

# Tenure Review Greenstone, Elfin Bay & Routeburn Crown Lands

**DRAFT**

Proposal to Commissioner of Crown Lands

Public Access New Zealand

June 1996

Submissions are invited on these proposals

These should be sent to—

Public Access New Zealand, R D 1, Omakau 9182, Central Otago; or fax (03) 447 3554  
by 26 August 1996



# Proposals

1. To allocate approximately 30,000 hectares of former pastoral leasehold and Unalienated Crown Land to the Department of Conservation (includes all mountain lands, and floors of Mararoa, Greenstone and Caples Valleys, and lake faces above approximately 820-850 m asl).
2. To offer a grazing licence over approximately 100 hectares of proposed conservation estate on the floor of the lower Caples Valley. Use to be confined to sheep grazing, subject to stocking limitations, based on monitored condition of vegetation, water quality and riparian areas, and impacts on adjoining conservation lands. Public access to be over the area at all times.
3. To reclassify as 'farm land' approximately 2250 hectares of Lake Wakatipu lower faces, terraces and Dart valley floor, and offer freehold title subject to creation of marginal strips along streams.

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## Current land status and tenure review

In 1992, at the request of the Ngai Tahu Maori Trust Board, the government purchased the lessees' interests in three pastoral leases covering the Greenstone, Elfin Bay and Routeburn Stations. Small areas of freehold were also purchased by the Crown.

Approximately 32,000 hectares were placed in a 'Land Bank' for "possible" future settlement of Ngai Tahu land claims.

As a consequence of the Crown purchase there are no lessees or run-holders. The land is currently administered by the Commissioner of Crown Lands (CCL) in a similar manner to former Lands and Survey farms. The CCL administers the land on behalf of the Minister of Justice via the Office of Treaty Settlements. The area grazed, relative to the total area, is relatively small, and the area intensively grazed even smaller.

In accordance with the requirements of section 51 of the Land Act 1948, the properties were classified as 'pastoral land' under the former leases, and remain so classified. They are held by the Crown as Unalienated Crown Land (UCL).

The Minister of Justice has stated that any tenure review over the properties will be identical as for a pastoral lessee seeking a tenure review. The procedures required to be used are those developed by the CCL entitled 'Procedures for Pastoral Lease Tenure Review', dated 6 December 1994.

So far Government has failed in its undertaking for "identical" procedures to those used for tenure review on pastoral leases. This is despite re-

peated requests from PANZ that the review process be commenced.

Public Access New Zealand believes that because of a long history of public use of the stations, there is sufficient information available now for official proposals to be publicly canvassed. These proposals flow from the large body of resource information that is already publicly available, and users' detailed knowledge of the area. Most of the information presented herein is drawn directly from official sources.

**It is hoped that these proposals will provide a spur for Government to honour its commitment to properly consult the public on this issue. These proposals should also provide in a strong indicator of the outcome popularly desired.**

**PANZ will analyse submissions received, and review and amend these proposals in the light of those submissions, and the requirements of the Land Act 1948. We will then submit these to Government for its consideration.**

### The setting

The former pastoral leases, on the western side of Lake Wakatipu and the Dart River, cover valley floors and mountain tops which are intermingled with forested public conservation mountain lands in the Mount Aspiring and Fiordland National Parks. The properties comprise the flats of the Dart, Greenstone and Caples Rivers, Wakatipu lake faces, the head waters of the Mararoa River and the tops of the Humboldt, Ailsa, Thompson and eastern Livingstone mountains.

Substantial public facilities (huts and tracks) are established on the former leasehold without any formal protection or rights of public usage.

Distinctive physical characteristics of the area are relatively high rainfall, cool temperatures, large inland valleys, and high mountains.

Developed farm land against a backdrop of rugged peaks combine to make a spectacular setting. The whole region has been heavily glaciated over the last 500,000 years and all major valleys show characteristic U-shaped profiles.

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## Treaty of Waitangi and Ngai Tahu land claims

The Elfin Bay-Greenstone-Routeburn area was originally purchased by the Crown in 1848 and 1853, under the 'Kemp' and 'Murihiku' agreements.

### Waitangi Tribunal's findings

In 1991 the Waitangi Tribunal reported on Ngai Tahu land claims over much of the South Island.

