values within the area of CC1.
About **LU1** it states: *"The upper section of Old Man Creek conveys high inherent landscape values attributable to the extensive rock outcrops and uniform tall tussockland typical of the high country".*
The Report continues about **LU2**: *"Long steep, gullies penetrate into the flanks of the St Cuthbert Range. The bowl-like head basins of these gullies feature long stable screes, debris chutes, vertical rock outcrops and high altitude shrublands. The head basins and upper slopes have significant inherent landscape values due to their overall sense of naturalness and the distinctive pattern of scree slides, rock outcrops and tussockland communities. This unit has high visual resource values principally due to its visibility from the Omarama-Otematata Road, which is an increasingly important tourist route."*
About **LU3** the Report states: *"This unit includes the summit of Mt St Cuthbert, which features distinctive boulder fields that radiate out from the summit. The unit significant inherent landscape values attributable to the simplicity of the tussockland over a subtle landform. In aesthetic terms the unit conveys a strong sense of coherence due to the fine texture and near monochromatic tonal range of the tussockland."*

LU5 is described as follows: *"This landscape unit includes the upper and mid sections of the Glen Creek catchment on the south side of Mt St Cuthbert. The catchment is typically a deep V-shaped valley that incorporates long scree slides that descend from Mt St Cuthbert. Patches of shrubland often surround the talus slides. A notable feature is the scattering of snow totara on the lower scree faces."*

The CRR also describes the vegetative communities, the distribution of important plant species and their significant inherent values. These deserve the highest level of protection that can be provided through tenure review, viz. return to full Crown ownership and control to be managed for conservation purposes.

A study of the topographic map together with the values maps in the CRR reveals that there is much overlap of areas with recognized landscape values (~1500ha), botanical values (~2,500ha) and bird and lizard values (almost 3,000ha) on the Mt St Cuthbert general upland area. The summation of these values over a common 1,500ha area reinforces the value of each individual entity. In other words the value of the whole is greater than the sum of its individual parts. These values therefore demand that absolute protection should be provided for all the natural values of the Mt St Cuthbert massif.

This review of the tenure of the Omarama pastoral lease carries an important responsibility to ensure that all these important natural values are adequately protected now and into the future.

FMC is not convinced that the risks associated with protection under covenant are adequately managed, nor is it convinced that the protection of these important natural values can be guaranteed into the future. While they may be safe under the stewardship of the current land owner, there is no assurance that the natural resources will not be neglected or abused by some irresponsible future land owner. Some mechanism is required to guard against such abuse. We believe that a long term plan is required to lay out what strategic approaches, or penalties could be introduced to ensure that the natural and farm resources will be protected long after the present land ownership has changed hands.

With the impressive array of significant inherent values described above and in the CRR, it is incomprehensible how the Proposal can conclude that:-*"This area was considered for restoration to Crown control, but a combination of the success of the existing covenant and the opportunity to manage the values with some ongoing grazing suggested the covenants as the appropriate protection."* This conclusion flies in the face of the clear preference expressed in the CPL Act S.24(b)(ii) for protection by return to full Crown ownership and control.

As an alternative to the proposed Conservation Covenant, FMC recommends that all that land above about 1,100m should be returned to full Crown ownership and control to be managed for conservation purposes, including recreation. A Sustainable Management Covenant (CPL Act S.97) should be established over that part of the Mt St Cuthbert general area within the proposed area of CC1 and lying below about 1,100m. As well as providing an opportunity to define conditions for the management of the area, an SMC should include a penalty clause which could invoke forfeiture of the land to the Crown in the event of abuse or neglect of its natural resources by any future irresponsible land owner.

We note that in the Omarama Station Vegetation Report (2005), Davis recommended that the Cuthbert Range should be retained in full Crown ownership and control. That Report gives ample justification for this recommendation.

FMC SUBMISSION

- ***FMC believes that the proposed covenant area CC1 contains such an impressive array of significant natural values that protection under covenant is inappropriate.***

- ***FMC is strongly opposed to the proposal that a conservation covenant should be designated over 1,160ha on the general area of Mt St Cuthbert.***
- ***FMC is also opposed to the continuation of the existing QEII covenant over higher ground on Mt St Cuthbert***
- ***Instead FMC recommends that those parts of Mt St Cuthbert above about 1,100m should be returned to full Crown ownership and control to be managed for conservation purposes.***
- ***FMC further submits that a Sustainable Management Covenant should be established over the lower part of the proposed CC1 below about 1,100m. That covenant should include a penalty clause to guard against abuse of the natural resources by any future irresponsible land owner.***
- ***Many of the recommendations made in the 2006 "Report on information gathering" are likely to fulfil this objective and should be reviewed in this context.***

2.3.2 Protective Mechanisms (Ewe Range):

Conservation covenant under Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 over approximately 1425ha (shown as CC2) to protect tussock grasslands, shrublands and associated vegetation

Continuation of an Open Space Covenant pursuant to section 22 Queen Elizabeth the Second National Trust Act 1977 over approximately 420ha to protect high altitude tussock grassland and associated vegetation.

We understand that the stated purpose of the Conservation Covenant is to "preserve the Values" listed in Schedule 1, pertaining to CC2 – Ewe Range Those values constitute a very impressive list which includes 7 threatened plant species. It also supports diverse vegetation communities over a significant altitudinal range that are highly representative of the original vegetation including higher altitude tall tussockland (slim snow tussock), shrubland, scrub, rockland and cushionfield and includes vegetation on unusual hummocky topography that is not found elsewhere in the district. Parts of the area are classified as "critically endangered" land environment which supports indigenous vegetation. The area also supports threatened birds (eg NZ falcon), skinks and insects; also breeding or feeding sites for good populations of indigenous lizard and invertebrate species. The area makes a significant contribution to the natural quality and integrity of the Canterbury high country landscape and especially to the Waitaki Basin landscape with the naturalness of the indigenous vegetation over most parts of this area contributing to its high inherent landscape values. The area contains some important landscape features including the gorged upper reaches of Cattle Creek, the upland plateau of Baldy Knob and the northern Ewe Range with parts of the area visible from the Waitaki Basin. The area forms an integral part of the scenic and aesthetic values of the wider landscape of the Ewe Range – Hawkdun Range landscape. This is noteworthy in view of the possibility of future addition to the Oteake Conservation Park

The significant inherent values identified by Davis in the Omarama Station Vegetation Report (2005) should be included here in the assessment of the natural value of the Ewe range part of Omarama Station.

The CRR on Omarama Station identifies Landscape Unit 6 as covering most of the back country on the Ewe Range (1,845ha) comprising CC2 on the Ewe Range (1,425ha) together with a further 420ha in the existing QEII covenant. The report is comprehensive and convincing about the significance of the inherent natural values within these areas.

Landscape unit (**LU6**) incorporates all of the backcountry part of the property on the Ewe Range. The upper shoulders of the slopes that drop down to the Cattle Creek and Glen Creek valleys define the lower boundary of the unit. The watershed between these two creeks is a narrow

ridge that links the St Cuthbert and Ewe Ranges. The dominant landform is the undulating upland plateau that features rounded hills, such as Baldy Knob, separated by irregular concave depressions. Etched deep into the plateau are several symmetrical gullies that drain to Cattle Creek and contain large rock bluffs and patches of scree. The main central gully features a spectacular 19-metre waterfall. There is another (15m) waterfall in another tributory within the catchment. The vegetation is unvarying, with low-stature snow tussock on the upper and mid sections of the plateau and more sparse tussock cover below approximately 1,000 m. A large proportion of this unit conveys significant inherent landscape values due to the intactness of the tall tussockland and the subdued topography which, with tussocklands on adjoining properties, creates an apparently unending tract of tall tussockland. The upper part of the unit still retains high naturalness values. The subdued nature of the topography and its distance from vantage points helps to reinforce the unit's sense of remoteness.

In summary, Omarama Pastoral Lease makes a significant contribution to the eastern South Island high country landscape, principally due to its extensive tussocklands and range of landforms. Landforms include steep rocky gullies, steep dip slopes and upland plateaux. The quality of the tussockland varies, but naturalness values are uniformly high over large parts of the property. The arrangement of landscape elements, the scale of the landscape, texture and colour, level of diversity and the degree of visual amenity all combine to create a memorable landscape. Particularly significant parts of the property are the southern upland plateau (LU 6) and the summit plateau and upper slopes of the St Cuthbert Range (LU3 and parts of LU1, LU2 and LU5).

A study of the topographic map together with the values maps in the CRR reveals that there is much overlap of areas with recognized landscape values (~1500ha), botanical values (~2,000ha) and bird and lizard values (~2,000ha) on the northern end of the Ewe Range. The value of the whole is greater than the sum of its parts. So the summation of these values over a common 1,500ha area reinforces the value of each individual entity and demands that adequate protection be afforded to all the natural values of the proposed CC2 area on the northern end of the Ewe Range.

This review of the Omarama Station pastoral lease carries an important responsibility to ensure that all these significant natural values are adequately protected now and into the future. Unfortunately we do not share the Lessee's optimism that the present good condition of the natural resources on Omarama Station will necessarily inspire future land owners to continue with their careful husbandry of resources. We believe that it is necessary to guard against abuse of the property by any unscrupulous future land owner.

