

Crown Pastoral Land Tenure Review

Lease name: PISGAH DOWNS

Lease number: PO 248

Public Submissions - Part 4

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

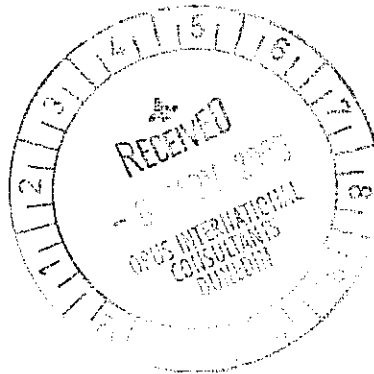
May

06

Southern Office

Box 6230
Dunedin

03 4776 125



4.11.05

Commissioner of Crown Lands,
C/o David Payton
Tenure Review Contract Manager,
Opus International Consultants Ltd,
Private Bag 1913,
Dunedin

Dear Sir,

Submission on the proposed outcomes from tenure review of Pisgah Downs pastoral lease

1.0 The Proposal as Advertised

- 1694 ha (approx) – CA 1 to be designated as land to be restored to or retained in full crown ownership and control as Conservation Area.
- 113ha (approx) - CA 2 to be designated as land to be restored to or retained in full crown ownership and control as Conservation Area.
- 2473ha (approx) - to be designated as land to be disposed of by freehold disposal to Pisgah Downs Limited subject to protective mechanisms under section 40(1)(b) and 40(2)(a),(b),(c) and (d) CPLA.

2.0 The Society's Submission

Thank you for this opportunity to make a submission. We look forward to further discussions on our submission.

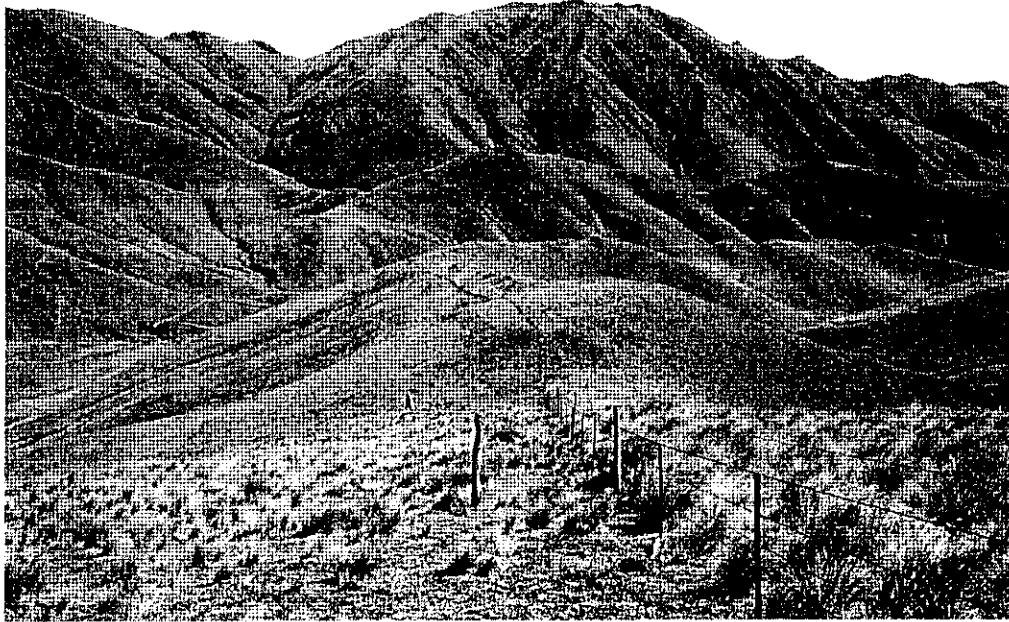
2.1 Conservation Area CA 1

The Society supports protection of the area – CA1. Addition of this area to the conservation estate will greatly improve the representativeness of biodiversity within DOC protected areas as this is one of the most ecologically diverse areas in the Dansey Ecological District. It also provides habitat for a number of threatened, rare and gradual decline species. It has high recreation and landscape values.

The Society recommends re looking at the proposed boundary between CA 1 and the proposed freehold. As we read the publicly notified map it appears that the proposed new fence line will run across the middle of a slope. This does not make good landscape sense, as it will break up the basins landscape integrity. Overtime the different management regimes will be expressed in the landscape as a sharp boundary between different vegetation patterns. It would be more appropriate to either go back to the existing fence line between the Stony and Hut blocks, or erect the fence along the base of the slope as indicated by the fuzzy line on the picture below. Our preference is to extend CA 1 to the existing fence. It is clear that there are significant ecological and landscape values that justify protection, as outlined in the Conservation Resources Report. Protection of this basin, with its relatively intact tussock grassland in the valley floor in CA 1 would enhance the future ecologically sustainable management of the head waters of a major tributary to the South Branch of the Marawhenua.