The Tribunal findings on the Kemp and Murihiku purchases relate, *inter alia*, to inadequate reserves, failure of the Crown to exclude particular lands from sale and failure of the Crown to protect mahinga kai.

Two key elements of the grievances heard by the Tribunal related to the western boundaries of the Kemp and Murihiku purchases by the Crown. Ngai Tahu claimed that the western boundaries were the foothills above the Canterbury Plains, and the Wairau River in Fiordland. In other words they claimed that all the Canterbury and Otago high country now occupied by pastoral leases, Arthurs Pass, Mount Cook, Mount Aspiring and Fiordland national parks, etc., had never been sold to the Crown.

During the hearing of the claim the Crown's counsel dismissed these claims as "myths" and "without any factual foundation" (*The Press* 1/7/88).

The Tribunal found that the claimant's grievances over western boundaries were not sustained.

There is no basis in the Tribunal's findings to support the use of the Greenstone Valley area for settlement of so-called 'grievances' that have been disallowed. The Tribunal found that the Crown had lawfully purchased these lands. Where other claims were upheld these were for distinctly different areas or resources.

It is only findings of fact, and recommendations based on such findings, that the Crown is obliged to consider—

"Honesty of purpose calls for an honest effort to ascertain the facts and reach an honest conclusion." *Richardson J in New Zealand Maori Council v Attorney-General. [1987] 1 NZLR at p 682*

### Applicability to Treaty claims settlement

From full reading of the Tribunal's report it is apparent that *the Crown has no obligation to settle with Ngai Tahu using these particular lands*. The Tribunal held that there was no breach of the Treaty in regard to the high country in general; that the Crown had in fact lawfully acquired the land.

Ngai Tahu state that the land has spiritual and cultural significance to them, with well-publicised opportunities for development and economic benefit as well. However such 'significance' or 'importance' does not, by virtue of the Treaty of Waitangi, or from their claim heard before the Tribunal, create any greater 'right' or entitlement to preferential allocation of the land than for anyone else. Other people attach spiritual, recreational and commercial importance to the area as well and could make equal 'claim' to the area.

The Government does however have *the discretion* to use, or not use, these or any other lands for settlement of proven Treaty claims. Quite independently of Treaty-related considerations, the Crown has the discretion to re-allocate all or part of these lands to any one it chooses, including Ngai Tahu. However that must occur within the limitations of the law governing the administration of Crown land—the Land Act 1948. It is up to Government to decide who, if anyone, should gain title to any part of the land concerned. PANZ does not have a par-

ticular view on this. What primarily concerns PANZ is that Government fulfils its obligations to the public to ensure that the public interest is properly accommodated in any changes to the status of the land. Our proposals are designed to that end.

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## Historic and archaeological sites

Archaeological sites are limited to an important Maori site at the Dart Bridge on river bed land *adjacent* to the former Routeburn pastoral lease; some possible Maori ovens; the remains of a sod hut near the Taipo hut in the upper Mararoa, and a hut in the fork of Scotts Creek, on the former Routeburn pastoral lease, which may be of historic interest.

There are almost no Maori place names recorded for this area on topographical maps. It is unlikely that the Greenstone Valley was named because of a Maori association with the route from the west coast to the greenstone sources in the Dart Valley. It is likely that it is one of surveyor James McKerrow's names since he named all the surrounding ranges.

A Ngai Tahu response to the paucity of archaeological evidence of Maori occupation is that "the lack of visible clues of human occupation understates the true importance of the region to the tipuna and their descendants today...viewed holistically there are strong cultural links to the area".

The Ngai Tahu Maori Trust Board emphasises a strong spiritual attachment or importance to the Wakatipu region, rather to the particular lands subject to this review. This is implied to validate their claim to these lands despite the rejection of this by the Waitangi Tribunal.

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# Assessment of pastoral farming

## Greenstone Station

A moderately large run on the western shore of Lake Wakatipu. Approximately 3000 ha of grazable country in two distinct areas – the lake faces and the Caples Valley.

A further small area of the lease on the true left of the Greenstone River is grazed by the neighbouring property, Elfin Bay. Access/stock control difficulties render grazing by Greenstone Station impractical.

There is approximately 1000 ha of improved (mainly topdressed and oversown) pasture on the lake faces and the Caples flats also have introduced grasses and legumes present.

