

Crown Pastoral Land Tenure Review

Lease name: BLAIRICH

Lease number: PM 026

Public Submissions - Part 2

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

April

07

Charlotte Donald

From: Eugenie Sage [e.sage@forestandbird.org.nz]
Sent: Monday, 4 September 2006 9:52 p.m.
To: Charlotte Donald
Subject: Blairich TR submission

Dear Charlotte

Forest & Bird's submission is attached.

Eugenie Sage
South Island Field Co-ordinator

Royal Forest and Bird Protection Society
PO Box 2516
Christchurch Mail Centre 8140.
Direct dial 03 3666 317
Fax 03 365 0788
Join Forest and Bird - www.forestandbird.org.nz

Royal Forest and Bird Protection Society
PO Box 2516
Christchurch Mail Centre
Ph 03 3666 317
Fax 03 3660 655
e.sage@forestandbird.org.nz



4 September 2006

Charlotte Donald
DTZ NZ Ltd
PO Box 142
Christchurch

Dear Ms Donald

SUBMISSION ON PRELIMINARY TENURE REVIEW PROPOSAL FOR BLAIRICH, AWATERE VALLEY, MARLBOROUGH

INTRODUCTION

The Royal Forest and Bird Protection Society (Forest and Bird) is New Zealand's oldest and most active voluntary conservation organisation. Formed in 1923 the Society has around 38,000 members in 56 branches around New Zealand. This submission is on behalf of the Central Office. The Society's constitution requires it to :

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

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

The property was inspected over two days when held by the previous leaseholders, the Coopers.

SUMMARY OF PRELIMINARY PROPOSAL

Forest and Bird understands the Preliminary Proposal to be:

1. CA1 170 ha. restored to Crown control as conservation land subject to easement
2. CA2 60 ha. restored to full Crown ownership as conservation land in the Black Birch Stream catchment.
3. R - 0.5 ha. designated as scientific reserve
4. Freeholding of 2941 ha. with
 - CC1 conservation covenant over 350 ha on upper north facing slopes of Blairich Range
 - CC2 conservation covenant over 85 ha on south western slopes of Hooper Range.
 - Easements for public access on Blairich Range.
 - Easements for DoC management purposes, Blairich River

SUMMARY OF SUBMISSION

The Preliminary Proposal is opposed as:

- being contrary to Crown Pastoral Land Act (CPLA) in failing to protect lands with significant inherent values (SIVs), notably CC1, CC2 and riparian lands.
- allowing freeholding land where this will not promote ecologically sustainable management, including because it involves Class VII land subject to soil erosion.
- using covenants which will not protect SIVs.
- failing to provide public access up the Blairich River despite NGOs and other public interest groups highlighting the importance of this.

LINZ, DoC and DTZ Ltd appear to have uncritically accepted the advocacy by the leaseholders which has resulted in the further whittling down of the original very modest DoC recommendations for protection.

GENERAL COMMENTS

1. Recent analysis by Landcare Research and Department of Conservation scientists¹ has concluded that *“Land reform is failing to meet biodiversity and ecological sustainability objectives, and that performance of tenure review has deteriorated with time,“* and *“Land reform has privatised most land that is most vulnerable to habitat modification and rich in threatened plant species, while protecting land at least risk of biodiversity loss.”*

By freeholding CC1 and CC2 identified by DoC for protection the proposal ignores scientific advice to LINZ by Landcare Research scientists, Drs Susan Walker and Bill Lee² that biodiversity protection is needed most urgently in areas of low elevation because there are few protected areas here, they have been the most affected by past vegetation clearance, and they are the most at risk of further modification by weeds, pests and human land uses. They conclude that freeholding of lowland areas common in tenure review (and evident in CC 2) is inconsistent with the Biodiversity Strategy and that progressing Objective (g) of Government’s High Country Objectives will require protection of indigenous biodiversity in lowland and montane environments, including where there is potential for alternative productive use.

2. Blairich straddles the boundaries of two ecological districts – Wither Hills and Waihopai, and two ecological regions- Wairau and Inland Marlborough. Accordingly, it is an important transition between these two districts (and ecological regions) with plant communities and animals representative of both.³ There are no public protected areas in the Wither Hills ED and only two in the Waihopai ED (Black Birch Scenic Reserve and headwaters of Omaka River).

¹ Walker, S et al (August 2006) *“An Index of Risk to Biodiversity to Measure Conservation Achieved by Land Reform in NZ”*. In press.

² Walker, S and Lee, B (June 2004) *“Significance assessment for biodiversity in the South Island high country.”* Landcare Contract Report LC0304/111 prepared for LINZ at page 49.

³ Harding, M (April 1995) *“Conservation Values of Blairich Pastoral Lease, Marlborough and Recommendations for Protection.”* Nelson/Marlborough Conservancy Internal Report No. 18 at p10-11.

Blairich is "one of the very few areas of low altitude high country in this part of Marlborough that is not in freehold ownership"⁴. As such it provided a unique opportunity to protect low altitude indigenous vegetation which is under-represented in protected areas in Marlborough. The PP fails to achieve this. Instead the Blairich PP perpetuates tenure review's failure to recognise the importance of lowland areas for biodiversity, landscape and recreation.

3. The original report (the Harding report) which forms the basis of the July 2006 Conservation Resources Report (CRR)⁵ was done in April 1995 under the Land Act. Reporting standards have changed and the July 2006 CRR contains significant gaps. It briefly describes the landscape units but includes no analysis or assessment from the separate landscape report. There appears to have been no wildlife, freshwater fish, or invertebrate surveys by appropriate specialists in the intervening 11 years (despite these being routinely done for CRRs) so these SIVs are not described and accordingly understated.

4. The Harding report noted that the property contained rare plants such as mistletoe, *Ileostylis micranthus* and significant South Marlborough endemics such as *Cheesemanina fastigata*. The 2006 CRR has failed to describe the threat status of these plants in terms of the Department's revised 2002 inventory of threatened species.⁶ There is no discussion of the number and distribution of threatened species on the property. The habitat of any threatened species qualifies as an area with high SIVs.

