

Crown Pastoral Land Tenure Review

Lease name : HAPPY VALLEY

Lease number : PO 361

Public Submissions – Part 1

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.

April

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Submission 1



Department of Botany

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January 27, 2014.

Manager,
Land Information NZ,
Crown Property and Investment,
Private Bag 4721,
CHRISTCHURCH 8140.

SUBMISSION ON PROPOSED TENURE REVIEW: HAPPY VALLEY PASTORAL LEASE

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my good knowledge of the general area, having been associated with the Carrick Range and other parts of the Central Otago high country for many years.

I have not had an opportunity to visit the property since the Preliminary Proposal was released but I have read the large Summary report of the Preliminary Proposal, for this medium-sized (3278 ha) property. The overall proposal is to restore some 1038 ha (32%) to full Crown ownership and control, comprising one conservation area (CA1 across much of the upper slopes of the Carrick Range); with the balance of the property (2240 ha) to be freeholded, subject to qualified designations (three proposed Conservation Covenants (CA 1-3) and certain protective mechanisms.

Regarding the detail, the proposed Conservation Area One (CA1) comprises much of the upper slopes of the property, mostly in the Bannock Burn catchment and extends from 1473 m at its highest point down to about 800 m but mostly no lower than ~1100 m. This area includes only the upper part of the top priority RAP 1/5 ("Bannock Burn-Old Woman" of the Old Man PNA Survey (Brumley et al., 1986) [which I co-supervised]), within the mid reaches of the Bannock Burn catchment. It is not clear in the report why the lower portion of this RAP, down to 600 m, has not been included (to complete the "full altitudinal sequence of communities from montane tussock and scrub through to high alpine cushionfield" as described in the PNA report (p. 58), since this additional area is already fenced on both sides (the SW side is the property boundary). I **strongly recommend** that this addition be seriously considered, and to this end, quote from the DOC Conservation Resources Report (CRR) No 1, as follows:

"Short tussocklands in the montane and subalpine zones, although at least in part induced, are also significant. In their review on the conservation status of New Zealand's indigenous grasslands, Mark & McLennan (2005) noted that of the five major grassland types recognised in their review, the montane to sub-alpine short tussock grassland has fared the worst. Nationally, only 3% of what remains (some 25% of the baseline area) is formally protected with the smallest values in the two South Island sectors where it was most important: the rangeland and eastern regions."

To quote further on relevant aspects of the DOC CRR:

"Bannock Burn Central tributaries: Snow line fence down to valley floor.

Short tussock cover is greatly improved on the downslope side of the snow line fence. Silver tussock (Poa cita) is locally abundant on fertile sites, but the predominant cover is maintained by alpine

*fescue tussock at highest altitude and hard tussock as altitude decreases. Maori onion is conspicuous throughout. Pasture grasses, especially sweet vernal, and common pasture weeds such as catsear (*Hypochoeris radicata*), also become more common with decreasing altitude. Two species of native broom are locally abundant on the broad ridge crests between 1000 – 1100 m asl. Coral broom (*Carmichaelia crassicaule*) is present almost entirely as heavily browsed stumps 20-30 cm tall while the dwarf broom (*Carmichaelia vexillata*), although much less affected, also shows browse damage. They occur amongst an open short tussockland with low shrubs of porcupine shrub (*Melicytus alpinus*), golden speargrass and a range of inter-tussock native and exotic herbs including *Acaena buchananii*, *A. caesiiglauca*, *Raoulia subsericea*, *R. parkii*, *R. australis*, mouse-ear hawkweed and catsear. A rare hybrid between coral broom and dwarf broom is also present. Below c. 1000 m a generally low stature matagouri-dominated shrubland is widespread. Stature, density and diversity improve within riparian zones and on shady aspects. The low statured matagouri is of recent origin but more diverse shrubland patches elsewhere are suggestive of a long period without disturbance. One such area, a dry open shrubland on a north-facing derivative slope, is dominated by *Corokia cotoneaster* inter-mixed with *Coprosma propinqua*, porcupine shrub, mountain wineberry (*Aristotelia fruticosa*) and occasional sweet briar. A range of drought-tolerant herbs and ferns are present including *Senecio quadridentatus*, *Euchiton ruahinicum*, *Raoulia glabra*, *Vittadinia australis*, rock fern (*Cheilanthes sieberi*) and mouse-ear hawkweed. Adjoining shrublands on damper aspects are dominated by matagouri and *Coprosma propinqua*, in association with *Olearia odorata*, *Corokia cotoneaster*, koromiko (*Hebe salicifolia*), porcupine shrub and bush lawyer (*Rubus schmidelioides*).”* These statements clearly justify serious consideration be given to the above recommendation.