FMC is not convinced that the risks associated with protection under covenant are adequately managed, nor is it convinced that the protection of these important natural values can be guaranteed into the future. While they may be safe under the stewardship of the current land owner, there is no assurance that the natural resources will not be neglected or abused by some irresponsible future land owner. Some mechanism is required to guard against such abuse. We believe that a long term plan is required to lay out what strategic approaches, or penalties could be introduced to ensure that both the natural and farm resources will be protected long after the present land ownership has changed hands.

Instead FMC recommends that the whole area of the proposed covenant area CC2, together with the existing QEII covenant area should be returned to full Crown ownership and control, to be managed for conservation and recreation purposes.

The PP for Omarama Station states that *"restoration to Crown control was considered, but a combination of the success of the existing covenant and the opportunity to manage the values with some ongoing grazing suggested the covenants as the appropriate protection"*. With the impressive array of significant inherent values described above and in the CRR, it is incomprehensible how the proposal can reach such a conclusion which flies in the face of the clear preference expressed in the CPL Act S.24(b)(ii) for protection by return to full Crown ownership and control.

In fact, where there is such an impressive list of values LINZ and the Commissioner of Crown Lands have a burden of responsibility to provide the best level of protection of all the values identified in the CRR through the tenure review process.

In order to discharge this responsibility, FMC recommends that the existing QEII covenant be subsumed into a wider new Conservation Area (which might be designated CA2) over the area proposed for protection by the covenant CC2.

We note that in the Omarama Station Vegetation Report (2005), Davis recommended that the Ewe Range should be retained in full Crown ownership and control. The Report gives ample justification for this recommendation.

In the fullness of time it is to be hoped that this area will be added to the Oteake Conservation Park so that all its natural and landscape values, and recreational opportunities can be freely enjoyed by the general public.

FMC SUBMISSION

- ***An impressive list of significant inherent values has been identified in the conservation Resources Report on the Omarama Station pastoral lease. These have also been listed in the Schedule attached to the Deed of Covenant, whose purpose is to protect those values.***
- ***LINZ and the Commissioner of Crown Lands have a burden of responsibility to provide the best level of protection of all the values identified in the CRR through the tenure review process.***
- ***However, the preference stated in the CPL Act for SIVs to be protected by return to full Crown ownership and control, has not been implemented.***
- ***FMC recommends that the existing QEII covenant should be subsumed into a wider new Conservation Area (which might be designated CA2) over the area proposed for protection by the covenant CC2.***
- ***Many of the recommendations made in the 2006 "Report on information gathering" were much more appropriate than any covenant for the adequate protection of the significant inherent values on the Ewe Range. We therefore recommend that the earlier Information Gathering Report (2006) should be revisited with a view to implementing its proposals.***

2.3.3 Protective Mechanism:

Pursuant to Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 and identified as CC3

We presume this should read "Conservation covenant under Sections 40(1)(b), 40(2)(a) and 40(2)(b) Crown Pastoral Land Act 1998 over approximately 25ha and identified as CC3 to protect shrubland on a rocky outcrop."

We understand that this small area is characterized by shrubland on a rocky hillside adjacent to the valley floor of Cattle Creek. We also understand that the covenant is designed to preclude the deliberate destruction of the shrubland vegetation

FMC SUBMISSION

- ***FMC is not opposed to this proposal.***

2.3.4 Qualified Designation:

Being a public and conservation management access easement pursuant to Section 36(3)(b) Crown Pastoral Land Act 1998 and shown as a dashed orange line on the plan.

We understand that there are three main public access routes included in this proposal. These are shown on the map as "h-f" over Mt St Cuthbert, "a-b-c" up from Broken Hut Road ,with a short side branch "b-d" to the crest of the Ewe Range and the Oteake Conservation Park, and "e-f-g" up from Glen Creek to the Scenic Reserve SR1.

FMC is pleased to note that a choice of recreational routes are proposed for walkers and mountain bike enthusiasts, but we are concerned about the length and arduous nature of some of the climbs involved: we will discuss each of these three routes in turn.

The route "h-f" covers approximately 10km, and climbs approximately 1,000m (from 500m to 1500m) from the valley floor on the Otematata Road to the summit of Mt St Cuthbert, which is the obvious destination that most recreational visitors would be seeking. The section from the valley floor to the point where this route joins the main farm track is particularly steep and arduous and would be unsuitable for all except the young and fit people seeking challenge and adventure. Unfortunately older and less fit people would be discriminated against unless an easier route to Mt St Cuthbert can be provided. Although shorter, the route "e-f" and thence to Mt St Cuthbert is also steep and difficult where it climbs to the edge of the QEII covenant area. This would be a climb of about 550m (from 750m to 1,300m) over a distance of less that 2km, or an average gradient greater than 1 in 4, and again too hard for many people.

We realize that any new route would need to avoid the homestead area, but it may be possible to find a route across the paddocks to the point where the main farm track starts to climb the hill (map reference 685.293). Such a route would still be long, also about 10km, but feasible for many more people as it would be either on the valley floor, or following the farm track. We note that an existing track is marked on the map starting from the Broken Hut Road at map reference 674.300. We note that public walking use of the farm track from the foot of the hill to the summit of Mt St Cuthbert had been proposed in the 2006 Information Gathering Report.

Although relatively long (approximately 15km) the route "a-b-d" from Broken Hut Road to the Ewe Range, and the Oteake Conservation Park is likely to be suitable for, and used by trampers of average ability.

The route to Baldy Knob and the Downs ("a-b-c") would offer options for round trips in that area if the area is returned to full Crown ownership. Both these outcomes would be welcomed by FMC.

If the watershed between Cattle Creek and Glen Creek which runs across the saddle at about 1,000m asl is not included in land returned to the Crown, then a walking route from Mt St Cuthbert to point "b" on the edge of CC2 would open up opportunities for long distance treks to the Oteake Conservation Park It is recommended that an easement for walking access from Mt St Cuthbert to Point "b" should be established. Again we note that an easement across this route had been proposed in the 2006 Report.

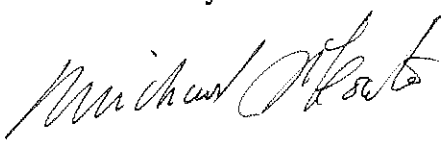
FMC SUBMISSION

- ***FMC is pleased to note that a choice of recreational routes are proposed on Omarama Station, two of which lead to Mt St Cuthbert, and one leads to the Ewe Range and the Oteake Conservation Park. One of these - "h-f" is long and arduous and is intended for walkers only.***

- ***We are however, disappointed that this route is so demanding that it is only likely to be used by young, fit trampers seeking challenge and adventure. Older, less fit people seeking more passive forms of recreation would be discriminated against. FMC does not believe that the other route "e-f" is any more suitable for average walkers, although it is shorter. FMC recommends that negotiations should be reopened to seek a route across the paddocks from Broken Hut Road to the foot of the main farm track leading to Mt St Cuthbert: this route would of course need to avoid the homestead area. We note that the map accompanying the 2006 Report on Information Gathering showed such a route.***
- ***The other proposed routes are for both walkers and mountain bike users, and appear suitable for reasonably fit people and are supported by FMC.***
- ***If the watershed between Cattle Creek and Glen Creek is not returned to the Crown then we recommend that an easement across this saddle should be established for walkers from Mt St Cuthbert to Point "b" on the edge of CC2, as had been indicated on the map accompanying the 2006 Report on Information Gathering.***

Finally, FMC is grateful to the holder of Omarama Station pastoral lease for granting permission for this inspection, and spending a whole day of his valuable time showing us around a large part of of Omarama Station. It was just a pity that we were unable so see more. It was also helpful to have the LINZ Agent from Darroch Ltd., Alexandra present on that inspection. We are also grateful to both Darroch Ltd. and the Commissioner for Crown Lands for this opportunity to make submissions on the Preliminary Proposal for the tenure review of Omarama Station.

Yours faithfully



pp Josie Broadbent
Hon. Secretary, Federated Mountain Clubs of NZ, Inc.

Submission 17

MJ & JM Sole
1936 Omakau - Chatto Creek Road
RD 3
ALEXANDRA 9393

20 February, 2013

The Commissioner of Crown Lands,
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Crown Property and Investment,
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Christchurch 8140
pastoral&tenurereview@linz.govt.nz

Dear Sir or Madam:

Submission To: Omarama Station Tenure Review Preliminary Proposal

I Matthew Sole am self employed engaged in statutory land management contract work and archaeological assessment 2008 to the present. Previously employed for MAF as an agricultural field officer 1982 – 1996. Employed by DoC as a programme manager in Recreation and Heritage and subsequently Community Relations involving RMA and Statutory Land Management, 1996 – 2006. Prior to private contracting I was engaged on contract with Central Otago District Council 2006 -2008 to complete feasibility studies on Cycling and Walking trails for Roxburgh to Lawrence and Alexandra via Roxburgh Gorge to Roxburgh, and drafting a Central Otago Outdoor Recreation Strategy.

In a voluntary capacity my partner and I are actively involved in weed control (wilding pine & brier) and plant restoration projects via the Lindis Conservation Group and Forest and Bird operating around Lindis, Ohau and Lake Pukaki.

We strongly oppose the preliminary proposal as it fails to securely protect extensive areas which have significant inherent values and seek that it be met by allocating CC1, CC2 and the areas subject to the Queen Elizabeth II National Trust covenants to the public conservation estate.