Looking down the basin proposed as boundary between CA1 (left) and freehold (right). White line Shows a more sensitive fence line than proposed in the PP, which follows the mid slope track on the centre spur. Forest and Bird preference is for the existing ridge line fence see photo below.



The existing fence between the Stony and Hut Blocks is more sympathetic to the topography of the landscape.

2.2 Conservation Area CA 2

The Society is pleased that this important low altitude shrubland area is to be restored to full crown ownership and management, and is to be securely fenced. We note that the values identified in CA2 extend up the gorge along the Marawhenua River tributary. The agreed area CA2 is a significant compromise. The Society submits that a greater portion of the upper catchment should be protected by way of a covenant as set out in section 2.6 below.

2.3 Conservation Covenant

The shrublands in this area are immensely valuable as a remnant, of a now much reduced ecosystem. It also contains nationally threatened species and is similar in importance to CA 2. Importantly it also represents the only opportunity to protect LENZ N3.1 environment on Pisgah Station, with a predominance of indigenous vegetation. This environment is severely under protected. The Society's belief is that areas of such importance should generally be returned to full Crown ownership. However we acknowledge in this instance that grazing may be needed to maintain the historic sites.

The Society believes this area should be fenced now as part of the tenure review agreements and financial settlement. If it later transpires that fencing is required then this cost is to be shared between effectively the Department of Conservation and the Lessee, and will become the burden of conservation. It is more appropriate that this is addressed as a cost of tenure review. It is also not certain from the documentation that fencing is ultimately practical. The PDR (page 11) states that it would be impractical to fence the forest and shrubland off from the surrounding areas. If this is the case then it is important that the boundaries of the

covenant be redesigned so that an effective fence can be erected.

We trust that DOC and the CCL have secure legal advice that the management prescriptions can be enforced and that they are an integral part of the covenant agreement. If such advice has not been secured we request that it is.

The CC should be extended to include the race lines at GR 740N.

2.4 CC Covenant Details

Values of land to be Protected

Values need to include ecosystem processes including natural regeneration of the indigenous cover. The existing dry open shrublands are the result of grazing practices. Given that dry shrublands are greatly reduced in the Danseys Ecological District, it is important that these are allowed to naturally regenerate and 'shrub up' rather than be maintained as open shrublands. Part of the reason for lower abundance of the less common species is probably due to the impacts of grazing. As noted on p12 of the PDR (Proposed Designations Report) management that improves the condition and extent of the shrublands should be encouraged. With such appropriate management these shrublands should improve and in condition and expand.

The values of this shrubland are also its biodiversity values for skinks, birds and invertebrates. These need to be listed in the covenant document.

Schedule 2

2 Clause 3.1.1. Amend to remove right to graze cattle. Cattle grazing is not compatible with the objective of the Covenant.

5 Clause 3.1.5. Sowing seeds is not compatible with covenant objectives and values of the covenant. Amend to delete sowing seeds. The values are described as natural values and the substantially unmodified character of the landscape.

7. Clause 12.1. The covenant owner should not be able to individually take any action to improve the values, unless in line with the management prescription. It is not clear that all management is to be according to the management prescription. Legally it may be that this specific clause takes precedence over the management prescription. Amend to exclude "individually". Ensure the Crown has robust legal advice concerning the enforceability of the management prescription.

Schedule 3

The specified goal is ambiguous as it refers to existing vegetation – which is a mix of exotic and indigenous. The values of the covenant are its indigenous cover and the goal should be the maintenance and enhancement, including the expansion of the existing indigenous vegetation and to preserve both the landscape and historic values.

Amend to state "*indigenous* vegetation. Amend goal to maintain and enhance (including proving for and ensuring the expansion of indigenous vegetation and to preserve both the landscape and historic values.

1(a) The vegetation goal should include providing for the natural regeneration and expansion of the extent of shrublands, rather than maintaining the existing balance of exotic and indigenous communities. The dry open shrublands should be referred to as '**Dry Shrublands**'. Their long term natural value will be as more dense shrublands rather than their current open nature.

3. Photo point monitoring should be enhanced by also using a quantitative method to better monitor the composition and structure of the shrublands, including the extent of regeneration. Photo points are good for illustrating gross changes over significant time scales but is not sensitive enough to determine the natural health of the shrublands and the ecosystem processes. Add a Quantitative monitoring method.

5. Lack of, or reduction in natural regeneration should be listed as a result of the VMP which would constitute an adverse effect on the shrublands. Amend accordingly.