5. The PP maps fail to identify marginal strips on the property, contrary to what Forest and Bird understood was now a requirement.

6. The map supplied with the PP is poorly copied with very fuzzy and difficult to use topographical detail. Clear maps make understanding of the PP easier for submitters.

COMMENTS ON SPECIFIC ELEMENTS OF THE PROPOSAL

1. More information needed on waterways

The failure to assess or investigate the values of waterways, particularly Blairich River, Glen Craig Stream and Omaka River, their freshwater fauna (fish, invertebrates and birds) and the landscape, habitat and ecosystem services of riparian vegetation is a major gap in the CRR. The preliminary proposal significantly understates the SIVs associated with waterways because these have not been investigated or described. Forest & Bird lacks the financial resources to undertake such an assessment.

Decision sought

Commission an assessment of SIVs in Blairich River, Glen Craig Stream and Omaka River and their associated riparian areas.

2. Adequate riparian buffers needed

The intensification of agriculture, poor land management including allowing stock access to waterways, increased demand for water for irrigation continue to affect the

⁴ Harding, M (April 1995).

⁵ Harding, M (April 1995).

⁶ R. Hitchmough 2002. *New Zealand Threat Classification System Lists 2002. Threatened Species Occasional Publication 23*. 210 p. Department of Conservation.

health of surface waters, indigenous habitats and species. Research on 229 lowland waterways has found that the majority of lowland streams and rivers have levels of faecal bacteria and pollutants which exceed Health Ministry guidelines. (NIWA Report 2004) Most rivers in farming areas, particularly in lowlands, generally fail to meet recommended guidelines as a result of contamination from increased nutrients, turbidity and animal faecal matter".⁷

Freeholding is likely to lead to land use intensification. Without a wide protected riparian buffer this is likely to contribute to declining water quality and loss of SIVs in riparian areas of streams and rivers running through the property. The Wairau-Awatere Resource Management Plan fails to provide adequate controls on farming land use, vegetation clearance, stock access to waterways, and riparian management to prevent this (and has been appealed to the Environment Court by Forest and Bird but there is no certainty in the outcome).

Stock access to waterways has many adverse effects including faecal and nutrient contamination, destabilisation and slumping of stream banks, increased sedimentation, browsing of riparian vegetation which reduces the effectiveness of that vegetation in filtering out contaminants from surface runoff, shading water bodies, providing cover for aquatic fauna and stabilising banks. Grazing also removes terrestrial food sources for fish species.

Neither the CRR nor the PP consider the degradation of lowland streams and the risks associated with freeholding all of Glen Craig Stream and land adjoining Blairich River. Nor do they consider the large body of scientific research on the importance of healthy, well vegetated riparian margins in protecting water quality, providing a corridor for wildlife movement, and safeguarding the natural character of waterways. Adequate riparian buffers are fundamental to ecologically sustainable management.

Accordingly, the failure to protect a wide corridor of public protected land to buffer Blairich River, Omaka Stream and Glen Craig Stream does not promote ecologically sustainable management, and is contrary to s24(a)(i) CPLA.

Decision sought

Using the new assessment of SIVs associated with waterways, protect as conservation land a 30 metre riparian buffer from the edge of each river bank on the property along the length of Blairich River, Omaka River and Glen Craig Stream.

3. Freeholding of Blairich Range and Hooper Ridge contrary to CPLA and proposed covenants inappropriate

Both covenants are strongly opposed as not adequately protecting areas with high SIVs which deserve secure protection and restoration to Crown ownership as public conservation land.

a) CCI North-west faces Blairich Range

The area's important SIVs are described in the Harding report at pp12-13, and include good communities of Marlborough endemics, a good altitudinal sequence of sub alpine to upper montane plant communities representative of the Waihopai Ecological District.

⁷ Parliamentary Commissioner for the Environment, (2004) "Growing for Good".

These higher altitude northern faces are visually prominent and a major part of the views from lower down the valley. The area is particularly scenic with its prominent rock outcrops, healthy indigenous vegetation cover and spectacular vistas. DoC recommended the area's protection because of its ecological, landscape and recreational values.

Freeholding is contrary to the preference in the Crown Pastoral Lands Act for restoration to full Crown ownership. While a covenant may be appropriate for the tiny scientific reserve in a sea of developed land, the upper northern slopes of the Blairich Range are a larger unit which deserves restoration to full Crown ownership.

b) CC2 South facing slopes Hooper Ridge

The small size of this 85 ha area in the context of the bulk of the property being freeholded, the rough nature of the pasture, the steep bluffs and rock plant communities means it has limited grazing value. With more than 2,900 ha. being freeholded and 87% of the property having been developed, the leaseholder should be able to adequately manage stock numbers and rotation to cope without this 85 ha.

The area has SIVs deserving secure protection as public conservation land, as the Harding report, CRR and PP make clear including the best riparian plant communities on the property.

No substantive case is made for freeholding. Existing fencelines would provide appropriate boundaries for protecting all of the southern faces on the true left of Glen Craig Stream and increase the viability of the protected area.

c) Reasons given for freeholding inconsistent with CPLA

The reasons given by DTZ Ltd for freeholding⁸ CC1 and CC2 are inconsistent with CPLA, not substantiated by science, and demonstrate an uncritical acceptance of the leaseholder's arguments at the expense of the public interest, SIVs, and ecological sustainability. For example:

i) The claim that "*SIVs generally do not appear to be under threat from current pastoral management*" (p6) ignores the progressive degradation of indigenous vegetation cover on the property to date, the damage done by widespread burning in the Omaka catchment in the mid 1990s, the changes possible in future, including the next 50 years, and the ecological impacts of grazing on tussock, shrublands, and forest remnants.

ii) The statement that the Blairich ridge faces "*are an integral part of the marketing*" of the Holder's Blairich Merino Stud is not a valid reason for freeholding. It puts less value on the public's appreciation of these landscape values than those of the holder. If protected as conservation land as the backdrop to the property, the range could still be used for marketing images.

iii) The statement that the "*these faces, especially the lower slopes.... provide critical strategic grazing*" is not a sound reason for freeholding the upper slopes.

d) Freeholding would not promote ecologically sustainable management

The PP provides no information on how freeholding would promote ecologically sustainable management, given the loss of indigenous vegetation cover over much of

⁸ Anon. at DTZ Ltd "Report & Recommendations TR 8_5.1.5 Recommendations for A Preliminary Proposal" Submission Date 11 May 2006. File CON/50000/12643 (Pm026)

the property, the Class VII land being freeholded and the significant areas of bare ground in places such as CC1 around 1300m (see Photo 3 Harding report).