While residents of Central Otago we are originally from Canterbury, where most of our wider family still reside. As a family we are active in the outdoors, being a third generation raised with a deep attachment to and appreciation of the outdoors. We have raised our own children in a similar vain and they are in turn exposing their own children to joys and challenges of wider outdoor high country experiences.

These experiences through the generations have involved camping, tramping, fishing, hunting mixed with landscape photography, botanising, amateur ecology and geology, and heritage appreciation. These outdoor encounters have developed our individual resilience and self-reliance. Repeated and on going exposure to nature and its elements requires understanding of risk and development of risk management.

These events and knowledge have lead to a great love and appreciation of the wider open more remote outdoors and with it a greater understanding of needs for on going conservation custodianship for our future generations so they too can be exposed to the learning and growth that can be gained from engaging with nature in its more natural and raw state.

With this growing understanding comes appreciation of the complexity and increasing threatened state of these high country systems which has resulted in active engagement in protecting them from the surrounding threats of modern extractive land uses. Such as over extraction from life sustaining water ways and wetlands; toxic and contaminated nutrient inflows at multiple levels; weed and pest incursions resulting in ever increasing compromise to existing natural ecological systems; growing rates of flora and fauna extinctions; sweeping large scale monoculture land use conversions resulting in destruction of highly sensitive and fragile landscapes and ecological systems. Monitoring of benchmarks in water quality, biodiversity loss, weed incursion, soil quality are all trending negatively. Existing planning, education, rules and enforcement are not even stemming the negative trends let alone stabilising the damage and destruction to ecological systems, we are only beginning to understand. As custodians for future generations it is our duty to understand and conservation our environment and pass it on in the same or better state than when we received it.

Specific to Omarama Station while I recognise the present conservative pastoral regime currently being implemented, this is still based on an economic model requiring a return from the pastoral farming operation. This system will compromise conservation outcomes and potentially threaten conservation values if pastoral farming management changes away from its current conservative regime. For this reason at minimum the **that the Act's objects can only be met by allocating CC1, CC2 and the areas subject to the Queen Elizabeth II National Trust covenants to the public conservation estate**.

Overview

The Omarama Pastoral Lease occupies the northern end of the Cuthbert Range and the Ewe Range immediately to the south of the township of Omarama and currently form part of the distinctive natural landscape features that make the MacKenzie what it is in its most natural form. The central McKenzie Basin is now clearly under real and permanent threat as has been so graphically realised by consequent land tenure and or land husbandry changes that have occurred in the southern end of the MacKenzie Basin between Twizel and Omarama. This has come at significant loss and destruction of landscape, biodiversity and ecological systems and to a lesser but still significant degree geological land form.

The distinctive landscape collaboration of the Basin is fundamentally defined by the presence of the vast uninterrupted expanses of moraine and outwash forms under a predominantly indigenous cover and in today's terms a landscape with a high level of apparent naturalness. Something we highly value and return to time and time again because of its near untouched state and enduring ability to captivate.

The vast treeless expanses of plain and alluvial terraces under a homogenous tawny, golds through to greys textured cover, back dropped by distant mountain ranges, imparts a sense of vast scale and exceptional openness and spaciousness, an impressive visual simplicity and high levels of coherence and legibility. Combined with the clean clear air and dawn and dusk light interplays with the landforms makes this a unique experiential occurrence. The defining factor in making the Basin so memorable and alluring.

The Omarama Station has highly significant ecological values under the LENZ threat classfication. The area is almost entirely comprised of "At Risk Land Environments", ranging from critically under protect to under protected.

Specifically we support and or make the following points. They are drawn from our own observations and experiences or adopted from other sources that we wish to endorse. We acknowledge and thank Forest and Bird and members and other like minded people for their efforts and input.

Omarama Station -

- We oppose the proposed use of conservation covenants as these are weak and favour pastoral farming as opposed to protecting significant natural values as intended under the purposes of the Act.
- We ask that CC1, CC2 and the areas subject to the Queen Elizabeth II National Trust covenants to be public conservation areas and returned to full Crown ownership and control for its significant inherent values as described in the CRR:
- We seek an improved public access route to Mt Saint Cuthbertson. The current routes are difficult and like others will deter many, it is disappointing to see another cynical example of public access which, while technically possible, is in practice aligned to deter use of public conservation land.

Thankyou for the opportunity to submit and for considering our submission.

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Yours sincerely,

Matthew

Submission 18

Submission Omarama Tenure Review

Submitter: Mackenzie Guardians Inc.

Address: The Secretary
20 Lower High St
RD Coalgate 7643

Mackenzie Guardians Inc. is a group that represents people from around New Zealand who have a special interest in the Mackenzie and Omarama area, and who wish to see the high natural values of the area protected and restored.

Mackenzie Guardians Inc are concerned about the use of QE 2 Covenants and Conservation Covenants over such extensive, and high altitude areas of Omarama Station. The Society believes that covenants are only suitable for smaller blocks of land with significant inherent values (SIVs).

Mackenzie Guardians supports the position that Crown ownership under DoC control remains the best solution to protect the area's natural and naturalistic values long term for future generations of New Zealanders. Higher altitude land should be retained by the crown as public conservation land.

Yours sincerely
Rosalie Snoyink
for Mackenzie Guardians

Submission 19

High Country Landscape Group
c/o Anne Steven
P O Box 576
WANAKA

15 October 2012

The Commissioner of Crown Lands
Land Information New Zealand
Crown Property and Investment
CBRE House, 112 Tuam St
Private Bag 4721
CHRISTCHURCH 8140

Dear Sir

Preliminary Proposal for Tenure Review – Omarama Station Pastoral Lease Po 369

Thank you for sending us the Preliminary Proposal for Tenure Review of Omarama Station Pastoral Lease under the Crown Pastoral Land Act 1998, dated August 2012.

On behalf of the High Country Landscape Group of the NZ Institute of Landscape Architects, I enclose a submission on the preliminary proposal.

Yours sincerely

Anne Steven
Registered Landscape Architect
High Country Landscape Group

Submission of the High Country Landscape Group

on the Preliminary Proposal for Tenure Review, Omarama Station Pastoral Lease

October 2012

The High Country Landscape Group

The High Country Landscape Group is a group of landscape architects who have a particular professional interest and breadth of experience in landscape assessment and management of the South Island high country, and especially the Mackenzie Basin. All members are experienced (20 years plus) and registered members of the NZ Institute of Landscape Architects.

The Group's objective is to advocate for and promote the use and management of high country land in a way that recognises, protects and enhances significant landscape values of the South Island high country. This includes biophysical values such as its distinctive landform and landforming processes; its special indigenous flora and fauna, habitats and ecosystems; and the perceived distinctive landscape character, associative, recreational, heritage and visual values.

One member of the group, Anne Steven, visited the property on September 19 2012 in the company of the lessee, Richard Subtil, and the LINZ contracted agent Ken Taylor. Also in the field trip group were members of Forest and Bird, FMC and Otago Conservation Board. An inspection was made of the side slopes and summit area of the Cuthbert Range, Cattle Creek valley and the lower to mid slopes of the Ewe Range, and the proposed Omarama Stream wetland restoration area. It was a fine day and we were able to see the majority of the property.

All members of the HCLG are generally familiar with the landscape of Omarama station and its context, with at least four members having carried out landscape assessments of varying scales within the area.

Scope of the Submission

Our submission relates to the proposal to freehold all of the Cuthbert Range and that part of the Ewe Range within the property, with reliance on two existing QEII Open Space Covenants and Reserves Act covenants to protect the significant inherent values associated with these areas, as presented in the Summary of Preliminary Proposal document dated August 2012.

In our submission, we refer to the Crown Pastoral Land Act 1998 (CPLA) which sets out the Objects of tenure review in Part 2. These are appended for reference (Appendix 1).

Summary of Submission

We submit that the QEII Open Space Covenants are an inappropriate mechanism to use to protect significant inherent values on the Cuthbert and Ewe Ranges; and that this proposal is inconsistent with the Objects of Part 2 of the Crown Pastoral Land Act 1998.

Restoration of the land to full Crown ownership and control as a public conservation area best promotes management of the land in a way that is ecologically sustainable, and best protects the

significant inherent values. Public access is secure under public conservation area status and the public enjoyment of the land is best provided for.

We submit that the Conservation Covenants are also inappropriate mechanisms for large areas of land with multiple significant inherent values, where on-going pastoral use would be likely to compromise those values and limit public access and enjoyment. We submit that parts of these areas be restored to full Crown ownership and control to ensure the best protection of the SIVs and allow for public access to and enjoyment of them.

Our overall submission is that the original proposal for full Crown ownership and control, as shown on the May 6 2005 map (attached), is more consistent with the Objects of Part 2 s24 of the CPLA and should be restored as the basis for the proposal for tenure review for Omarama Station.

REASONS FOR SUBMISSION

1 Presence of Significant Inherent Values (SIVs)

The SIVs of the Cuthbert and Ewe Ranges are described in detail in the Conservation Resources report and background survey reports, and in the preliminary proposal. We accept that the values are well recognised.

We reiterate that there are extensive multiple SIVs over these areas, pertaining to landscape and visual values, botanical, birdlife, insects and lizards (including several threatened and at risk species), and potential public recreational values such as tramping, scenic appreciation, mountain biking, studying flora and fauna, photography, and hunting.

