



27 October 2017.

Acting Commissioner of Crown Lands
Land Information New Zealand
Christchurch.

Dear Mr Harris,

Tenure review of Ferintosh Crown pastoral lease

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 21,000 members. This core function gives FMC a strong interest in Crown pastoral tenure review because the process allows land to be redesignated for new purposes including conservation and recreation.

Of especial significance to FMC because of our organisation's interest in natural and historic values and recreation access are the prioritised objects of the statute which enables tenure review, Part 2 of the Crown Pastoral Land Act 1998:

Section 24

(a) to-

(i) promote the management of reviewable land in a way that is ecologically sustainable

(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 the following object:

(c) subject to paragraphs (a) and (b), to make easier-

(i) the securing of public access to and enjoyment of reviewable land.

Additional objects, to 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 the freehold disposal of reviewable land, must also be considered, though their priority is not as high as those of (a)(i), (b)(i), and (b)(ii).

The objects of Part 2 of the Crown Pastoral Land Act 1998 must be given effect to. It is important to note that, while reciprocal Commissioner-leaseholder information flow is vital to an optimal outcome, tenure review is not a bargaining process except in details; nor are timeliness, fairness, or perception of fairness considerations to be taken into account.

Ferintosh

In the Mackenzie and running partly along, partly just back from, the shores of Lake Pukaki for about 15 kilometres, this 2,561 hectare Ben Ohau Range property meets the Ruataniwha Conservation Park at around 1,000 metres. Moraine faces predominate, punctuated by tarns, seeps, gullies, and fans.

Ferintosh has been conservatively managed over many years and the primary obstacle to its ongoing good health is a fireweed infestation in its southern section.

The property is a gateway to Aoraki/Mount Cook National Park.

Ferintosh's tenure review process

FMC has expressed disquiet about Ferintosh's review process and has requested deferral - not granted - of its preliminary proposal stage in correspondence with LINZ.

In a nutshell, our concern is that, although the review has been in train for eighteen years, information about the natural values that are prioritised by the Act is patchy. Faunal values are the most cursorily reported, with four short paragraphs in the review's conservation resources report relating to the 2,561 hectare property's entire fauna; that is, avian, invertebrate, lizard, and endemic freshwater. It is very unlikely that a property managed as conservatively as Ferintosh has been over a long period would contain values as minimal as those described in the conservation resources reporting commissioned.

The conservation values data set provided is insufficient as a basis for robust decision-making on Ferintosh, especially with 1,073 hectares proposed for redesignation as land to be disposed of as freehold.

It is an egregious situation, particularly because given the eighteen-year length of the process, very thorough natural values' assessments should have been possible.

The advice that follows has been written in the context of data paucity described above.

Proposed CA1

This proposed 624 hectare block has strong landscape qualities: high natural character, high visibility, high legibility, and high aesthetic values. As part of the Mackenzie, it has nationally significant scenic values.

Botanically, there is significance in the narrow-leaved snow tussock grasslands. Shrublands including species such as *Dracophyllum pronum*, *Dracophyllum uniflorum*, *Acrothamnus colensoi*, *Hebe odora*, and *Gautheria crassa* exist here. The wetland complex includes the Nationally Critical *Oreomyrrhis colensoi* var. *deliculata*, and the Declining *Montia iolantha*. There are mountain and silver beech remnants.

The jewelled gecko (At Risk), McCanns skink, and common gecko have been found here, as have the grey duck (Nationally Critical), black-fronted tern (Nationally Endangered), and the South Island pied oystercatcher and New Zealand pipit (both At Risk). The koaro (At Risk) has been found in Jacks Stream.

FMC assumes the ten-year grazing concession proposed has been put forward to provide a sheep-grazing transition instrument. It is inappropriate, firstly because its length indicates its focus would, for much of its life, concern business as usual rather than segue to a new system, and secondly, because the property doesn't have a sheep operation that would require transition (an activated grazing concession would effectively introduce, rather than phase out, grazing).

FMC opposes the proposed grazing concession and, therefore, the proposed farm management easement, which should not be needed.

There is scope for a range of recreational pursuits here, including tramping, nature-watching hunting, and horse-riding. The block's adjacency with the Ruataniwha Conservation Park will allow extended roaming through terrain with a variety of features.

Recreational access exists from the Ruataniwha Conservation Park. Proposed easements to this block running from the north ("a"- "b" and "c"- "d") and from the east ("j"- "i") through the proposed freehold block will be dealt with later in this submission.**

FMC believes that restoring this block to full Crown ownership and control is in accordance with the statute. Preparation should be made for the land's inclusion in Ruataniwha Conservation Park as expeditiously as possible after conclusion of the tenure review process.