Freeholding CC1 and CC2 would not promote ecologically sustainable management for the following reasons:

- The land is between 800-1400 metres asl. and includes steep Class VIIe lands, prone to moderate to severe sheet and gully erosion . Freeholding and continued heavy grazing of such steep lands does not protect soil and water conservation values.
- Plant growth rates on the exposed summit ridge with its sub alpine communities of short stunted grassland and a diverse range of herbs are slow above 800 m asl . Vegetation health and cover is vulnerable to grazing damage.
- It would exacerbate the “long term trend” for tussock grasslands of “inexorable decline in both species diversity and production”⁹. Continued grazing is likely to lead to decline in tussock growth and abundance due to soil degradation, oversowing with other grasses and invasion of stress resistant herbs such as scabweed and hieracium. The obvious presence of cotton daisy (*Celmisia* spp.) and browsing damage to short tussocks indicates that the area has been grazed heavily.
- Neither the preliminary proposal nor any supporting documents provide any information about how freeholding and continued grazing would promote ecologically sustainable management other than by oversowing and topdressing. . Such development is not “ecologically sustainable” because it degrades and eventually destroys the current indigenous vegetation by converting it to exotic pasture.

A double standard applies in that areas with SIVs having to be identified using detailed criteria which have been reviewed several times, yet no criteria apply to evaluate whether or not freeholding would promote ecologically sustainable management e.g. to evaluate possible future land uses and their impact on vegetation cover, soil health and landscape values.

e) Covenants do provide adequate protection

Covenants do not provide secure protection for the general reasons given in Appendix 1 attached, and the specific reasons below. Covenants have been demonstrated as being ineffective. Forest and Bird opposed a covenant over part of Little Rhobro Hills on Pukaki Downs (one of the first preliminary proposals in Canterbury) as failing to protect SIVs. The covenant was supposed to ensure wilding tree control. Landowners changed and control was not done and wilding spread intensified. DoC has now had to fund and undertake wilding control on land that it does not manage, at increased expense. It would have been more cost effective for the Crown and better promoted ecologically sustainable management if the covenant area had become conservation land and control was done earlier. It is contrary to the Government’s High Country Objectives and does not provide a “fair financial return” to the Crown if DoC has to fund work on private land, when the land could have been conservation land.

f) Covenant terms weak

The terms of the draft conservation covenant (PP, Appendix 4) fails to protect inherent values because:

⁹ Kerr (1991) in Anon (1997) *The State of New Zealand’s Environment*, Ministry for the Environment at p8.74.

- It allows grazing intensive sheep grazing at a stocking rate of 7 sheep per hectare in the 350 ha. area of CC1 for three months at a time, and 11 sheep per ha in CC2 all year in CC2 on Hooper Ridge. Given the high altitude, steepness of the country, and slow growing conditions on CC1 this is likely to cause severe browsing and trampling of tussock and shrubland cover and a decline in vegetation health. On Hooper Ridge this intensity is likely to impede regeneration of significant forest and shrubland remnants.
- There is no ecological assessment which establishes that such intensive stocking is ecologically sustainable in either covenant area.
- It allows intensive grazing in summer and autumn in both CC1 and CC2 when tussocks and shrubs are flowering and seeding. Browsing of seed and flower heads will impede regeneration.
- There are no controls on mob stocking. Even more intensive grazing of part of the CC1 (using temporary electric fencing) could effectively remove remaining indigenous tussock and shrubland cover.
- It allows droving of cattle and sheep. The movement of a mob of cattle through the area is likely to cause considerable trampling and pugging.
- Grazing can spread weeds through seeds in dung, on hooves and through damage to indigenous vegetation giving exotic plants a competitive advantage.
- It allows topdressing of fertiliser in CC1. Over time changes in fertility could completely change the vegetation composition, reducing indigenous plant cover adapted to low fertility environments and replacing this with exotic.
- There is no obligation for landowner to get the Minister's permission for the erection of structures such as farm buildings and control their size, design and location. Buildings protruding above the ridgeline (to make the most of views) have potentially major landscape impacts.
- Provision 3.1.2 of the covenant would prevent any restoration plantings. Prohibition of exotic plantings is supported but some restoration plantings may be desirable.
- It includes no details of any monitoring regime to ensure that the objectives of the covenant are implemented. There is no guarantee that monitoring will be implemented or that the area's values will be protected.
- There is no clear mechanism in the covenant to indicate an "unacceptable" level of damage which would see grazing ended nor a means of achieving this.
- There are no penalties in the covenant for non-compliance and no practical and effective enforcement mechanisms. The cost and resources required to commence legal action in the High Court mean the conditions are unlikely to be enforced.

Decision sought

Forest and Bird seeks a change in status of the proposed CC1 and CC2 to restoration to Crown ownership and control as public conservation land using the boundaries recommended by DoC in the 20 July 2001 "Values Map".

4. Public access along Blairich River inadequate

The absence of appropriate public access is another major defect in the proposal.

The Blairich River has high landscape and natural values with significant shrubland and indigenous vegetation cover along riparian margins, particularly in the upper catchment. It is a strongly natural corridor compared to some of the nearby developed lands. These SIVs deserve protection.