We note that these areas are part of a particularly important area in a biogeographical sense being in the transition between Canterbury greywacke mountain-building processes and Otago schist processes, landforms and associated ecologies. A number of species are at their distributional limits here. We also note that full altitudinal sequences are important for species distribution.

Protection and enhancement of the natural ecological processes occurring within these systems enables species to adapt and persist in changing environments, which in turn supports the diversity of indigenous life and distinctive landscapes that define New Zealand.

A combined values map derived from the survey reports to the DOC is attached demonstrating the breadth and depth of SIVs over the ranges (Appendix 2).

We note that the opinion of the botanical values consultant was that removal of grazing and associated pastoral practices would improve the long term viability and condition of the plant communities on the Cuthbert and Ewe ranges. In particular, it was stated that it was important stock do not access the degraded upper southeast catchment of Cattle Creek to allow it to gradually improve. The 2005 report also recorded observations that grazing was causing localised die back of the slim snow tussock and conversion to alpine cushion plant communities on the Ewe Range, had caused considerable degradation of the narrow leafed snow tussock communities, and had resulted in observable damage to fragile alpine bog and wetland systems on the Ewe Range. The fauna report included the observation that numbers and diversity of lizard species declined with increasing

intensity of grazing, i.e. the more modified lower altitude areas had fewer lizards. The invertebrates report concluded that grazing pressure and habitat modification through weeds are clearly significant as threats to the rich range and health of habitats that naturally occur over these ranges.

2 Recommendations of Consultants on Protection of Values

The bulk of the Cuthbert and Ewe ranges were consistently recommended for protection through full Crown ownership and control by almost all the consultants engaged by the Department of Conservation to survey and report on the values and provide recommendations (see Appendix 3)[1]. The Department's position was, at least until late in 2011[2], that full Crown ownership and control of these areas was the most appropriate outcome in keeping with the Objects of the CPLA.

There is no doubt that full crown ownership and control of the areas with multiple SIVs is the consensus of expert opinion, upon which the DOC made its recommendations to LINZ.

It is noted that the LINZ agent considered there was a strong case for Crown ownership of the Ewe Range given that it was neither small nor discrete (the policy/criteria for use of covenants) and that the Cuthbert Range area whilst more discrete was not small; and that the preference was for Crown ownership and control under the CPLA[3].

It is also noted that the LINZ agent, Ken Taylor, stated that "under the review it is proposed that land capable of economic use and not containing specific significant inherent values will be made available for freehold title"[4] (our underline).

3 Appropriateness of QEII Open Space Covenant 2001 as a Protective Mechanism

3.1 Provisions of the Existing Covenant (started 1997)

(i) Purpose

The stated purpose of the open space covenant as set out in the Management Statement 2001 is to protect/maintain/enhance the open space values; to protect the native flora and fauna with particular reference to the representativeness; to protect and maintain the landscape values in particular the distinctive mix of landforms, tussock grasslands and shrublands; and to use the land for pastoral farming in conformity with the preceding objectives while requiring change in management when monitoring proves it necessary.

We note that at p8 and at part 17.3 it is stated that the Trust believes the covenant areas provide the opportunity for scientific study of traditional resource use (i.e. pastoral farming) and a policy is to encourage such research (part 17.4). And at part 11.1, an objective of the covenant is to provide for continued use of the land for pastoral farming, as the Trust believes the farming regime on the land has contributed in a positive manner to the present diversity and good condition of the vegetation.

[1] Excluding the Aquatic Fauna consultant, as no significant fish species were present in the main range areas
[2] Part 4 4.1 and 4.2 TR235 Omarama Station 8 5.1.5 Report and Recommendations for PP 29 11 2011
[3] Email communication between Ken Taylor and the Subtils 10 May 2007, recording discussion of a meeting about tenure review of Omarama PL.
[4] TR235 Omarama Station 8 3.3 Report 28 06 2006 part 4 p7

It notes the Cuthbert area carries 300-400 Merino ewes from mid January to mid February and again over early to mid April. This must only apply to part of the QEII area however as it is actually part of 8 different blocks; and the blocks all around the summit block (called Glen Creek, which is where the summer ewe grazing takes place) would all have different grazing regimes.

The Ewe Range carries 300-400 ewes over March. This effectively applies to the whole 1850ha The Downs block which is much larger than the actual QEII area (only 420ha at the top).

The Management Statement acknowledges the areas are largely comprised of unimproved tussock grassland (i.e., no fertiliser application is made to compensate for nutrients loss in meat and wool).

(ii) Recognition of Values

The description of values and the extent of the QEII area are largely based on the Protected Natural Areas survey (1980s) and description of RAP 3 Benmore and RAP 1 Hawkdun. Consequently it is not as comprehensive as the more recent descriptions and assessments now available and does not cover the full extent of the areas of SIVs. For example, there is no recognition of the threatened *Leonehebe cupressoides* populations in Old Man Creek headwaters amongst remnants original woodland, the most dense and diverse shrublands on the property; or the extensive bird and lizard-rich shrublands and rock areas around the range faces. In fact, further appraisal and detailed assessment of flora and fauna is recommended. This has not been undertaken to our knowledge.

It states there is very little demand for tramping access. No reason is given for this but given the establishment of Oteake Conservation park and a growing interest both domestic and tourist in easily accessible mountain areas there is likely to be greater demand now.

(iii) Conditions of Use

The covenant provides specifically for on-going pastoral use. Annual stocking rates shall be determined having regard to the ability of the ecosystems to sustain the grazing regime. Particular care will be taken to ensure stocking rates and grazing regimes do not have <u>any</u> adverse impact on the covenant area (our underline). Stock types will be chosen for the compatibility with the sensitive environment.

No specific limits have been set however for stocking number, type, duration and time of year.

There is to be no tree planting on or near the covenant area. There will be no oversowing, topdressing or burning within the covenant area except with the formal consent of the Trust “for management purposes”. It is our understanding there is no consent for application of fertiliser.

No fencing of the area is proposed unless monitoring indicates it is necessary to achieve the objectives.

All weeds, plants and pest animals will be progressively controlled or eradicated, where practicable.

No earthworks are permitted or removal of rock.

It also requires that no action shall be taken or thing done which will in any way cause deterioration in the natural flow, supply, quantity or quality of any river, stream, lake, pond, marsh or any other water resource affecting the land, without the prior consent of the board.

The public shall have access to the covenant area with the prior permission of the leaseholder. Controls may be imposed on access to ensure protection of the values in periods of high fire risk.

Regarding structures, the holder is to consult with the Trust on any proposal and only structures necessary for the management of the area will be erected.

A monitoring process relating to the aims of the covenant will be established and implemented with monitoring being undertaken by the Trust and the landholder in consultation with other appropriate expertise. Part 17.3 states that the covenant areas provide unlimited opportunities for research on the flora and fauna of the district and benchmark studies of ecological processes, traditional resource use and sustainable management. Policy 17.4 (ii) is to encourage scientific research to provide further information on the natural and physical resources of the covenant areas and their sustainable management.

(ii) success of covenant to date

The often repeated statement in the proposal document and file notes is that the covenant has been "successful". However no information on baseline surveys or on any subsequent monitoring has been provided or is evident in the proposal for tenure review.

3.1 Discussion of QEII Covenant as an Appropriate Protection Mechanism

(i) Purpose

In a broad sense, the QEII Act 1977 s20 does not list indigenous biodiversity or ecological values as values to be managed in "open space", ie, it is not a function of the QEII Trust bound by statute although it can choose to manage such values.

The purposes of the Open Space covenant are focused on protecting the broader value of "open space" and "natural character" and general ecological values including representativeness, rather than protecting and enhancing specific biodiversity, threatened species and on promoting intact ecological processes and overall ecological sustainability. There is a greater focus on maintaining the status quo rather than aiming at a higher level of ecological intactness :

"*It is noted that the overall vegetation cover has been sustained on this block through current management practices under the existing covenant and it is therefore proposed that grazing continue in a controlled manner so long as it remains compatible with the protection of SIVs*."

In the context of the history of burning and overgrazing it is very likely the current tall tussock communities are much improved in comparison, but from the field inspection, apart from the relatively healthy summit *C.macra* community, much of the tall tussockland on the Glen Creek block is still in a degraded to very degraded condition especially on the sunny aspects, and has a long way to go before it recovers ecological intactness.

One key purpose of the covenant is to permit on-going grazing and to use the areas to experiment on with respect to on-going pastoral use. Given the consistent conclusion of the experts who assessed the SIVs for this tenure review is that grazing is not compatible with the best protection and enhancement of species, habitats and natural ecological processes it is clear in our view that a QEII covenant would always accept a degree of compromise on protection and enhancement of values and promotion of ecological sustainability in order to maintain grazing.

The permission to graze is also fundamentally at odds with the condition that any grazing regime shall have no adverse impact. "Adverse" is not defined in the conditions. We suggest that it is very unlikely any grazing regime (except nil grazing) would have no adverse impact on higher altitude tall tussocklands from an ecological integrity and intactness persepctive, and therefore this condition is not possible to achieve.