Recommendations:

- * that proposed CA1 be adopted.
- * that preparation be made to expedite the land's inclusion in Ruataniwha Conservation Park.
- * that the proposed grazing concession not be adopted.
- * that, if the proposed grazing concession is not adopted, the proposed farm management easement not be adopted.
- * * See pages 7 and 9-10.

Proposed CA2

This 239 hectare proposed block has high landscape values; high natural character, high geomorphological legibility, high visibility, and significant landform features and patterns. As part of the Mackenzie, it has nationally significant scenic values.

Healthy sequences of manuka, narrow-leaved snow tussock, tarns, and seepages exist here.

The jewelled gecko (At Risk), McCanns skink, and common gecko have been found here, as have the grey duck (Nationally Critical), black-fronted tern (Nationally Endangered), and the South Island pied oystercatcher and New Zealand pipit (both At Risk). The koaro (At Risk) has been found in Boundary Stream.

The proposal of a ten-year sheep grazing concession is inappropriate as a transition mechanism, firstly because its length indicates its focus would, for much of its life, concern business as usual rather than a segue to a new system, and secondly, because Ferintosh has no sheep operation requiring a phase-out period. Activation of such a concession would be to introduce, rather than provide a transition out of, sheep grazing.

There is potential for a range of recreational pursuits in this block, including tramping, nature-watching, hunting, and horse-riding. The block's adjacency to the Ruataniwha Conservation Park will allow extended roaming through terrain containing various features.

Recreational access is from the Ruataniwha Conservation Park or through the proposed block to the east; the latter will be dealt with later in this submission.**

FMC believes that restoration of this block to full Crown ownership and control is in accordance with the Act. Preparation should be made for the land's inclusion in Ruataniwha Conservation Park as expeditiously as possible after conclusion of the tenure review process.

Recommendations:

- * **that proposed CA2 be adopted.**
- * **that preparation be made to expedite the land's inclusion in Ruataniwha Conservation Park.**
- * **that the proposed grazing concession not be adopted.**
- * * See pages 9-10.

Proposed CL

This proposed block of 864 hectares in Ferintosh's southernmost parts is in urgent need of fireweed control and should remain in Crown ownership and control. How this should occur, and attendant risks and opportunities, are matters for discussion.

At present largely masked by the woody weeds, landscape values are high, as they are consistent with those of proposed CA1 and proposed CA2, though naturally comparatively muted. There are high geomorphological legibility, high visibility, and significant landform features and patterns. As part of the Mackenzie, it has nationally significant scenic values.

There has been significant degradation of botanical values. Remnant matrices including bog rush wetlands, narrow-leaved short tussock grasslands, and shrublands exist. Herbicide trial plots targeting the woody weeds indicate regeneration encouraged by the shelter of the decomposing trees, which were left standing.

The eastern falcon (At Risk) exists here. The jewelled gecko (At Risk), McCanns skink, and common gecko have been found here, as have the black-fronted tern (Nationally Endangered), and the South Island pied oystercatcher and New Zealand pipit (both At Risk). The koaro (At Risk) has been found in Boundary Stream.

Currently, recreational values are very low because of the fireweeds' presence. It is likely that the area's appeal as a theatre for recreation will increase as the weeds are removed and if native ecosystem recovery is encouraged.

FMC's view is that the weeds' eradication should be part of landscape-scale wildlings' control and, that, following their primary clearance, their ongoing suppression and native species and systems' recovery should be managed and monitored; there is potential for a range of scientific studies with applications extending beyond proposed CL. When and where appropriate, recreational uses such as tramping, mountain biking, hunting, and horse riding should be enabled.

Decision-making about proposed CL should allow for outcomes that are robust over the very long term. FMC believes that the Department of Conservation is the appropriate agency to manage this. The land should be given initial stewardship classification. Ongoing assessment may indicate

scientific reserve reclassification, eventual inclusion in the Ruataniwha Conservation Park, or some other purpose as the most appropriate outcome for the block (exchange should not be ruled out as the proper eventuality). The Department of Conservation has the specialist knowledge and skills to implement the necessary tasks and ensure the right outcomes for the block.

The Department of Conservation should be funded appropriately for the considerable work involved in resetting the trajectory of this land.

Recommendations:

- * that proposed CL be retained in full Crown ownership and control.
- * that the block be given stewardship classification as public conservation land with a view to: clearance of the wilding trees as part of the Department of Conservation's broader wildlings control planning; management of native species' and systems' recovery; planning for future recreational opportunities; and consideration of final land status.
- * that the Department of Conservation be funded appropriately for the work.