I also recommend that the area of **CA 1** be extended northward, to include the proposed **CC 3**, since this area is clearly incapable of sustaining pastoral farming in relation to its recognised Land Use Capability Classification (VIIe), implying very limited productive potential together with a serious erosion potential (identical LUCC to that of the area proposed as CA 1). This area contains a similar vegetation cover to that in the CA 1 area, including heavily grazed but persistent slim snow tussock (*Chionochloa macra*), which would likely recover if sheep grazing was removed. The current degraded state of this area, with local bare areas, should be allowed to recover and regain its potential for maximising water production, as has been documented by myself and others for the Otago uplands. This area also contains part of the historic **Carrick Water Race**, an important historical feature which has a **public walking easement** proposed off the Nevis Road at its northern end (which is **endorsed**).

If the extension of the CA 1 area to include the CC 3 area at the head of Duffers Gully, was implemented, I would assume the **grazing concession** recommended for it (pursuant to S. 36(1)(a) of the CPL Act 1998, would then **also apply to the CC 3 area**. However, the **recommended 15-year grazing concession** is quite **unacceptable** to me as it would delay substantially the vegetation and ecological improvement that could be expected (and is most desirable) from the cessation of the current sheep grazing. A **minimum of 5 years continued grazing** would be **accepted** to allow any necessary adjustment to the management of the property necessitated by the completion of the property's tenure review. Also, the **discrepancy given as to the stocking rate and period** for any **concession grazing** (between the Summary statement (p. 4, para. 5: (0.35 SU/ha between 1 Feb – 30 April inclusive) and the Schedule 2 (no more than 363 SU/annum between 1 Feb and 31 May), should be corrected; the shorter period is **recommended**.

Significantly, the upper (southern) boundary of the proposed CA 1 area adjoins the **Old Woman Range Conservation Area** and would add significantly to the ecological, including landscape, representation of an extended conservation area. Once completed, the enlarged Conservation Area should be gazetted as a **Scenic Reserve**, until such time as a formal Conservation Park is deemed appropriate, in order to **increase its security** as conservation land over what

stewardship-land status apparently confers (see the 2013 report by the Parliamentary Commissioner for the Environment).

The area **recommended for freehold disposal**, 2240 ha of lower altitude country is **approved provided** the 270 ha of the **CC 3** upland area is **excluded**, as recommended above. The remaining 1970 ha has extensive historic and ecological values that have been considered to warrant conservation covenants (CC 1 of 70 ha and CC2 of 80 ha, respectively).

The **proposed historic covenant, CC 1** in Duffers Gully extending to the Bannock Burn, is certainly worthy of recognition and is **endorsed**, including continued grazing of both sheep and up to 50 cattle and their calves (subject to their non-detrimental effects as to be recorded with proposed photo-point monitoring), as at present but only while the current lessees (to-be owners), retain ownership and/or management of the property. The **'wander at will'** condition plus the **public access** via the **proposed easement ('a-b')**, as shown on the attached Map), are also **endorsed**. The proposed closure period "during the period when lambing occurs", however, 1 October – 10 December, seems unreasonably long and it is **recommended** that this be reduced to **no more than one month**. Also, this proposed public walking **easement (a-b)** should be **extended** through to **'b-c'** (currently proposed for management purposes only), in order to provide **public walking access** to the nearby **CC 2** and also on to the Conservation Area **CA 1**. Given the "rich history", including an intact miner's hut (see photo on title page of preliminary report) and other artefacts and features, in this area, consideration should perhaps be given to designation this area as an **Historic Reserve**, vested in the Department of Conservation but with the grazing rights formalised, as proposed.

The **proposed Conservation Covenant CC 2** of ~80 ha to protect important ecological values, **mixed indigenous shrublands**, extends across a ridge between Duffers Gully and an unnamed catchment towards the upper end of the area to be freeholded at ~700-900 m elevation, is **endorsed**. This provides for a **'Nationally Vulnerable' galaxiid** (*Galaxias* sp. D; Clutha flathead galaxiid) as well as a **valuable mix of indigenous species** here, as given in the proposal and also described in the DOC's CRR, and is not repeated here. The **proposed boundary** to this covenant seems to be somewhat **arbitrary** in relation to the extent of the shrubland (see Figure, p. 8 of the proposal), but with no perimeter fence proposed, this may be appropriate (note; straight-line boundaries are inappropriate ecologically but obviously convenient administratively). The **covenant conditions** (Schedule 3) provide for sheep-only grazing with numbers yet to be determined and subject to assessment with permanent photo-point **monitoring** (both sites and numbers yet to be determined), with discretion vested in the Minister as to measures to be taken (fencing, stock numbers and/or type) if the monitoring so indicates. The suitability of these provisions requires faith in the system but it is predictable that the **full ecological potential** of this area of shrubland will **never be realised** while the **selective grazing of sheep continues**. As a professional ecologist I wish to make it clear that the restoration of Central Otago's natural woody ecosystems will never be achieved while grazing by mammalian herbivores is allowed to continue. But perhaps this cannot be justified on the Happy Valley property.