It is our understanding on the advice of experienced tussock grassland experts such as Emeritus Professor Alan Mark of Otago University that it is not ecologically sustainable to graze high altitude tall tussocklands above 1000-1100m particularly *Chionochloa macra* (slim snow tussock)and especially without input of nutrients. Professor Mark's advice is that these ecosystems are fragile and highly vulnerable to aggressive management (ie, over grazing and/or topdressing and oversowing). We note that the Botanical Report for the Omarama tenure review included an observation that grazing had caused localised die back of slim snow tussock and general degradation of narrow leaved snow tussock especially on sunny aspects.

The land use capability of the land within the QEII covenant areas is largely Class VIIe land, which is highly vulnerable to erosion and regarded as severely limited for productive use, and past policy has been to retire such land from productive use.

These concerns are confirmed by the statement in the proposals document that:

"there may be concerns about ecological sustainability of grazing unimproved tall tussock grassland",

also:

"These communities are at some threat from continued grazing…" [referring to Old Man Creek shrublands and adjacent tall tussock communities (Analysis and Report on Information Gathering to LINZ June 2006)

and further:

"a significant portion of this area is at higher altitudes and therefore unlikely to provide a viable return on inputs to maintain fertility of these soils. While pastoral use may continue in a sustainable manner it may lead to on-going depletion of nutrient levels *[therefore must be unsustainable on this aspect*] and it is generally considered that the protection of this area for conservation purposes will best promote the management of the land in a manner that is ecologically sustainable"[5].

[5] Part 4.1 p7, TR235 Omarama Station 8.3.3 Report 28 06 2006

We note "the Crown initially sought the restoration of these areas to full Crown ownership and control. Full Crown ownership and control would have provided the utimate protection of the SIVs but did not meet wider objects which included the potential for further grazing." [6]

A review of scientific literature[7] around grazing of tall tussock shows it is not well suited to grazing, and continued grazing, even at low levels, results inevitably in on going degradation especially at lower altitudes, on sunny aspects and where stock congregate. Tall tussocks are very slow to recover from defoliation because they are not adapted to herbivory or frequent fires. The recovery seen since cessation of burning and more careful stocking is only partial recovery, and often does not yet include the diverse range of inter-tussock species that previously existed especially the more palatable ones. Many native species including tall tussock do not compete well with faster growing exotic pasture species and weeds where promoted by grazing and topdressing/raised soil fertility. Removal of grazing and topdressing on the other hand, generally results in increased tussock biomass, more tussock seedlings and greater survival of seedlings, and an increase in abundance and/or diversity of native species with gradual exclusion of exotic species.

The Objects of the CPLA only allow for on-going economic use if the management is ecologically sustainable and the SIVs are protected. It does not provide for on-going economic use where ecological sustainability is compromised and there is only partial protection of SIVs including the ecological processes that sustain them. Protection under the CPLA takes the meaning under the Conservation Act 1987 S2 and includes restoration to some former state and its augmentation, enhancement or expansion. The CPLA also does not have a "wider object" of providing potential for further grazing.

Application of fertiliser, which may be permitted under the QEII covenant for "management purposes" and to achieve the objects of the covenant which includes sustaining grazing and carrying out scientific research on "traditional resource use" (ie, extensive pastoralism), may make grazing more sustainable in one respect by promoting a denser healthier total vegetation cover and replenishing soil nutrients. However it would promote the growth of and spread of exotic species at the expense of less competitive native species, and promote more intensive grazing of favoured areas. Populations of indigenous species will continue to retract and eventually disappear from more areas. This does not protect the indigenous flora and fauna communities and the natural ecological processes and therefore does not promote ecological sustainability or protect SIVs.

We note however that topdressing does not appear to be contemplated for the QEII areas:

"It was agreed the covenant would not permit topdressing" (Ken Taylor, File Note recording discussion with lessee, 15/7/09)

We also point out the tension between on-going grazing and the associated damage to alpine wetland systems observed in 2005 on the Ewe Range, and the Agreement condition to avoid any deterioration in the quality of any water body, which includes wetlands. The decline in health of snow tussock cover generally including conversion to short tussock and exotic pasture grass or cushion/mat plants such as hieracium also affects water yield of headwater catchments.

[6] P18 Report and Recommendation to LINZ 29 November 2011

[7] A review of scientific papers was carried out by Sue Maturin of Forest and Bird, and made available to the writer. That review is appended to the Forest and Bird Southern Office submission.

In conclusion there is an obvious tension between protecting the SIVs and maintaining grazing values, and between the purposes and objects of the QEII covenant and the objects of the CPLA. The terms of reference regarding "success" and "no adverse impact" would always be within the purpose of the QEII covenant which includes on-going grazing and an inherent acceptance of compromised natural values, which is inconsistent with the Objects of the CPLA.

We are also aware that QEII covenants in the context of tenure review may be seen as a means to an end rather than a genuine desire to protect values in perpetuity:

"QEII Covenants are proposed for one particular property which is causing some concern for QEII because the establishment of covenants in the past has occurred between two willing parties but in Tenure Review, while the other party might be willing, it is a business transaction, so whether they are actually wedded to the intention of the Covenant or merely using it as a means to an end is a debate that is still to be had."[8]

(ii) Covenant Conditions

We concluded in the preceding section that the conditions of the QEII covenant would not promote ecological sustainability and would not protect the SIVs.

The conditions of a QEII covenant are not able to be influenced by the public, as they are set as a result of private negotiation between the landowner and the Board of the QEII Trust. Any changes to the conditions can also be made if the Board approves, and again there is no public involvement in this process and thus no public transparency and accountability.

We are concerned that the public values held by the Crown on behalf of the public of New Zealand through a pastoral lease are being made vulnerable by relegating their protection and management to private negotiations where there is a risk of land owner self-interest ultimately taking precedence.

The covenant conditions also allow it to be revoked if it "precludes reasonable use of the land and is not achieving the purpose of the Act" (Condition 14). This leaves the land and values vulnerable to "management" that might facilitate this condition being met. There is no ability for the public to influence this process.

(iii) Covenant Management

Whilst we respect the current lessee's view is that intensive and robust monitoring including DOC advice on the design and purpose of the programme is critical to the success of the covenant, with only one QEII field representative for the whole of the South Island High Country who visits covenanted areas at most once every two years, we question the ability of the Board to effectively manage these large complex multi-value covenant areas to a level that would achieve the same degree of protection of the SIVs as public conservation area under the management of the DOC (notwithstanding the different objectives and conditions of the covenant).

The DOC also has increasingly limited resources to carry out effective covenant management to assist the QEII Trust. This is known to be a concern of the DOC:

[8] Record of Discussion with Mike Clare of the DOC, Minutes of Aoraki Conservation Board Meeting 2 July 2010

"Covenants also take up a lot more staff time than public conservation land does because staff have to be proactive about checking them to see they are being maintained. There is no point realising two years later that what you were trying to protect is no longer there. The other thing that occurs is that when staff are busy covenants get put to one side and they tend to deal with day to day issues on public land.
Steve Lowndes asked Mike if the department administers the covenants. Mike Clare said if it is a Conservation Act or Reserves Act covenant the department administers it. The department does pick up quite a bit of work from QEII covenants because it doesn't want to see the values diminish. Theoretically QEII should be looking after them but they don't have the field staff to do it."[9]

The mechanism also relies heavily on landowners voluntarily committed and willing to do and pay for monitoring. We do not think this commitment and willingness will last where there is little or no economic return for the holder and in fact a considerable cost not just in monitoring but in management as well (e.g., pest plant and animal control).

In terms of monitoring, even the best monitoring programme can only ever be structured to reflect the purpose and function of the QEII covenant. As one purpose is continued grazing, with inherent acceptance of on-going modification and presence of exotic pasture species, and possibly fertiliser application to maintain soil nutrient levels for productive capacity, the monitoring results would always be interpreted and management adjusted against a lower "threshold" of intactness of indigenous plant communities and ecological processes.

(iv) Penalties

There are no provisions in the QEII Act dealing with enforcement or offences, as the covenants are voluntary usually on private land. There are no conditions in the 2001 Management Statement or the Open Space Covenant Instrument regarding penalties for breaching conditions. We understand that court action is a last resort, and that the level of penalty imposed by the court is typically not a significant disincentive.

"In Otago where offences have occurred on covenants and the department has taken the landowner to Court, the maximum fine has been a few hundred dollars."[10]

The mechanism is premised on committed and willing landowners and deals poorly with unwilling owners. Overgrazing of fragile high altitude tall tussocklands and wetlands can happen very quickly, is difficult to reverse, and full recovery takes a very long time if at all. Crown ownership as public conservation area would significantly avoid risk of mismanagement, and avoid any risk associated with pastoral use.

(v) Success of Covenant as Basis for Proposal as an Alternative Protection Mechanism

The sole reason for considering a QEII covenant as a valid alternative protection mechanism is the apparent success of the covenant, which we reiterate included the purpose of on going pastoral use:

"This area was considered for restoration to Crown control but a combination of the success of the existing covenant and the opportunity to manage the values with some on going grazing suggested the covenants as the appropriate protection." [11]

[9] Ibid.
[10] Ibid.