The PP ignores the value of waterways and riparian areas for public recreation and access. It denies the public practical and secure access to more than 15 kms of the

Blairich River and significant recreational enjoyment of the river area. Accordingly it does not secure public access to and enjoyment of reviewable land as section 24(c)(i) CPLA requires.

The legal road along the river does not provide practical access because it appears to overlay the river channel and riverbed in places and the steepness of terrain and dense riparian vegetation in other places. The existing farm track provides the most practical and convenient access.

NGOs clearly signalled the need for practical access up the river and its importance as a through route for tramping and walking early in the tenure review process. As Dr Andy Dennis of FMC noted in February 1995 "*Foot access should be available as of right along the main farm track through the property (i.e. via the Blairich River and Glen Craig Stream) to the Omaka River (on the basis that there ought to be a public right of way through country like this)...*"¹⁰

A riverside walk is also likely to be attractive for those without the fitness or navigation skills to tackle the steeper climb to Blairich peak, e.g. family groups. The PP fails to provide for their recreational needs.

DoC's "Values Map" (20 July 2001) identified the importance of the Blairich River corridor and associated farm track for recreation. DoC's proposal for such an access easement up the river appears to have been dropped because of opposition from the leaseholders because they claimed it was "*incompatible with the farming operation and administratively impracticable*".¹¹ These claims are nowhere substantiated. Trampers and walkers and other recreationalists on foot are generally careful not to disturb stock. An easement along the farm track (or along the true right of the river from the Awatere road bridge over Blairich River to join the track at the scientific reserve) is well away from the homestead and unlikely to disturb the leaseholders' privacy.

Just as users of the easements up the Blairich ridgeline (which follows an existing farm track for some of its length) are likely to respect stock, close gates and farm management needs, so would users of a riparian easement. The tenure review process involves considerable administrative work. Expanding a proposed management access easement to include public foot and bike access is not administratively difficult.

Easements "a-b" "c-d-e" and "d-f-g-h" are not a practical alternative to access along the river. Those easements involve a steep climb, greater effort and a very different recreational experience with no contact with the river to reach point "h".

It is inappropriate for DoC to negotiate management access using vehicles for itself, but not provide for foot and mountainbike access for the public.

Decision sought

Broaden the existing legal road (or marginal strip) to include the farm access track (preferably). Alternatively widen the purposes of easements m-l-o-g to provide for public foot and mountainbike access up the Blairich River.

¹⁰ Letter to Department of Conservation contractor Mike Harding, 2 February 1995

¹¹ Anon. at DTZ Ltd "Report & Recommendations TR 8_5.1.5 Recommendations for A Preliminary Proposal" Submission Date 11 May 2006. File CON/50000/12643 (Pm026)

Alternatively, if the above cannot be achieved, LINZ should not proceed with tenure review on Blairich because the proposal is inconsistent with the CPLA and Government's High Country Objectives.

5. CA1 Newport Knob and CA 2 Black Birch Stream

The protection of CA1 Newport Knob and CA2 Black Birch Stream is supported. It is a dismal outcome for the Crown, the public, and conservation that a mere 230.5 ha. of a 3,172 ha. lease is to be securely protected. The Blairich PP is yet another example of leaseholders being the primary beneficiaries of tenure review with conservation getting the crumbs.

Yours faithfully

Eugenie Sage
South Island Field Co-ordinator

Appendix 1 Problems with Covenants

High country farming interests advocate for the use of covenants over land to be freeholded, as an alternative to public ownership as conservation land, and as a way to provide for multiple uses.

There is a place for conservation covenants over small, discrete areas within a larger area of freeholded land where management is uncomplicated, the values at stake are not critically important, and public ownership is unwarranted. Their wider use across large parts of the high country, as an alternative to full Crown ownership and control as conservation land has many drawbacks. They include:

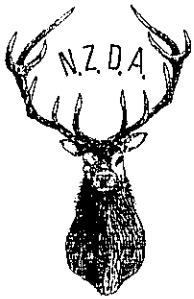
1. Covenants amount to private management of the public interest (conservation and recreation values).
2. It is a poor return on the major Crown expenditure on tenure review if the Crown is not getting full control and ownership of lands with conservation and recreation value, and secure public access.
3. The creation of parks and reserves requires that land be in public ownership. There is no tradition in New Zealand of parks based on private freehold land.
4. Covenants are voluntary agreements between the landowner and the covenanting body (e.g. DOC). The public is not a party to the agreement and there is no mechanism for public input into the way the land is managed. The landowner is not accountable to the public for the way the land is managed in the same way as DOC is.
5. Because they are voluntary agreements, conservation covenants usually do not contain public access rights. Members of the public are expected to seek permission to enter the area in the same way as for any other privately owned land. There is no certainty of public access and enjoyment.
6. As voluntary agreements, the level of protection for conservation values can be hugely variable. There is no overriding statutory protection such as that provided for land managed under the Conservation or Reserves Acts. For example, covenants rarely control grazing. Grazing impedes regeneration of shrublands and tussock grasslands, causes desiccation of wetlands, trampling of wetland and riparian margins, spreads weeds, increases nutrient levels and pollutes waterways. By allowing an activity (grazing and farming), which progressively degrades significant inherent values; the objects of section 24(a) of the Crown Pastoral Lands Act to promote "ecologically sustainable" management are not achieved.
7. Because the public is not a party to the agreement the question of enforcement of conditions must be resolved between the landowner and the covenanting body. The public has no ability to appeal directly to the police or courts.
8. The legal rules relating to enforcement through the courts are complex and uncertain. Difficulties with enforcement, the lack of penalties for breach of covenant conditions, and inadequate monitoring means that the landholder can disregard covenant provisions with impunity.