2.5 Proposed Access Easements

Access provisions to and through CC and CA 1 are greatly appreciated, and will offer an interesting days' rambling. This would be significantly improved if the public were able to use easement b-c as this would enable a round trip. Round trips are always more attractive than a one way return.

Access to CA 1 would be greatly improved with the addition of a few extra km for 4wheel drive travel up the well formed road from the fence dividing Snowy and Stony. This road is in good condition and appears capable of support 4 wheel drive access. These extra km's would significantly increase the ease of access to and enjoyment of CA 1. There is room at the fence between Stony and Hut blocks for a car park.



Photograph showing good gradient and surface of the road below spot height D at 970m

2.6 Proposed new Covenant

Forest and Bird considers that a Conservation Covenant is needed over the Snowy and Stony blocks, adjoining the proposed conservation area, as shown on the attached map. This is necessary to fulfill the objects of the CPLA.

It is clear in the Conservation Resource Report (CRR) that these blocks have significant ecological and landscape values. The vegetation is predominantly indigenous, with seepages and shrublands in the gullies, it is probable that there are threatened species within the gullies. It lies between about 600m – 900/1000m. Such land is not well represented in the Conservation estate.

This area was mapped as containing significant landscape values. These more gentle rolling broad spurs convey an overall impression of intact tussock grasslands, and contrast with the more dramatic and alpine nature of upper CA1.

Neither the CRR nor the PP discuss the ecosystem service values of this area. It forms the headwaters of a significant tributary to the Marawhenua River which is in turn a significant tributary to the Waitaki River. It is well known that tussock grasslands are important for their contributions to water harvest. If this area is at any stage converted to pine plantations for example it would have a significant impact on water yields.

As noted on page 5 of the PP continued appropriate management is the key to ensuring this portion of the proposed freehold is managed in an ecologically sustainable manner.

The only means the Crown has to ensure ecological sustainable management of this area is to covenant it.

As the CRR notes this area is vulnerable to change, particularly from shelter planting or plantation forestry, spread of wilding pines, continuing burning, and further subdivision and land use intensification.

3.0 Summary of Recommendations

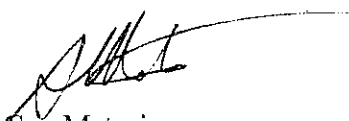
1. Amend boundary between CA1 and proposed freeholding area – either to existing fenceline or to a valley bottom boundary.
2. The proposed Conservation Covenant should be extended to include water races.
3. The proposed Conservation Covenant should be fenced as part of the tenure review settlement now.
4. Should this not occur the boundaries need to be re-examined to ensure there is a practical fence line.
5. Schedules 2 and 3 need amending.
6. Extend 4 wheel drive access to CA1 by about 1.5 – 2Km.

7. Provide for public use of easement b-c to enable a round trip between CA 2 and CC.
8. Negotiate for a new Covenant over Snowy and Stony blocks.

4.0 Conclusion

Thank you for the opportunity to make this submission. We have given careful consideration to this proposal and our response to it. We are satisfied that provided our amendments are secured this tenure review will provide good conservation, landscape and public recreation outcomes as well as accommodating opportunities for economic use of the freeholded land.