Proposed freehold - homestead and curtilage

This area, including the homestead and surrounding paddock space in the developed Whale Stream fan environs, should be redesignated as freehold.

Recommendations:

- * that the homestead and curtilage area be redesignated as freehold.

Proposed freehold - Whale Stream faces

This area is the only part of the Whale valley that is not public conservation land. It has outstanding natural landscape value, highly significant landform features and patterns, and high legibility.

Narrow-leaved short tussock and shrublands are recovering after a recent fire which has left the land with little capacity for pastoral farming.

The black-fronted tern (Nationally Endangered) and South Island pied oystercatcher (At Risk) exist here. The koaro (At Risk) is found in Whale Stream.

Recreational values are very high. Tramping, hunting, photography, and nature-watching are accessible from State Highway 80. Dun Fiunary is a popular objective for climbers.

The freehold redesignation of the true right Whale Stream faces would not be in accordance with the Act; the area should be restored to full Crown ownership and control and preparation should be

made for its inclusion in Ruataniwha Conservation Park as expeditiously as possible after conclusion of the tenure review process.

Public access easements “a”-“b” and “c”-“d” will be necessary only if the area is redesignated for freehold disposal.

If there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area’s values should take place, with its outcomes made publicly available and used to inform the final decision.

Recommendations:

- * that the true right Whale Stream faces be restored to full Crown ownership and control as public conservation land.
- * that preparation be made to expedite the land’s inclusion in the Ruataniwha Conservation Park.
- * that public access easements “a”-“b” and “c”-“d” be adopted only if the area is redesignated for freehold disposal.
- * that if there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area’s values should take place, with its outcomes made publicly available and used to inform the final decision.

Proposed freehold - between Whale Stream and Jacks Stream excepting the homestead and curtilage

There are landscape values of high significance in this area: high naturalness, high legibility, high visibility, high integrity, and high intactness. It is important to the coherence of the wider landscape.

Botanically, there is extensive narrow-leaved snow tussock grassland, strong matagouri and manuka (*Leptospermum scoparium*) shrublands, remnant silver beech and mountain beech pockets, and partial strong recovery of tall tussock. The Nationally Critical *Oreomyrrhis colensoi* var. *deliculata* and the Declining *Montia iolantha* occur here.

The jewelled gecko (At Risk), McCanns skink, and common gecko have been found here, as have the grey duck (Nationally Critical), black-fronted tern (Nationally Endangered), the South Island pied oystercatcher and New Zealand pipit (both At Risk), and the koaro (At Risk).

The opportunity to secure a lakefront-to-tops - and beyond, through the Ruataniwha Conservation Park - altitudinal sequence is significant in terms of natural and recreational values.

Recreationally, this area offers tramping, hunting, horse-riding, potential mountain-biking, nature-watching, and trout fishing near the mouth of Jacks Stream.

It is FMC's view that freehold redesignation of this part of Ferintosh's lease is not in accordance with the Act and that the land should be restored to full Crown ownership and control.

The preliminary proposal would establish public access ("i"-k") and conservation management ("m"-g") easements through the proposed freehold area. These will not be necessary if the land is restored to full Crown ownership and control. If, however, freehold redesignation is the outcome, conservation management access should follow the stable and expeditious farm track on the spur above the true right of Jacks Stream; this will be discussed later in the submission.**

Instead of public access "i"-k", enduring public access to the mouth of Jacks Stream should be established along the existing four wheel drive track.

FMC's view is that preparation should be made for this area's inclusion in Ruataniwha Conservation Park as expeditiously as possible after conclusion of the tenure review process.

If there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area's values should take place, with its outcomes made publicly available and used to inform the final decision.

Recommendations:

- * that the area proposed for freehold redesignation between Whale Stream and Jacks Stream excepting the homestead and curtilage area instead be restored to full Crown ownership and control as public conservation land.
- * that preparation be made to expedite the land's inclusion in the Ruataniwha Conservation Park.
- * that if there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area's values should take place, with its outcomes made publicly available and used to inform the final decision.
- * that the proposed conservation management easement not be adopted unless the land is redesignated as freehold, in which case it should follow the farm track on the spur above the true right of Jacks Stream. To be discussed on page 9-10.**
- * that "i"-k" not be adopted; instead, enduring public access to the mouth of Jacks Stream should be established along the existing four wheel drive track.