The **existing right** to convey water, maintain water works and of access, as recorded in the memorandum of transfer easement in gross for irrigation works, as recorded in Computer Interest Register OT17A/117, marked "A-B, A-C-D, E-F and G-H on the attached plan (Map) is **endorsed**.

I trust that this response and its recommendations will be given serious consideration. I also thank you again for the opportunity to assess and comment on this important proposal for tenure review.

Yours sincerely,

Alan F. Mark. FRSNZ KNZM. Emeritus Professor.



10/27

Submission 2



Dunedin Branch
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25.1.14

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,

I enclose these submissions on the preliminary proposal for Happy Valley Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email jledingham@xtra.co.nz
622 Highgate, Maori Hill, Dunedin 9010.
Phone 03 467 2960

Submission on the Preliminary Proposal for Happy Valley Pastoral Lease

On behalf of the Dunedin Branch Forest and Bird Management Committee.

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 1500 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the government 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 to progressively establish a network of high country parks and reserves.*

This submission is made on the basis of an inspection trip with the Central Otago-Lakes Branch of Forest and Bird and with FMC at the early warning stage in 2006 and again in December 2013, and personal knowledge of particularly the land close to the southern and western boundaries of the lease from numerous trips along the Old Woman track and in the Old Woman Conservation area to enjoy the botanical and scenic values there. We have also consulted the CRR.

Introduction

The Happy Valley pastoral lease covers 3,277 hectares. Its western boundary is the crest of the northern end of the Old Woman Range at approximately 1200-1473m (adjoining the Old Woman Conservation Area) and the northern boundary is close to the line of the Nevis Road. The run extends down to the Hawksburn Road where the homestead is at about 450m. It includes the whole catchment of Duffers Gully, a large part of the Bannock Burn catchment and a segment of the Carrick Water Race (Figure 1) from where it crosses the Nevis Road up to Duffers Saddle.

The 1980s Protected Natural Areas surveys recommended an area for protection on the lease (RAP 1/5 Bannock Burn–Old Woman Range) which takes in the upper reaches of the Bannock Burn and continues over the western boundary fence into the land which is now part of the Old Woman Conservation Area.

The land above about 1,000m is classed as LUC Class VIIe, i.e. land not capable of sustainable management for pastoral use in the long term without substantial investment in fertiliser to replenish soil values lost as a consequence of burning and grazing. However this land, especially the area above about 1100m has very significant inherent natural values as recognised by the PNA survey reports on RAP 1/5 Bannock Burn – Old Woman Range and confirmed by the recent DOC survey, though it does appear that the lowest part of the RAP is now degraded somewhat from its state at the time of the PNA survey.

There are also interesting and important mining remains on the lease; the races originating in the Bannockburn Catchment and coming out midway down Duffers Gully, the stone tailings in the

same area of Duffers Gully dating from the 1870s and a miners cottage in the same area. This old mining area can be seen from the Nevis Road.

The lease, originally part of Kawarau station, has been held by the Henderson Family since 1946 and they have had to deal with a major rabbit problem over the years. The rabbit-degraded pasture has been improved by topdressing up to approximately 1000 metres and rabbit control has still been continued since the introduction of the RHD virus.

The proposal:

2.1 Land to be restored to Crown Control as conservation area CA 1

This area includes the upper part of RAP 1/5 Bannock Burn – Old Woman Range

Close to the western and southern boundaries it is a high plateau of sub-alpine cushionfields, small wetlands and flushes, herbfields and tussock grassland of high conservation value. There are many large rock tors with plant communities, lichens and insect life which contribute to the high landscape values and are a botanical paradise. On one wetland area close to the top boundary we noted the at risk *Ranunculus maculatus*. (Figures 1-4) On the most recent inspection falcon, many banded dotterels, pipits, black-backed gulls, several terns, skylarks and oystercatchers were seen (Figures 5-6). A number of the birds were seen on some of the wetland areas as well as in the cushionfield areas. There may well be other bird populations missed on our relatively brief inspection.