The implicit suggestion is that covenant monitoring has shown there has been recovery from a 1997 baseline, with improvements in tall tussock cover and health, in the diversity of indigenous species and in the natural functioning of ecological systems. However no information is given about base line (1997) condition and that explains how "success" has been measured, and against what criteria. A request to LINZ by Forest and Bird in October 2012 revealed that LINZ holds no information on any monitoring or other scientifically based evidence that the covenant has indeed been "successful" (Sue Maturin , pers. comm.).

In fact the proposal document states it is only tentative anecdotal evidence that the covenant has been successful:

"While there may be some concerns about the promotion of ecological sustainability under grazing on unimproved tussock grassland, anecdotal evidence tends to suggest that this is appropriate in this case."[12]

We consider this completely inadequate as the basis for supporting the QEII covenant as an alternative protective mechanism for the multiple SIVs on the Cuthbert and Ewe ranges.

Further it appears the only expert consultation about the success of the covenant has been with the QEII Trust regional representative Brian Molloy, who can only answer in terms of the purpose and objects of the Trust, which are somewhat at odds with the objects of the CPLA:

"LINZ did look closely at whether or not the existing covenants would provide the level of protection necessary for the SIV identified "worked closely with Dr Molloy" – (Ken Taylor Note on File 15/7/09)

Covenants "very successful" - quoting Brian Molloy – (Ken Taylor Note on File 5/12/08)

"The general consensus is that these covenants have been very successful in protecting the natural values of the site" (Consultation Notes with QEII Trust 26 09 2011)

There has been no peer review. The contention of "success" is also at odds with the consistent recommendations of the expert consultants to the DOC supporting its recommendation of full Crown ownership and control, that removal of grazing and associated pastoral practices is needed to protect the SIVs, namely to allow recovery of tall tussock and regeneration of shrublands, protection of diverse habitat and species, expansion of threatened species populations, and the promotion of intact ecological processes.

As previously noted, "success" in terms of the purpose and function of a QEII covenant is not the same as "success" in terms of the purpose and function of a conservation area. It is our view that the QEII covenant over the Cuthbert and Ewe range would not deliver the same level of potential indigenous ecosystem recovery that a public conservation area would, because the persistence of grazing is part of the purpose and measure of success of the covenant and inherently requires an acceptance of a level of compromise of natural values. In fact, as recorded in the survey reports, there is on-going degradation occurring with continued die back of slim snow tussock, relatively poor tall tussock cover on the Ewe Range (between 10 and 50%, compared to up to 80% on the Cuthbert Range), continuing conversion to short tussock, hieracium and exotic pasture grasses on overgrazed sunny aspects, and damage to wetlands as a result of on-going grazing. Grazing would favour the

[11] Report and Recommendation to LINZ 29 November 2011
[12] Part 3.3 of Preliminary Proposal August 2012

persistence and spread of exotic species and less palatable indigenous species thus impeding recovery to a more intact indigenous state that would occur under conservation area status.

If the QEII monitoring showed stock did have to be removed, we find it difficult to accept the holder would want to continue to monitor and manage the area (at some considerable expense) for its SIVs for no financial return.

(vi) Perpetuity of Protection

The agent for LINZ states it is "the historical conduct of the OS lessees that made it possible for this alternative type proposal to be considered" (email on LINZ File from R Subtil to Ken Taylor and Mike Clare 2 Oct 2006)

The proposal relies heavily on the apparent success of the QEII covenants and the on going willingness and commitment demonstrated by the Subtils as the justification for departure from the principle of restoration of high altitude tall tussocklands with multiple SIVs to Crown ownership and control.

There is no guarantee that future managers/owners of the station will remain as committed and willing as the present owners to protecting the SIVs, or to diligently applying, and paying for, the extensive monitoring programme that would be required. Covenants can be regarded as a restrictive burden by subsequent owners. As discussed previously, penalties for non-compliance are not severe enough to be an effective disincentive, but moreover, the QEII covenanting model is founded on the premise of a willing and committed landowner. Thi s is particularly important when grazing and /or weed control is involved.

(vii) Public Access

The QEII covenant does not, and cannot, provide for public access as of right. This is inconsistent with the provisions of Part 2 (c) (i) of the CPLA.

In our view, it would be a valid expectation of the tenure review of Omarama Station that there would be unfettered public access to the summit areas so people could enjoy the expansive panoramas of the Mackenzie Basin, Waitaki valley and Hawkdun Range summits and be free to explore the areas for their SIVs.

3.2 Landscape and SIV Management

The Cuthbert QEII open space covenant is largely within the Glen Creek block but the upper parts of the eastern Garden of Eden, Hut Block and Glenburn Fan blocks (relatively small areas) and Boxwood Block (quite a large area); and a large part of the western Box Bluff block and small parts of the lower valley Airstrip and Track blocks are covered by this covenant.

In our view the covenant area is not set up well from a management perspective. The covenant involves several blocks each with different SIVS, different management requirements and varying stocking capacity. Management is also split across blocks and there is no apparent intention of fencing off the covenanted areas. Essentially all of the above blocks are subject to the same

conditions which is clearly not practical or achievable. For example, the Track block being mostly lower slopes and valley floor would have higher stock grazing levels and it would be difficult to specifically protect the native flora and fauna on the small bits along the top north edge of this block within the covenanted area.

To complicate matters further, Reserves Act conservation covenants are also proposed for the Old Man Creek and Garden of Eden blocks, so that the management of the blocks are split between two management regimes with differing purpose and goals and different legal frameworks.

The LINZ agent suggests there would need to be separate management plans for each block. This creates more work in managing monitoring and places further pressure on the Trust and the DOC, as discussed previously in section 3.1 (iii).

The Ewe Range covenant situation is simpler with only one block being involved; however the QEII area is again only part of the block. It is our view however that the landscape of the Ewe Range is very similar to that within the Oteake Conservation Park, and is an integral part of the range landscape. It is a logical complementary extension to the park. Under a consistent conservation management regime it would provide an intact northern end to the park, from an ecological and a landscape perspective.

Proposed Reserves Act Conservation Covenants CC1 and CC2

Two large conservation covenants are proposed. CC1 of 1160ha takes in the Old Man Creek and Garden of Eden blocks reaching altitudes of around 1300m. It includes the headwater basins of Old Man Creek which contain the best shrublands on the property including several threatened and at risk species of which the relatively large populations of *Leonehebe cupressoides* are especially important. The bulk of this area is a Critically to Underprotected Land Environment.

CC2 of 1425ha comprise the entire The Downs block exclusive of the Ewe Range summit QEII area, much of it above 1000m asl. This area contains tall tussocklands and upland wetland features, and extensive shrublands in steeper valleys also including threatened and at risk species.

For both, the QEII and covenant areas appear as an integral whole in a landscape sense and demonstrate altitudinal sequences in an ecological sense.

The covenant condition would permit on going grazing at maximum .15su/ha/pa and permit topdressing. As described previously, this would promote persistence and spread of exotic species and favoured intensive grazing of certain areas with loss of native cover. Regeneration of the full potential diversity of shrubland and herb species would be impeded, with more palatable plants remaining uncommon or absent.

Damage to fragile alpine bogs/wetlands has been observed even with light stocking

Some grazing may be beneficial in some areas to maintain a low sward for spring annuals. A survey for spring annuals must be undertaken as base line survey as strongly recommended by Mark Davis (Botanical Survey report for Omarama Station 2005).

Both covenant areas are very large and effectively The Downs area includes the QEII area as there is no fence. This is inconsistent with LINZ policy of considering use of covenants over small discrete areas within large freehold areas only.

It also would require extensive comprehensive monitoring over many years which as previously discussed is a serious challenge for the DOC due to increasingly scarce resources. Without proper resourcing, it is inevitable monitoring would fall away, especially if any holder was less committed than the current holder.

There are also no rights of public access through the areas, beyond the proposed 10m easements. This would fail to secure public enjoyment of the full range of SIVs present.

It is our view that the covenant areas should be smaller, include all areas with similar SIVs (ie the eastern faces of the Cuthbert Range) and exclude the areas above 1000-1100m and where there are particularly important botanical values such as in Old Man Creek in order to promote unimpeded recovery and to permit conservation based management under the Conservation Act 1987.

We accept that some small areas of high altitude land may remain within covenant areas for practical fencing reasons.

CONCLUSIONS

The Cuthbert and Ewe Ranges have multiple SIVs which are at risk from continuing degradation from on-going pastoral use, even of a light seasonal nature.

The recommendation of the survey report for the DOC and of the DOC to LINZ is that the areas covered by the QEII covenants are best protected by restoration to full Crown ownership and control as public conservation areas. This is accepted by LINZ.

The QEII Open Space covenants are not considered the most appropriate mechanism available to protect the SIVs and promote ecologically sustainable management of these high altitude mostly Class VIIe lands. The preference is for Crown ownership and management as conservation areas in accordance with the CPLA.

There is tension between the purposes of the QEII Act and covenants, and the protection of SIVs and achieving ecologically sustainable management because grazing is one purpose of the covenant. Inherent in this purpose and in any monitoring designed to measure success of the covenant, is an acceptance of a lower threshold of intact indigenous communities and ecological processes. A QEII covenant would not be able to deliver the same level of protection conservation area status would. In this case, there is no scientific evidence to support claims of "success" with only tentative anecdotal evidence being relied on as the basis for proposing the covenants as a valid alternative.

The setting and adjusting of covenant conditions and the revoking of covenants are a voluntary private process between the holder and the Trust. There is no opportunity for public input or surveillance. There is risk that ultimately the self-interest of the holder will prevail.