9. The courts have the power to modify or extinguish covenants at any time under the provisions of the Property Law Act without any requirement to publicly notify the change. This significantly reduces the security of long-term protection.
10. There are significant administration costs in negotiating, monitoring, mediating over conditions to protect conservation values. These costs are absent with direct Crown management. In the face of strong landowner opposition and lobbying it may require significant political will (that may not be present) to enforce conditions.
11. The good will of the current landowner/covenantor cannot be relied on in subsequent owners.

Charlotte Donald

From: Hugh Barr [hugh@infosmart.co.nz]
Sent: Wednesday, 6 September 2006 2:39 p.m.
To: Charlotte Donald
Cc: Dianne Brown; Harvie Morrow Hm
Subject: Blairich Tenure Review

Charlotte NZDA National Office Submission attached.
Best regards
Dr Hugh Barr
NZDA National Advocate
Tel/Fax: 04 934 2244 Mob: 025 686 0063
hugh@infosmart.co.nz



New Zealand Deerstalkers' Association Incorporated

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

6 September 2006

Commissioner of Crown Lands
 C/o DTZ New Zealand Ltd
 Box 142
 Christchurch
 Fax 03 363 5067
charlotte.donald@dtz.co.nz

Dear Ms Donald

Blairich (Awatere Valley) Pastoral Lease Tenure Review

This submission is made on behalf of the New Zealand Deerstalkers' Association Incorporated (NZDA). NZDA is the national body of recreational deerstalkers and other big game hunters. We have 53 branches and a number of hunting clubs throughout New Zealand. We have 7200 members, and have been actively advocating for deerstalking and hunting and running training courses, trips, conferences etc since 1937.

There are NZDA branches that can access land surrendered in this tenure review. These include Marlborough Branch, North Canterbury Branch, Nelson Branch, should any deer or pigs become present. Also, branches from further afield eg Wellington, can also hunt in the area.

NZDA also supports protection of New Zealand's natural landscapes, and native plants and birds.

1 Summary of Proposal and Why NZDA opposes it

This is a miniscule review in terms of public land being surrendered – only 230 Ha (7%) of the lease area 3,172 ha. Some of this land is high and erosion prone (Class VIIe, VIII) for which freeholding is unsustainable. This should not be allowed.

There are very few pastoral leases remaining in Marlborough. So it is important that adequate reservation of Southern Marlborough's unique flora eg tree brooms, etc, be made on the lower lands. Significant areas of Blairich are lower lands. This has not happened with the Blairich TR. It should.

The two areas proposed for conservation covenants (435 Ha) are of very high native ecological value. Consequently they should be surrendered and more adequately protected as conservation land. This also has the advantage of assisting the S 24 (c) (i) goal of securing more public access to the land.

Given the ecological importance of both these covenants, they should have been made covenants or reserves under the Land Act, prior to this TR, and at a minimum excluded from grazing. That this has not happened shows that administration of pastoral leases under the Land Act is inadequate.

NZDA compares the grazing pressure at the sort of densities DOC considers appropriate for wild deer with what is recommended for CC1 and CC2. For covenant CC1 (350 Ha of high altitude

land) LINZ's proposed for grazing (farmed sheep and cattle) is 44 times DOC's recommended wild deer grazing pressure.

For covenant CC2 (85 Ha of upper valley land) LINZ's proposed grazing pressure is 55 times DOC's preferred grazing pressure for wild deer.

It is laughable to think that native plants will survive, let alone recover under this excessive grazing pressure LINZ proposes for these two covenants. The proposal makes a travesty of the CPL Act (S 24 (b) – "to enable the protection of significant inherent values of reviewable land (i) by the creation of protective mechanisms"

Grazing allowed at the pressure LINZ proposes is the death warrant of any palatable native species within grazing reach in these covenants.

NZDA notes the Act S 24 (b) (ii) prefers restoration of the land concerned to full Crown ownership and control. We are at a loss to understand how LINZ contractors, subject to S 24 of the CPLA can recommend grazing covenants as a means of protection, when the Act is so clear.

Our inevitable conclusion is that this is an extreme proposal by LINZ to privatise and destroy the publicly owned native resources of these covenants. It is completely counter to the CPL Act.

The TR proposal that major grazing pressure be allowed on both these covenants makes this TR one of the biggest travesties of the purpose of the Crown Pastoral Lands Act we have yet seen. We consequently very strongly oppose this proposal. We ask instead that the proposed covenant areas be surrendered. Their grazing value is very low, and Crown repurchase of the unimproved grazing value, plus depreciated improvements should be small.

Public access, too is inadequate. The public should also be allowed access along the proposed exclusive DOC Access up the valley. This would allow more interesting round trips.

2 Details of the Proposal

Blairich - 3,172 Ha, annual rental \$15,075 + GST, rental value \$670,000. It is a pastoral lease in the Awatere Valley, Marlborough. 60 Ha (CA2) and 170 Ha (CA1 including the top of Blairich 1504 m) is being surrendered.

Land proposed for freeholding is 2,941 ha. A significant amount of land above 1,000 metres is still in the land to be freeholded. Various clauses were not transferred across to the new lease in 1987. This would indicate a bias towards lessees on the part by the Crown's management agency, L&S/DOSLI. There are a number of public and DOC easements to the land to be freeholded.

There are 2 conservation covenants proposed totalling 435 Ha (CC1, 350 Ha, northeast of Blairich peak and a low altitude covenant CC2, 85 Ha, on the valley floor on the south side of Blairich Pass, and north of Glen Craig Stream.

The **values to be protected in CC1** (350 Ha) are:
 PNA (Protected Natural Area) identified areas and values;
 Sub-alpine and upper montane plant communities;
 remnant snow tussock grasslands;
 plant communities on ridgeline rock outcrops;
 Marlborough rock bluff communities;
 good altitudinal sequence of Marlborough plant communities from 800 to 1500 meters;
 Eastern Falcoln and Kea (potentially) habitat;
 Scenic, recreational and historic values;
 Adjoins and buffers the Black Birch Scenic Reserve (Seddon water supply);
 Listed geopreservation sites;
 The most popular recreation site and access route on the property.