We strongly support the proposal to create CA1 with all its significant inherent values, vegetation, avifauna and aquatic fauna as well as landscape and recreation values all of which are well described in the proposal and in the CRR. The presence of the Nevis Road and then the existing 4WD drive track close to the western boundary makes for easy access for those interested in the botanical and other natural values as well as trampers.

CA1 will be a valuable addition to the Old Woman Conservation Area; designation as a Scenic Reserve should be considered to give it better protection given the vulnerability of stewardship land - as discussed in the 2013 report from the Parliamentary Commissioner for the Environment.

We strongly recommend that CC3 should be added to CA1.

Qualified Designation Grazing Concession

Proposed Conservation Area CA 1 is proposed to be subject to a grazing concession in favour of the lessees pursuant to Section 36(1)(a) of the CPL Act 1998.

The concession is for 15 years.

As noted in the CRR “The impact of past fires, oversowing and subsequent grazing is greatly evident in the subalpine and montane zones. Natural vegetation patterns have been much altered and mouse-ear hawkweed, short tussock, pasture grasses, briar and young matagouri now occupy slopes and terraces that previously supported forest, diverse shrublands and tall tussock grasslands. Highly palatable shrubs such as native brooms are heavily browsed and there is no evidence of recruitment”.

We do not think a further 15 years of grazing, albeit at the low stocking rate proposed, will allow any immediate vegetation recovery. A shorter phase out grazing concession should be considered we suggest, in line with the 5 year period negotiated for the adjoining Craigroy lease.

We note that the proposed stocking rate is quoted differently in the proposal summary statement (0.35 SU/ha between 1 Feb – 30 April inclusive) and Schedule 2 (no more than 363 SU/annum between 1 Feb and 31 May) and this needs to be rectified.

We do not think that 15 year grazing concession is appropriate since it will not allow for any vegetation recovery during that period.

RAP 1/5 Bannock Burn – Old Woman Range

Only the upper part of this RAP is included in CA1. Given the values in the RAP as originally reported we believe that the lower part below CA1 should be carefully evaluated once more.

The CRR notes that RAP 1/5 Bannock Burn – Old Woman encompasses much of the upper half of the Bannock Burn catchment. This part of the RAP is noted in the PNAP report as follows. “The Bannock Burn catchment covers an extensive altitudinal range incorporating the botanical transition from moist Waikaia alpine communities to dry, northern montane tussock and scrub” and it contains one of the best tussockland sequences in the District and “one of the most vigorous and intact stands of narrow-leaved snow tussock, a dense stand of alpine fescue and the most extensive stand of silver tussock in the District.” The most recent evaluation of the inherent values confirms and endorses the RAP description in Brumley (loc. cit.), but notes reduced values towards the northern extremity of the RAP which may have occurred post PNAP survey”.

The reduced values in RAP1/5 referred to should be re-evaluated in light of the importance originally placed on the values in this RAP, to ensure that there is good and sufficient reason to exclude the area below CA1 from the protection that designation as a Conservation Area would give. Inclusion of the whole of the RAP would also provide a valuable altitudinal sequence.

2.2 Land to be disposed of by freehold disposal

Approximately 2,240 hectares is to be designated as land to be freeholded. This land is subject to protective mechanisms and qualified designations.

As the proposal states, this area covers all the lease land excluding the proposed conservation area CA 1. It includes some higher altitude undeveloped hill country at the head of Duffers Gully, the western boundary of which includes Duffers Saddle at 1,173m and extends down through developed hill country to cultivated flats at approximately 450 metres north of Hawksburn Road. Approximately 1,800ha consists of low to mid altitude hill country that has been oversown and topdressed with improved pasture species and the lower front country includes irrigated paddocks within approximately 120ha of cultivated country.

Protective Mechanism - Conservation Covenant CC 1

This covenant will enable the protection of historic artefacts, structures and a range of other sites associated with the gold mining area in lower Duffers creek.

This is a fascinating area for those interested in mining history and has been looked after by the Hendersons who are well aware of the value of their slice of mining history. This covenant is necessary to ensure protection of the mining history here for all time.

Ongoing sheep grazing is permitted as is continued cattle grazing.

A management prescription is included which provides for photopoint monitoring and is aimed to detect any detrimental effects from the continued cattle grazing and other activities.

We note the walking access to the Covenant area and the provision to wander at will within it.

We fully endorse the creation of CC1 to protect the valuable historic mining values and the provision of public access to it via an easement from a-b.

We would prefer to see sheep grazing only but note the monitoring provisions that are proposed to pick up any cattle damage and then take measures to exclude cattle to prevent further damage.