QEII covenants are premised on the voluntary diligence, willingness and commitment of the holder. Effective and comprehensive management of covenants especially large ones with complex values, would be very difficult for the Trust and the DOC given their very limited resources, and there are no provisions for dealing with offences or options for enforcement. There is a heavy reliance on the holder to adhere to the conditions and be sensitive to changes required. There is an issue of subsequent holders being less enthusiastic about the covenants, regarding them as an unwelcome and restrictive burden.

The covenants cannot provide for public rights of access.

The proposal creates a complex landscape management situation. The aims of the covenant, or the Objects of the CPLA, are unlikely to be achieved in a practical sense. The Ewe Range is a logical extension of the Oteake Conservation Park in a management sense.

Regarding the proposed Reserves Act conservation covenants, this aspect of the proposal is inconsistent with the policy of using covenants only for small discrete areas within larger freehold areas. On going grazing and topdressing would continue to adversely affect regenerating shrublands and high altitude tall tussock. The ability for the DOC to effectively manage covenants is a major issue precluding their extensive use.

RECOMMENDATIONS

- **That the best protection mechanism for the SIVs within the QEII areas is restoration to full Crown ownership and control, in accordance with s24 of the CPLA.**
- **That the more vulnerable and fragile high altitude areas of CC1 and the more important areas for shrubland regeneration such as the Old Man Creek headwaters be restored to full Crown ownership and control; and all of CC2 be restored to full Crown ownership and control as public conservation area**
- **That the proposals map of 2005 be restored as the basis of the tenure review proposal**

We consider there would need to be exceptional circumstances to justify the private ownership and management of extensive high altitude and multiple SIVs. These circumstances are not present in this case.

prepared on behalf of the High Country Landscape Group

Anne Steven

Registered Landscape Architect, Wanaka

15 October 2012

APPENDICES

APPENDIX 1

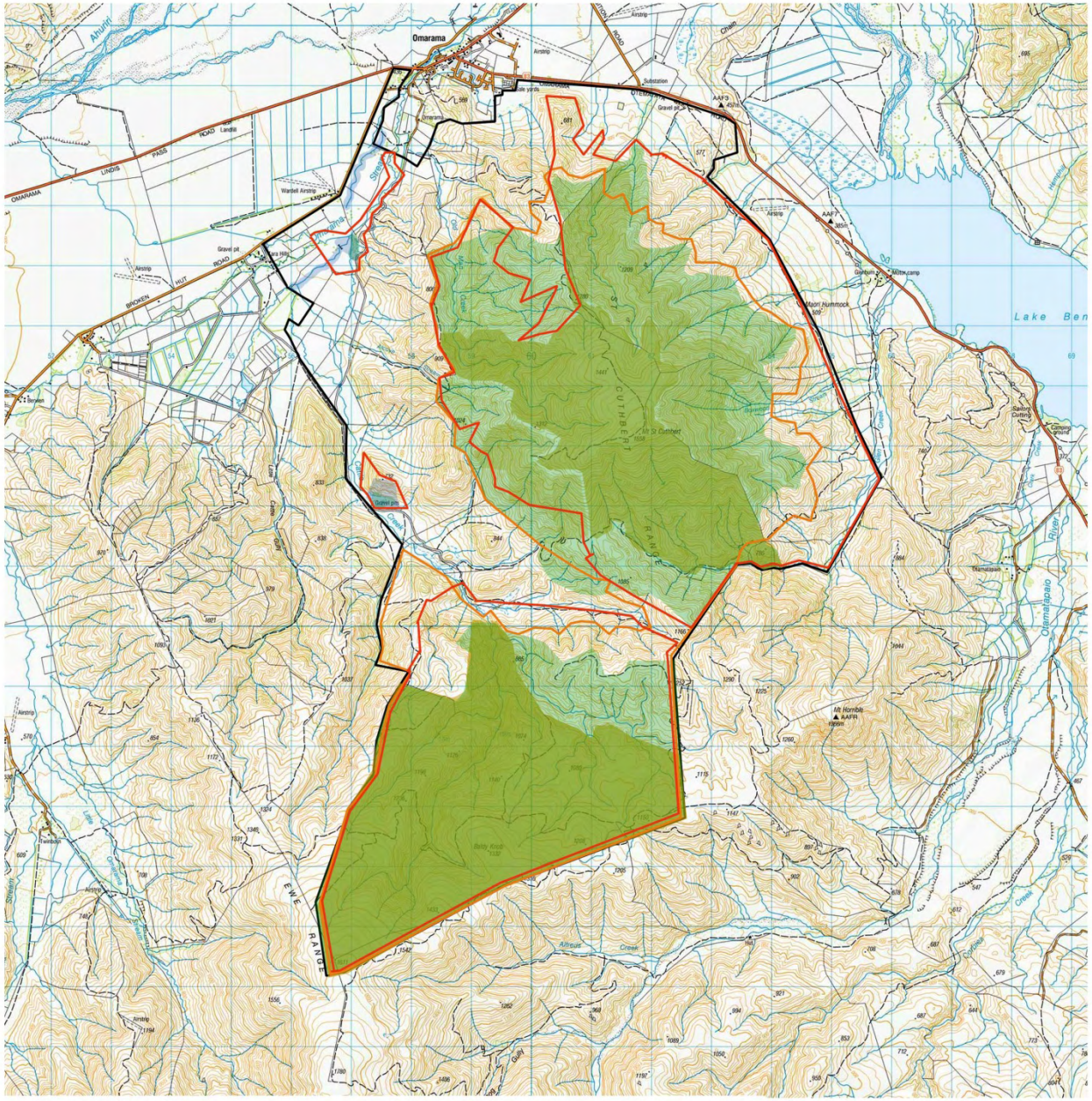
Part 2 s24 Crown Pastoral Land Act

Part 2
Tenure reviews

General

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:
    - (ii) subject to subparagraph (i), enable reviewable land capable of economic use to be freed from the management constraints (direct and indirect) resulting from its tenure under reviewable instrument; and
  - (b) to enable the protection of the significant inherent values of reviewable land—
    - (i) by the creation of protective mechanisms; or (preferably)
    - (ii) by the restoration of the land concerned to full Crown ownership and control; and
  - (c) subject to paragraphs (a) and (b), to make easier—
    - (i) the securing of public access to and enjoyment of reviewable land; and
    - (ii) the freehold disposal of reviewable land.



SIGNIFICANT INHERENT VALUES and Areas Recommended for Protection

- landscape
- botanical
- aquatic
- invertebrates
- fauna

The data shown on this map has been collated from the survey reports for the Department of Conservation for the purposes of the tenure review of Omarama Pastoral Lease

VALUES and Recommendations MAP OMARAMA STATION

prepared by Anne Steven
for High Country Landscape Group
October 2012

APPENDIX 2

APPENDIX 3

SUMMARY OF CONSULTANT'S RECOMMENDATIONS

The following are excerpts from the recommendations of the consultants' reports made to the Department of Conservation for the purposes of tenure review recommendations:

Landscape Report (Alan Petrie November 2004)

It is recommended that the upper section of Old man Creek catchment be protected in full crown ownership and control due to the dramatic nature of the craggy rock outcrops supplemented by coherent tall tussock grasslands.

It is recommended that the upper slopes and head basins along the Cuthbert Range are worthy of being formally protected as these slopes help to retain the overall landscape integrity of the range lands which have a high visual resource value.

It is recommended that the entire upland plateau be retained in full Crown ownership due to the intactness and distinctive landscape characteristics that are expressed in the plateau.

It is recommended that the steep scarp face that leads off Mt St Cuthbert be retained in full Crown ownership due to the striking variations in ground pattern and the presence of snow totara.

The mid and upper section of this ..Unit [Ewe Range] should be retained in full Crown ownership owing to the distinctive tall grassland qualities and owing to the potential to amalgamate this unit with adjoining areas that have similar intrinsic qualities.

Botanical Report (Mark Davis April 2005)

Cuthbert Range – This area should be retained in full Crown ownership and control. This area is based on the Cuthbert Range but excludes most lower slopes and fans. Its vegetation is dominated by tall tussock but there are widespread shrublands some of which support threatened plants and trees from original woodlands.

Ewe Range - – This area should be retained in full Crown ownership and control. This area is comprised of part of the gently sloping Ewe Range summit, rolling spurs and incised valleys with their rocky gorges. Its vegetation is dominated by snow tussock with extensive valley shrublands and smaller areas of alpine bogs and cushionfields.

Invertebrates Report (Warren Chinn April 2005)

This report recommends two areas of Omarama PL be returned to Crown management (Fig. 2Appendix 1 – *[these areas are all of the Cuthbert Range except the lowest footslopes and fans and all of the Ewe Range effectively right down into the mainstem of Cattle Creek].* The areas contain characteristic snow tussock habitats (between 800 and 1558m asl) wiht associated drainage creeks of native riparian flora (eg, Old Man creek and the unnamed creeks draining point 1161 on the Ewe

Range). The majority of endemic invertebrates collected from the property were found within the tussock and riparian habitats and consequently protection is best achieved at the community level by literally ring fencing these habitats.

Fauna Values (Jane Sedgely April 2005)

The following areas have significant bird and lizard values and it is recommended these areas shall be retained in Crown ownership and their conservation values protected.