The values to be protected by CC2 (85 Ha) are:

1 Identified PNA areas and values – lower altitude forest and shrubland, probably one of the very few such remnants and the best known opportunity for protection in this ecological district; transitional plant communities between inland mountains and the lower dissected hill country; represents the best riparian plant communities on the property; only location on the property of typically low lying forest species mountain cedar and narrow leaved lacebark are present; contains a diverse range of plant communities

2 Areas sustaining the most culturally valued attributes

viz scenic area with interesting landforms and an attractive mix of vegetation types.

3 Areas which make a special contribution to significant natural values:

represents one of the best opportunities to protect a lowland area in this part of Marlborough, with significant regeneration potential

4 Grazing Pressure proposed on Covenants is excessive and unsustainable: Totally counter to the CPLA

Astoundingly heavy grazing is proposed in perpetuity on both these sensitive covenants. This is an extreme risk to the reasons they have been set aside. It highlights why it is quite against the Goals of the CPL Act to only protect them as a covenant subject to heavy summer grazing.

CC1 – 350 Ha: Grazing; Jan to July: equivalent of 2500 ewes for 3 months ie 625 ewe stock units on 3.5 sq km or approx 180 ewes grazing equivalents/sq km. As well, up to 60 cattle for 4 months may be grazed below 1000 metres. Oversowing and topdressing below 1000 m is allowed. **Total grazing (sheep and cattle) is not to exceed 750 Stock units/yr on the 3.5 sq km.**

Comparison with DOC recommended deer grazing pressure: In contrast, DOC usually sets deer densities as being acceptable for browsing at 2-5 deer per sq km. Two deer/Ha has been the probable wild deer average density across the whole of the forested/tussock deer range on public conservation land, since the early 1970s to the present day.

A mature deer grazing pressure is equivalent to about 2-3 ewe stock units. Hence DOC's deer density/Sq km would be 2 (density) x 3.5 (area of CC1 in Sq Km) x 2.5 (deer/ewe SU ratio) would be 17 ewe SU for the whole block. This compares with the proposal's 750 SU. **The proposed SU level is 44 times DOC's preferred deer grazing density in terms of sheep SU. (750/17)**

CC2 – 85 Ha: Grazing; owners may graze up to 1000 sheep and 40 yearling cattle at any one time. Total grazing not to exceed 200 SU/year (235 SU per sq km).

Comparison with DOC recommended deer grazing pressure: As above deer at 2 deer/sq km would exert a grazing pressure of 2 (density) x 0.85 (area in Sq Km) x 2.5 (deer/ewe SU ratio) = 4.25 ewe SUs. The grazing pressure in ewe SUs for the farmed stock is 55 times DOC's preferred grazing pressure for deer (235/4.5)

5 Conclusion on the Suitability and Sustainability of Grazing in the Covenants:

It is laughable to think that native plants will survive, let alone recover under this excessive level of grazing pressure proposed by LINZ in these two covenants. The LINZ proposal makes a travesty of the CPL Act (S 24 (b) – "to enable the protection of significant inherent values of reviewable land (i) by the creation of protective mechanisms"

Grazing allowed at the pressure LINZ proposes is the death warrant of any palatable native species within grazing reach in these covenants.

We note the Act S 24 (b) (ii) prefers restoration of the land concerned to full Crown ownership and control. We are at a loss to understand how LINZ contractors, subject to S 24 of the CPLA can recommend grazing covenants at excessively high grazing pressure, as a means of protection, when the Act is so clear.

This is an extreme proposal by LINZ to privatise and destroy the publicly owned native resources of these covenants.

Recommendation: That the proposed covenant areas be surrendered. Their grazing value is very low, and Crown repurchase of the unimproved grazing value, plus depreciated improvements should be small. This would also allow public access to these areas, something not proposed with the covenants.

6 Suitability for recreational hunting:

Although there may be pigs and deer in adjacent public conservation land, the very small areas being surrendered from this lease means it would not add significantly to the recreational hunting resource in Marlborough.

7 Inadequate Public Access:

DOC's exclusive access easements across land for freeholding in this TR are not much less than the length provided for public easements. NZDA requests that the public on foot also be allowed use of these DOC access ways. DOC access includes up the floor of the Blairich Valley. This would make a suitable alternative to the only public access up the Spur of Blairich peak. It would also make a more enjoyable round trip. This would help meet the Object S24 (c) (i) of providing better public access to reviewable land.

It would also be desirable to have wander at will on the interesting areas CC1 and CC2. NZDA's proposal that these be surrendered and made conservation land would also achieve public access to this land. This is an advantage under S 24 (c) (i) of the CPLA – securing more public access and enjoyment of reviewable land.

Recommendation: 1 The exclusive DOC easements also be available to foot walkers.
2 That the better protection of CC1 and CC2 as land surrendered to public conservation land, would also assist better public access.

Thank you for the opportunity to comment

Yours truly

Dr Hugh Barr
NZDA National Advocate
Direct Dial 04 934 2244
Email: hugh@infosmart.co.nz

Charlotte Donald

From: Stephen Rooney-8115 [Stephen.Rooney@marlborough.govt.nz]
Sent: Thursday, 21 September 2006 9:35 a.m.
To: Charlotte Donald
Cc: zFile - Records; Stuart Donaldson-8736; Mark Wheeler-5030
Subject: Blairich Land Tenure Review submission

FILE: W270-02

The Marlborough District Council wish to make a submission to the Blairich land tenure review. We realise this submission is made after the closing dates for submissions. However we have had previous dialogue with Mike Clare at DOC and were of the understanding the correspondence would form part of a submission by Council. We also thought we were going to be advised of any updates in the process, however this did not eventuate. Please accept this email as Council's submission.

As background; Council's Awatere water supply is sourced from the Black Birch Stream. Water is drawn into the supply through an intake gallery in the bed of the stream. The supply is currently 'run of the river', with a coarse screen just downstream of the intake, however this only removes sticks and large insects. Any animal faecal matter that washes into the stream affects water quality and has the potential to introduce disease to the water supply. The occurrence of this is particularly noticeable after rainfall but can occur at any time. Council is investigating options for the treatment of the water supply to meet the requirements of the Drinking Water Standards for New Zealand 2000.