Protective Mechanism - Conservation Covenant CC 2

Approximately 80ha is proposed as Conservation Covenant to protect the significant inherent natural values in a large area of shrubland in the middle of the area proposed for freeholding.

Much of this area is dominated by native shrubland described in the CRR as a dry, open shrubland at c. 800 m dominated by *Corokia cotoneaster*, and surrounded by diverse mixed shrublands. It is bisected by numerous small streams. It extends up a ridge above Duffers Gully to about 950m. Galaxias species are present in the streams. The aim is to protect the shrubland community and the Galaxias habitat and monitoring is proposed which we hope will be adequate in its final form.

As the CRR notes, "The importance of woody vegetation, and the desirability of protecting shrublands across a full range of Central Otago environments, has been given prominence by Walker et al. (2003). The recovery of shrublands in the absence of grazing and fire has been demonstrated at several sites in Central Otago (Walker loc. cit.) and is a desirable biodiversity outcome". Given that sheep only grazing is still permitted major recovery is unlikely to be seen.

No public access is proposed to this covenant.

We fully support the creation of this covenant to protect the shrubland and Galaxias habitat and believe the proposed monitoring prescription will be satisfactory.

We suggest that walking access only be permitted from b-c to allow for any committed botanists to access the covenant shrublands, or else that some provision be made for such people to apply for vehicle access permission on a one-off basis.

Protective Mechanism - Conservation Covenant CC 3

Approximately 270ha of unimproved high altitude land in the upper reaches of Duffers Gully is proposed for protection under a conservation Covenant (CC 3).

There is provision for public access to CC3 from d-e, i.e. from the point where the Carrick water race crosses the Nevis Road along the side of the race up to Duffers Saddle

The high country proposed for freeholding is situated at the head of Duffers Gully and is very similar to the adjacent CA1 designated for conservation. Both areas are above 1,100 m, classed as VIIe land and we consider are unsuitable for freeholding (Figures 7-9).

As we noted in our 2006 recommendations this area should rather be added to CA1 with the same phase-out grazing concession.

We have no objections to the other lower areas proposed for freeholding or to the continuation of existing water rights.

Acknowledgements

We would like to thank the lessees, Duncan and Rae Henderson, for allowing us to inspect the lease.

Thank you for the opportunity to comment on this preliminary proposal.

Janet Ledingham

For Dunedin Branch, Royal Forest and Bird Protection Society

25.1.14.



Figure 1. The upper plateau of CA1. Bare ground, lichens, cushion plants, herbfield, and fellfield. We do not think it should be grazed for a further 15 years.



Figure 2. Another fellfield view nearby. Little scope for any grazing.



Figure 3. CA1. Cushion plants, herbs, lichens and not much else. Needs to be free from grazing.



Figure 4. CA1. Not suitable for sustaining a further 15 years of grazing.



Figure 5. A pair of oyster catchers near a wetland area on the higher part of CA1



Figure 6. One of a number of banded dotterels seen in the same area as in Figure 5



Figure 7. CC3 showing the Carrick Race line , in the foreground an area where there appears to be little grazing available



Figure 8. CC3. The south side of Duffers Gully showing an area of erosion and hieracium in the foreground. Again there looks to be little grazing available and we feel the land should be given a chance to recover by adding it to CA1.

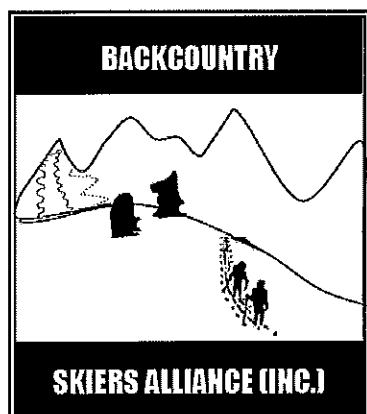


Figure 8. CC3, little grazing available



Figure 9. CC3, true right of the head of Duffers Gully. Not ideal grazing country

Submission 3



Backcountry Skiers Alliance
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Alexandra

January 25th, 2014

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Submission on Happy Valley Tenure Review

Thank you for the opportunity to submit on the proposed tenure review for Happy Valley Station. Overall we support the preliminary proposal.

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.

Specific comments on the proposal

- We support the creation of CA1, primarily on the basis of protection of land's natural ecological values.
- We applaud the "wander at will" provision for CC1, which allow the public to explore the historic feature that exist there.
- We support the proposed access "d - e" along the water race within CC3. This is a pleasant walk in summer and is occasionally skiable in winter.

Yours Sincerely

A handwritten signature in black ink, appearing to read "John Robinson".

John Robinson
Secretary, BSA