Yours sincerely



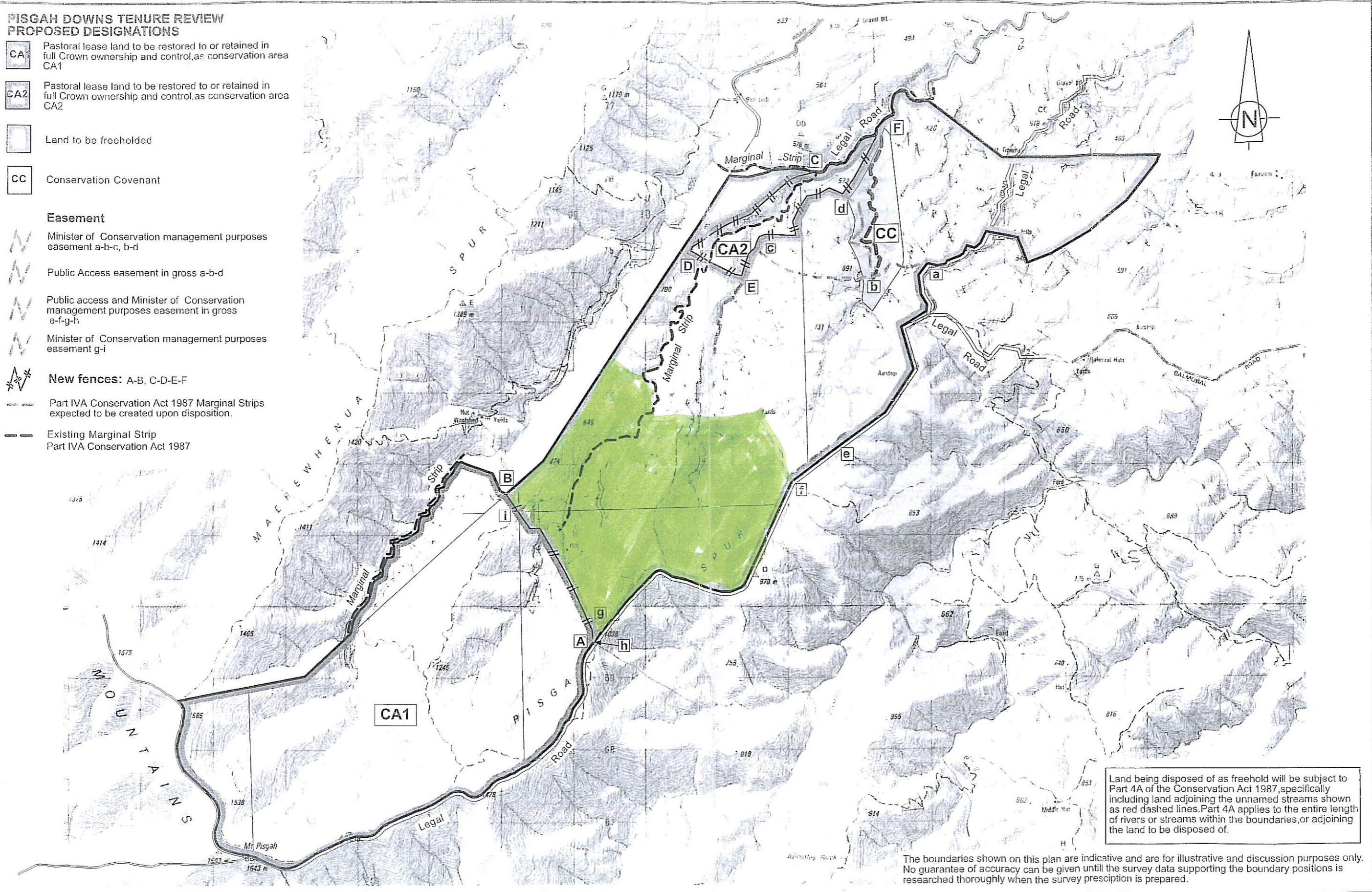
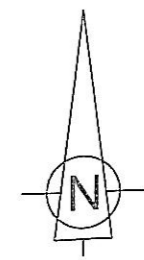
Sue Maturin
Southern Conservation Officer

**PISGAH DOWNS TENURE REVIEW
PROPOSED DESIGNATIONS**

- CA1 Pastoral lease land to be restored to or retained in full Crown ownership and control, as conservation area CA1
- CA2 Pastoral lease land to be restored to or retained in full Crown ownership and control, as conservation area CA2
- Land to be freehold
- CC Conservation Covenant

- Easement**
- Minister of Conservation management purposes easement a-b-c, b-d
- Public Access easement in gross a-b-d
- Public access and Minister of Conservation management purposes easement in gross e-f-g-h
- Minister of Conservation management purposes easement g-i

- New fences: A-B, C-D-E-F**
- Part IVA Conservation Act 1987 Marginal Strips expected to be created upon disposition.
- Existing Marginal Strip Part IVA Conservation Act 1987

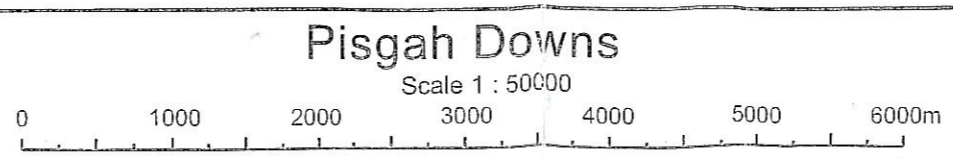


Land being disposed of as freehold will be subject to Part 4A of the Conservation Act 1987, specifically including land adjoining the unnamed streams shown as red dashed lines. Part 4A applies to the entire length of rivers or streams within the boundaries, or adjoining the land to be disposed of.

The boundaries shown on this plan are indicative and are for illustrative and discussion purposes only. No guarantee of accuracy can be given until the survey data supporting the boundary positions is researched thoroughly when the survey prescription is prepared.

OPUS INTERNATIONAL CONSULTANTS
Certified a true copy of the original status check plan.

Fo B Proposed Covenant Utilising Existing fences.



Version	1	2	3	4	5
Otago Land District NZMS 260 1.41	Sheet 1 of 1 Date 2/09/04				