

Royal Forest and Bird Protection Society
Dunedin Branch
PO Box 5793
Dunedin.

11 June 2001

Commissioner of Crown Lands
c/o Knight Frank (NZ) Ltd
Land Resources Division
PO Box 27
Alexandra

Dear Sir

Submission on Preliminary Proposal for tenure review of Glen Nevis Pastoral Lease

The Dunedin Branch of the Royal Forest and Bird Protection Society represents approximately 700 members who have a strong interest in the conservation of New Zealand's natural heritage. We organise field trips throughout Otago and Southland, and many of these are to areas of upland grassland and alpine vegetation, often under pastoral lease tenure. It is clear that pastoral practices (burning, grazing, ploughing, oversowing) since the 1840s have greatly reduced the original extent of the region's indigenous upland vegetation. We believe that the remaining indigenous grasslands and cushionfields are nationally and internationally significant and deserve a high level of protection from inappropriate development and use. Our concern about management of these grasslands is reflected by our wilding tree control program, in which volunteers have removed over 50,000 wilding trees from indigenous grasslands in Otago, on lands under both private and public tenure. We are concerned about the sustainability of current pastoral management practices and fear that the continuation of these practices will further erode the natural condition of indigenous upland vegetation. In this context, we are hopeful that the outcome of tenure review of Glen Nevis Pastoral Lease will result in protection of significant upland vegetation, both for its inherent value and recreational enjoyment by the public. We also trust that the outcome ensures sustainable management of any land that is made freehold. We are happy that these views are in accordance with the objectives of the Crown Pastoral Land Act 1998, Section 24(a)-(c).

We are pleased that the preliminary report for tenure review of Glen Nevis Pastoral Lease proposes that all the land on the eastern side of the Hector Mountains will be returned to full Crown ownership and control. In particular, we are delighted that an area of the Nevis Valley floor is included in this land, as it is of a type that is poorly represented in the current suite of protected natural areas in the region. However we are opposed to the proposal to freehold in entirety the western slopes on the Hector Range. As the Notice of Preliminary Proposal indicates, the slopes above the snowline fence on the western side support *Chionochloa rigida* grassland, which

passes into *Chionochloa macra* grassland and cushionfield at higher altitudes. The preliminary proposal states that this land provides important summer grazing for the Glen Nevis property, and suggests that its values can be protected under a grazing regime by imposition of a protective covenant. We dispute this. In particular, *C. macra* is strongly and preferentially grazed by stock (Allen & Lee, 1990; Connor, 1991). Under grazing regimes, both *C. rigida* and *C. macra* grasslands tend to decrease in stature, suffer regeneration failure, and become invaded by exotic weeds (Allen & Lee, 1990).

Under tenure review, the status of the upper western slopes must be considered in relation to the objectives of the Crown Pastoral Land Act 1998 (CPL Act).

Section 24(a) of the CPL Act has the objective of promoting the ecologically sustainable management of reviewable land, and freeing such land of its management constraints under tenure review, if this is consistent with its sustainable management. The proposed conservation covenant retains constraints on the upper western slopes, and the scientific evidence we have cited above indicates that continuing pastoral management of this land will not be ecologically sustainable. Therefore the Preliminary Proposal does not conform with the requirements of Section 24(a).

Section 24(b) of the CPL Act aims to protect the significant inherent values of reviewable land, either by the creation of protective mechanisms, or *preferably*, by restoring of the land to full Crown ownership and control. A 1996 Department of Conservation report on Glen Nevis Pastoral Lease identifies the upper slopes (>1100m) of the Hector Range as having high inherent value. The Notice of Preliminary Proposal provides no justification for its choice of a weaker instrument (covenanting) to protect these values. We note here that conditions of covenants may be modified, or the covenant may be extinguished entirely, without any public knowledge or input. In the absence of substantial reasons for doing otherwise, we argue that the upper western slopes of Glen Nevis Pastoral Lease must be returned to full Crown ownership and control in order to be consistent with the clear preference of Section 24(b): restoration to full Crown ownership and control of land which has high inherent value.

Under the CPL Act, Sections 24(a) and (b) have equal importance, and their objectives must be balanced.

Section 24(c) of the CPL Act has the objectives of making easier both public access and enjoyment of reviewable land, and freehold disposal where this land is capable of economic use. However, Section 24(c) is subservient to the two preceding sections. Freehold disposal can only occur where the objectives of Sections 24(a) and (b) are met. As we have argued, there is substantial doubt that the Preliminary Proposal meets the objectives of either of these sections in relation to land above 1100m altitude on the western slopes of the Hector Range. Accordingly, this land should not be made freehold.

A shortcoming of the Preliminary Proposal is that it fails to formalise public access to the upper slopes of the Hector Range from State Highway 6 along Lake Wakatipu. This road provides the most accessible point of access for the general public. We are aware that an existing legal road passes over the Hector Range on Glen Nevis Pastoral

Lease, but that this road is not used by the public as it has not been marked or formed. We suggest that an easement be made for public access over one of the 4WD tracks that runs between SH 6 and the upper slopes of the range. This action would not be inconsistent with sustainable management and protection of the inherent values, and thus is supported under section 24(c)(i) of the CPL Act.

Conclusion

We support the return to full Crown ownership and control of the parts of Glen Nevis Pastoral Lease that lie east of the Hector Range crest. We argue that protection by full Crown ownership and control must be extended to the upper slopes (<1100m) on the western side of the Hector Range. These slopes should not be grazed. We wish that public access from State Highway 6 to the upper slopes of the Hector Range be formalised.

We thank you for considering this submission, and request notice of the final outcome for tenure review of Glen Nevis Pastoral Lease, when this becomes available.

Yours sincerely,

Paul Star, Secretary.