The catchment upstream of the intake has a Scenic Reserve status by gazette 1986 page 2117 and gazette 1990 page 30. It is managed as a DOC reserve which keeps stock out of the catchment. There is however a small area that is still grazed as part of the Blairich pastoral lease. The tenure review proposes to restore this area to full Crown ownership and control as a conservation area. It is shown on the tenure review plans as area CA2.

At present, as this land is grazed intermittently, there is potential for faecal matter and disease from stock to enter the Awatere Water Supply from the land, especially after rainfall. Council has detected giardia, cryptosporidium and recently E.coli O157:H7 in the water supply. All of which show the susceptibility of a 'run of the river' water supply to contamination.

One of the methods to limit the risk of water borne disease of this nature is to restrict grazing in the catchment and if possible to eliminate it altogether. The removal of this land from the Blairich lease will help reduce the risk to the supply, the Marlborough District Council therefore supports the proposal for its restoration to full Crown ownership.

Council is currently exploring options for the treatment of the Awatere Water supply, while these investigations are at an early stage, the optimal site for a treatment plant is within the area of the Blairich pastoral lease. See the copy of the plans attached (one of which is a copy of the plan you have sent me), I've marked with a red double line the approximate boundary of the area. It is around 2 to 3 hectares. There are two reasons that make a treatment plant in this location desirable. First a treatment plant close to the intake avoids the need to pump water back up the valley to provide treated water to any consumers there might be between the intake and a treatment plant, if it were placed further down the valley and secondly the viticulture development in the Awatere Valley make the purchase of land difficult.

Council's property management agent, Abel Properties, have had initial discussions with both a representative from LINZ and a Crown accredited agent who suggested it might be possible to obtain the land through a lessee acquisition and pastoral surrender process, all part of the tenure review. We understand agreement is required from the lessee for this to be approved. Council is prepared to consider any compensation issues that might be necessary in relation to the 2 to 3 hectares.

Is it possible to consider the use of this area of land for a water treatment plant and the acquisition or purchase during the tenure review?

We believe that the provisions of the Public Works Act might be used to acquire the land for this purpose

26/09/2006

however Council would prefer to work with LINZ and the lessee to achieve an agreement that meets the requirements of all parties rather than invoke that process.

Our submission is therefore twofold; 1. supporting the restoration of area CA2 to full Crown ownership as a scientific reserve and 2. that a small area of land approximately 3 hectares be purchased by Council for the purposes of a water treatment plant for the betterment of the Awatere Community.

The Ministry of Health are vigorously encouraging Council to treat the Awatere water supply so that the Drinking Water Standards are being met and the risk to public health is reduced. If you consider it appropriate we could ask the MOH to make a submission in support as well.

We trust this submission can be considered as part of the tenure review process.