The areas were:

Omarama Stream wetlands

Tussock Grasslands on Mt St Cuthbert – high altitude tussock grasslands above approximately 1000m asl dominated by *Chioncochloa macra* on the top of Mt St Cuthbert and ridges leading off the mountain on the southern slopes… grading into *C.rigida* at slightly lower altitudes interspersed with numerous rock outcrops, talus slopes and gently sloping screes.

Shrublands, tussock and rocklands on north and eastern slopes of Mt St Cuthbert . The area extends from the true right of the 4WD track to Mt St Cuthbert in the northwest around the eastern slopes of Mt St Cuthbert to Glen Creek and its headwaters. Fauna habitats comprise steep screes and rock outcrops surrounded by indigenous shrublands dominated by matagouri and *Coprosma* spp., Bracken, *Melicytus alpinus* and other small leaved shrubs. The 4WD track on the lower slopes between Omarama and Gen Creek provides a lower altitude boundary of the recommended area.

Shrublands in Old Man Creek – the densest and most extensive indigenous shrublands seen on the PL were in Old Man Creek south of the boundary line shown on Map 3. This area excludes the lower valley where briar and highly degraded grasslands were present.

Tussocks Grasslands, rocklands and indigenous shrublands centred on Baldy Knob

This area extends from the true left of Cattle Creek in the north up to the slopes of Baldy Knob in the south. It includes rugged small valleys and indigenous shrubland remnants in upper Cattle Creek. High altitude rolling tussock grasslands dominated by *Chionochloa macra* and occasional *Aciphylla aurea* and matagouri characterise the slopes of Baldy Knob as they rise towards the Ewe Range. Rock outcrops, talus and scree habitats were common in the north of the block but become gradually scarcer towards the south.

Full descriptions and justification of restoring the areas to full Crown ownership and control are contained in the survey reports.

Submission 20

CA1095716.

Backcountry Skiers Alliance
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Alexandra

27th September 2012

LINZ
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Christchurch 8140

Submission on Omarama Station

Thank you for the opportunity to submit on the proposed tenure review for Omarama.

BSA
Backcountry Skiers Alliance (BSA) is an incorporated Society established in 1996. Our objectives are to foster non-motorised winter recreation in backcountry areas, and to promote and protect the resources upon which our member activities are based. During other times of the year our members are involved with a variety of land-based activities including mountain biking (MTB), tramping and horse trekking. BSA has submitted on a wide range of land tenure and environmental matters throughout the South Island. For many members BSA is the only outdoor organization they belong to.

Omarama Station
Our members have looked forward to this tenure review for many years. Mt St Cuthbert especially is a good example of eastern high country landscape. The range is extremely close to main roads and infrastructure. The township of Omarama is a popular (and growing) holiday destination for both Kiwis and overseas visitors. This tenure review should be providing a wide range of recreational opportunities for all visitors, and be vastly improving public access which has proven difficult in the recent past.

General comment on the proposal
The preliminary proposal is a huge disappointment to our members. While is does provide one long and semi-practical route for public access, there are virtually no other improvements for public enjoyment or recreation on the land.

Essentially the proposal amounts to de facto freeholding of the entire property. For this reason, further detailed below, we strongly recommend the proposal be abandoned and reconsidered at a later date.

The Crown Pastoral Lands Act
The proposal fails to take heed of the obligations of the CPL. Important objects of the Act are found in Part 2, which deals with the tenure review process. Specifically (and highlighted in bold by us) the Act states:

"To enable the protection of the significant inherent values of reviewable land—

- (i) by the creation of protective mechanisms; or **(preferably)**
- **(ii) by the restoration of the land concerned to full Crown ownership and control;** and

- (c) subject to paragraphs (a) and (b), to make easier—
  - (i) **the securing of public access to and enjoyment of reviewable land**; and
  - (ii) the freehold disposal of reviewable land.

Apart from the pocket-handkerchief-sized SR1 and SR2 (total 161 ha or *less than 2% of the total area*) the proposal has no other land passing to "Crown ownership and control". This is indeed remarkable considering the wide range of important inherent natural values correctly identified in the report. Whilst some measure of environmental protection is dictated by conservation and QEII covenants these do not provide any change to "public access and enjoyment" provisions of the land itself.

Thus the proposal does not even attempt to fulfill the requirements of the Act.

Specific comment on land designations

CC1
There is only a public access easement on top portion of the farm track on the leading northern ridge. This track provides the most practical access to the Mt St Cuthbert tops for foot and mountain bike (MTB). The easement for public access needs to be extended all the way to Broken Hut Road. Because the land becomes freehold, and because of the Deed's 8.2 Trespass Act provision, public have no free access to land outside of the track. In this instance this could be acceptable as long as easement is present over the whole track.

Additionally we recommend establishment of a poled route along the ridge line as discussed further in our submission. If this suggested route was adequately formed, and of the necessary gradient, then we accept that this could negate the need for the full easement as discussed above.

Existing QEII above CC1
The inherent natural values are such that this high altitude land must be fully restored to the Crown as a conservation area. The public would then gain unrestricted public foot access and be able to "wander at will". At present the public have no right of access to this area (QEII, second schedule, 9). The proposal only modifies this slightly with the proposed easement along the highest portion of the farm track as already discussed. This track under the current proposal would to be difficult to access anyway and would see little use or reason to use unless:
Firstly, there was better access from below was established, and:
Secondly, that there was full access to the whole QEII and not just the track formation.

For these reasons this block of QEII must become be restored to Crown ownership as a conservation area.

The Existing QEII above CC2
There is no alternative but to add this small pocket to Oteake Conservation Park. This wonderful end of the Ewe Range is part of the contiguous broad alpine ridgeline that runs south to the park and then continues to join the Hawkdun Range at the boundary with Central Otago. In winter this end of the range provides fine back country skiing. In the summer this is all prime tramping terrain.

CC2
Again the inherent natural values are such that this high altitude land must be fully restored to the Crown as a conservation area. The fact that CC2 backs onto the northern end of the Ewe Range could also make it a candidate for adding to Oteake Conservation Park.
Either way public access needs improving beyond the restrictive measures set out for CC2.

The proposed public access routes
We support the proposed access routes up Cattle Creek ("a-b-c"), and the eastern access addition to upper Glen Creek ("e-f-g"). We agree that this will provide a welcome "loop" ride or walk, but for the very fit and fast only. Loop trips like this are much more satisfying than out-and-returns, and we appreciate the recognition of this in the proposal.

However the route is exceedingly long, especially for walkers as the existing track is very indirect and not a natural line. From Broken Hut Road "a" it is about 15km to reach "b" and perhaps 13km further to reach SR1. Camping is expressly prohibited in the proposal anywhere along the route (except SR1 which is unsuitable for camping). There is much climbing involved and it is unlikely that walkers could safely complete the loop without needing to camp.

If CC2 and the QEII were conservation land, camping would be possible (and a popular choice in itself for an overnight trip).

The third access point (the northern "h-f-e") needs much more thought. The steep access from Prohibition Road up the fence line is impractical. Safe parking would need to be provided, and the fast traffic is dangerous and noisy. Traffic noise will accompany walkers until well up the ridge. The views along this access are poor until the leading ridge is reached at over 1000m. Lower down, the adjacent ridge completely blocks views to the west. Better alternatives need to be considered.

The township of Omarama desperately cries out for an easy walk to a suitable view point where the wonderful vista of the McKenzie and Alps can be seen. This walk needs to be close to town (no driving needed) and needs to be of a manageable gradient. The small hillock immediately behind the township, "Ladybird Hill" or point 569m, would be the best option. From here walkers could continue further up the easy ridge or 4wd track for better views. However point 569m and the access track are not on Omarama Station. A suitable and similar alternative is available.

"Omarama Ridge Walk"
This access would be via a simple route leading up from behind the Sale Yards and either following the boundary (which is a good gradient) or via an alternative poled route, to the low saddle in the ridge just south of point 569m. The route continues a little further south to the excellent viewpoint at 650m, or beyond for fitter walkers.

This alternate route ticks all the boxes:

- It is accessible right from town
- No parking issues
- Low speed traffic (safe to cross road, and no traffic noise)
- It has excellent views of the McKenzie and the Alps beyond
- It is an acceptable gradient suitable for all ages, including young families.
- Can be used by fit mountain bikers.

During summer Omarama gets very busy. A simple walk such as proposed above would prove to be very popular, and rival even the Mt Iron walk in Wanaka. The walk would be an asset to the community.

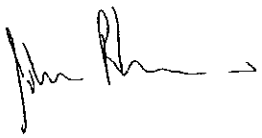
Our conclusion

We strongly recommend that the proposal is abandoned, and the process restarted when common sense prevails sometime in the future. The objects of the CPL Act must be followed and better outcomes achieved for the public in terms of access and enjoyment. Restrictive and difficult easements are not the solution intended by the Act. Nor is widespread freeholding of our heritage high country.

We do request to be kept updated with the timeline for decisions dealing with Omarama. This is by far the worst example of a tenure review we have seen and we hope that it is simply an anomaly.

But if this proposal represents "the new norm" then we have no desire to participate in any further proposals from the authors and decision-makers responsible for this example.

Yours Sincerely



John Robinson
Secretary, BSA