Proposed freehold - between Jacks Stream and Boundary Stream

Landscape values are high. There are high visual integrity, high legibility, high naturalness, high visibility that includes part of the Lake Pukaki shoreline, and highly significant landform features and patterns. The area has importance to the coherence of the wider landscape and, as part of the Mackenzie, it has nationally significant scenic values.

Matagouri and manuka shrublands are generally robust, there are strong narrow-leaved snow tussock grasslands, and there are tarns and kettleholes in various places, including close to the lake, containing remnant native turf plants.

The jewelled gecko (At Risk), McCanns skink, and common gecko have been found here, as have the grey duck (Nationally Critical), the black-fronted tern (Nationally Endangered), and the South Island pied oystercatcher and New Zealand pipit (both At Risk). The koaro (At Risk) has been found in Jacks and Boundary Streams.

Contiguous with the Ruataniwha Conservation Park - and so giving access beyond - the area presents the opportunity for lake-to-tops recreation, offering tramping, hunting, horse-riding, potential mountain biking, and nature-watching.

Though relatively recent grazing - much of it by cattle - has compromised aspects of the area's natural values, it appears in reasonably good health and is recovering.

Freehold designation is likely inappropriate. If there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area's values should take place, with its outcomes made publicly available and used to inform the final decision.

FMC's view is that this area should be restored to full Crown ownership and control as public conservation land. Sheep grazing concessions may be appropriate, with calendar periods, length, specific areas, stocking rates, and other details to be determined by Department of Conservation specialists.

Public access and conservation management easements are proposed for the Jacks Stream area and an easement for conservation management ("n"-o") is proposed for the unnamed stream east of proposed CA2. These should be unnecessary as the area's strong natural values indicate restoration to the Crown as public conservation land. If it should be redesignated as freehold, however, both the Jacks Stream public access ("j"-i) and conservation management ("m"-g) easements west of State Highway 80 should be amended to follow the stable and expeditious farm track on the spur above the true right of the stream, and the lower proposed conservation management easement ("n"-o) should be adopted with its purpose extended to include public access.

Recommendations:

- * that the area proposed for freehold redesignation between Jacks Stream and Boundary Stream instead be restored to full Crown ownership and control as public conservation land.
- * that if there is interest in retaining the proposal that this area be redesignated for freehold disposal, then thorough multidisciplinary technical assessment of the area's values

should take place, with its outcomes made publicly available and used as a basis for the final decision.

- * that the proposed public access (“j”-“l”) and conservation management (“m”-“g”) easements not be adopted unless the land is redesignated as freehold, in which case they should be amended to follow the farm track on the spur above the true right of Jacks Stream.
- * that the proposed conservation management easement “n”-“o” not be adopted unless the land is redesignated as freehold, in which case its purpose should be extended to include public access.

Land classification

This review of Crown pastoral lease tenure should ‘enable the protection of the significant inherent values’. As part of the review, all property to become public conservation land, excepting proposed CL, should have its final classification - based on the expert data informing the review - prepared so as to become active as soon as possible.

The stewardship classification that proposed CA1, CA2, and any other public conservation land created will initially receive does not ensure protection through appropriate management and does not provide protection from exchange (section 16A(1) of the Conservation Act 1987 says: *Subject to subsections (2) and (3), the Minister may, by notice in the Gazette, authorise the exchange of any stewardship area or any part of any stewardship area for any other land*); the expedition of precise classification will help address the Act’s requirement that the review ‘enable the protection’

Conclusion

Ferintosh’s preliminary proposal is inherently problematic because the very values that the process primarily hinges on - natural values - are very likely severely underreported. Preliminary proposals and the public’s responses to them should be able to be put forward with confidence that they are well-informed and in accordance with the statute.

FMC is sanguine that parts of Ferintosh be restored to full Crown ownership and control for public conservation purposes; data provided on these areas, though limited, support such an outcome and the land will remain part of the commons.

We urge caution in determining the future of proposed CL, which New Zealanders of the next century and beyond should be able to reflect was dealt with positively and with far sight.

FMC opposes most of the freehold disposal proposed. In large part, this is because most of the land proposed for freehold redesignation is in a healthy condition similar to that proposed for restoration to the Crown for conservation purposes. It is also because any decision to privatise

public land should be properly supported by data and the proposal of Ferintosh's partial freeholding does not have that technical backing. If, after this stage of the tenure review process, freehold title remains on the table for any part of Ferintosh apart from the homestead and curtilage area, then full multidisciplinary assessments should be completed, and their findings published and used as bases for the final decision.

Yours sincerely,

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Federated Mountain Clubs vice-president and tenure review convenor.

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