Stephen Rooney
Operations & Maintenance Engineer

Marlborough District Council

PO Box 443

Seymour Street

Blenheim

New Zealand

P: 03 578 5249 ext. 8115

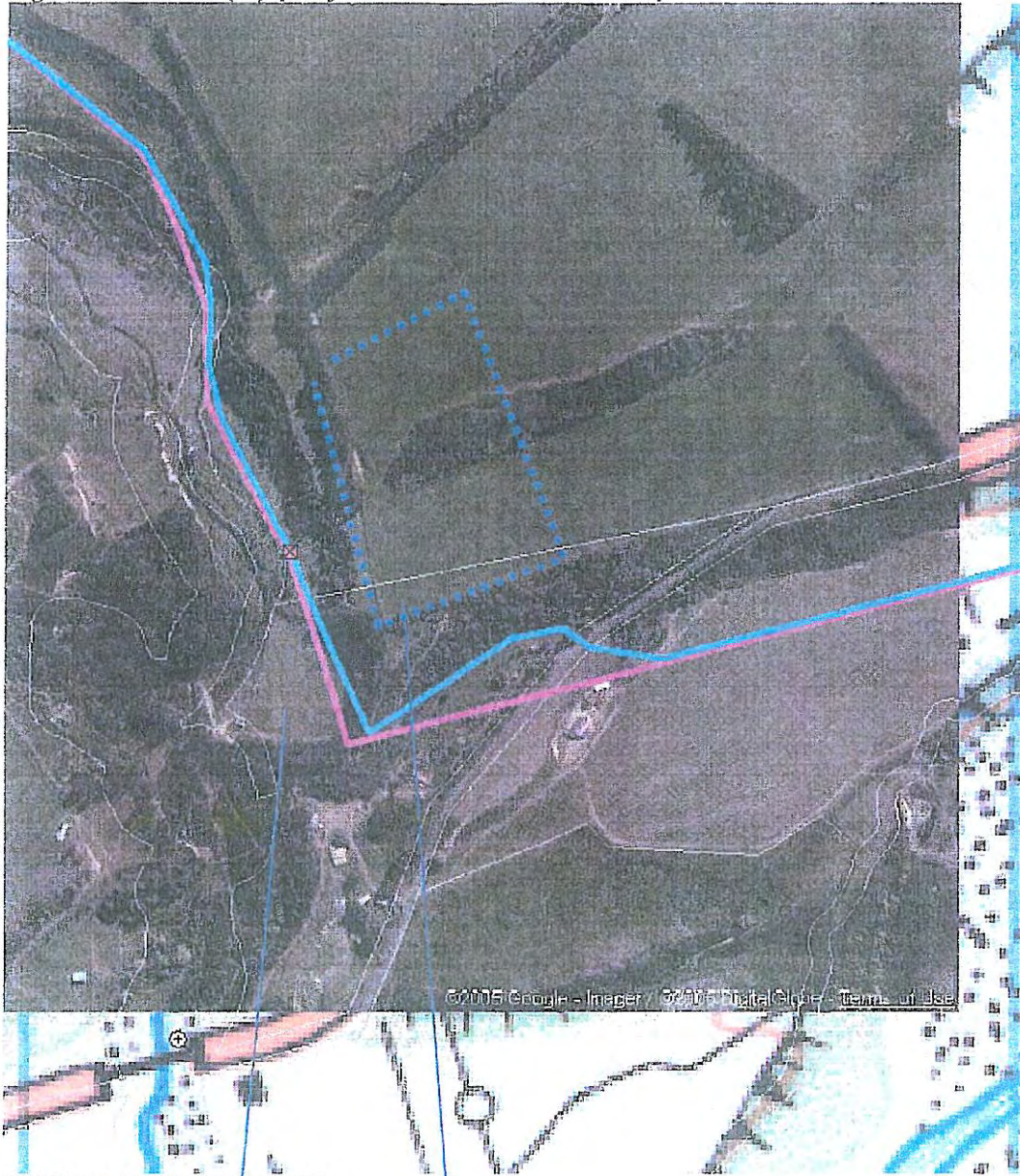
F: 03 578 6866

M: 0274 374117

E: stephen.rooney@marlborough.govt.nz

W: www.marlborough.govt.nz

Figure 5 Lower site. (#1) [Grey lines are Cadastre boundaries]





WTP siting.doc saved 17 February 2006

This flat in only around 3/4ha so is probably too small


2-3 ha in this area is the most desirable (#1)


**BLAIRICH TENURE REVIEW
PROPOSED DESIGNATIONS
PRELIMINARY PROPOSAL**

 Land to be restored to or retained in full Crown ownership and control as scientific reserve R.


 Land to be disposed of as freehold.

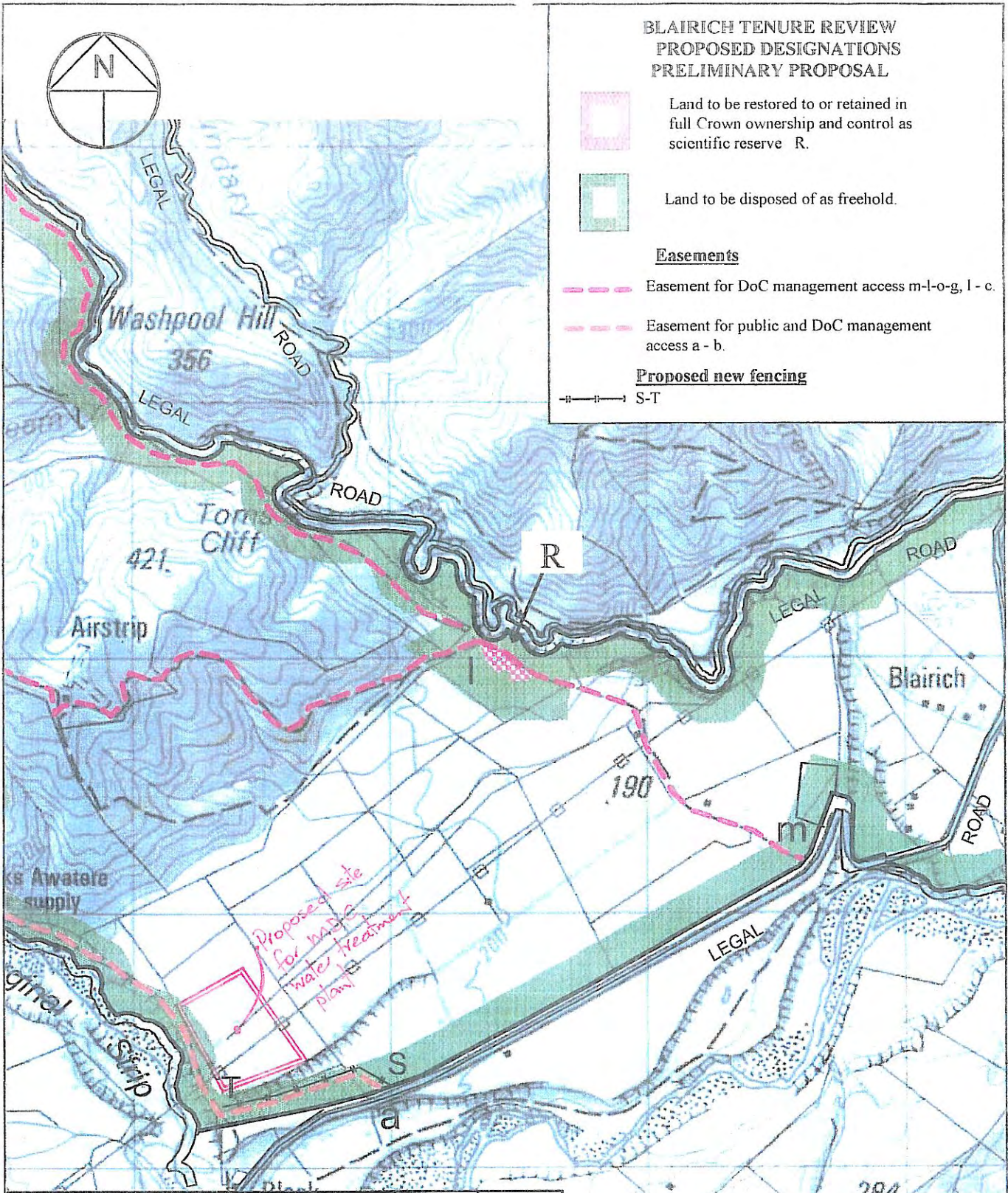
Easements

 Easement for DoC management access m-l-o-g, l - c.

 Easement for public and DoC management access a - b.

Proposed new fencing

 S-T



Version	1	2	3	4	5
Marlborough Land District Topographic Map 260 - P29			Sheet 2 of 3 Date 21/02/06		

Subject to Part IVA Conservation Act 1987

Blairich
Scale 1:20000