Other than approximately 100 ha of flat around the homestead area and 300 ha up the Caples Valley, the property is all steep to very steep.

Of the former pastoral lease, 3700 ha has been retired from grazing (and fenced) under a Government subsidised soil and water conservation farm plan.

It is not a particularly attractive property from a pastoral aspect with the majority of carrying capacity being on the lake face country which has a high maintenance requirement (topdressing and bracken control). Although a sound unit at just over 6000 stock units, the property would support very little indebtedness.

Some potential exists in the Caples Valley, however, access difficulties plus tramper/recreationist conflict mean this is likely to be very limited.

## Effects of losing various areas from grazing

### Caples Valley

The 1500 stock units carried here could not be transferred to elsewhere on the property. In addition, these stock are some of the most profitable (low running costs). Given the high cost of farming the lake faces country, loss of the Caples Valley would render the Greenstone Station property uneconomic as a stand alone unit.

### Recreation Reserve (321 ha)

This includes some of the better country and loss of this area would have a significant adverse effect, however, the property would still be a sound unit.

### Lake Faces

Similarly to the recreation reserve, loss of a modest area (say, less than 500 ha) while having a significant effect, would not render the unit uneconomic. Anything beyond that would.

## Elfin Bay Station

A large run property of approximately 22,000 ha based on the western shore of Lake Wakatipu.

Approximately 9000 ha of grazable pasture. Of this, 1000 ha is topdressed and oversown. All the river valleys also contain introduced clovers and grasses. This includes approximately 700 ha of river flats in the Greenstone Valley and over 2000 ha of flats in the Mararoa Valley. Other than these river flats, plus approximately 150 ha of flat around the homestead, the property is all steep to very steep.

The property is a difficult one to farm because of access and distances involved. Bracken fern reversion on the lake faces is also an ongoing problem.

There is a large potential in the Mararoa Valley, but this would require development of separate facilities (yards, woolshed) at that end of the property and access from the south. Conservation considerations, as well as economics, are likely to preclude any major moves in that direction.

The property runs around 6300 stock units and if run on extensive, low cost methods is a sound unit, though it would support only a very modest debt level.

## Potential

There is limited potential for significant increase in carrying capacity. The lake faces have been topdressed and oversown, but have a bracken fern problem and already require regular maintenance topdressing. Further intensification would be marginal economically.

Some intensification of grazing could probably be sustained in the

Greenstone, but already conflict with recreation use is occurring.

A large potential exists in the Mararoa Valley but access and conservation considerations make realisation of this impractical.

## Effects of losing areas from grazing

### Lake Face Area

Loss of this area would render the unit completely uneconomic and impractical. Apart from the loss of approximately 2000 stock units of carrying capacity this area includes all the essential young stock country.

### Greenstone Valley

Loss of this area would seriously effect the unit. Some of the approximately 1300 stock units could be transferred by intensifying grazing in the Mararoa Valley though this would lead to conservation/water quality concerns affecting this land and Mavora Lakes Park.

Despite the difficulties involved the property would still represent a sound unit.

### Mararoa Valley

In addition to the present stocking of approximately 1800 stock units this is also the winter country for adult cattle. Loss of this area would reduce the property to an uneconomic size.

### Thompson Mountains

(Slyburn and Pond Burn Valleys) Although only 500 stock units, this area winters the ewes. Although some replacement grazing is probably available further south (Trenchburn?), distance/mustering would create major difficulties. The ewes could not be transferred to the lake faces without significantly reducing overall carrying.

Loss of this area would significantly affect the property, though it would still represent an economic unit.

## Routeburn Station

A moderately large property in a somewhat remote locality 28 km from Glenorchy and 80 km from Queenstown. Despite remoteness, it is a high public use area with the road access to both the Routeburn and Greenstone Tracks passing through the property.

The unit consisted of a 2525 ha pastoral lease plus 437 ha of other tenure, mainly freehold or Deferred Payment Licence.

Known as Routeburn "Station" but is really more of a large farm than the traditional "run". The majority of grazing is obtained from flat to easy rolling country. Crossbred sheep are run (the property is not suited to merinos) and large quantities of hay are made.

The property has a full range of sound buildings located on freehold tenure.

Total carrying is over 7000 stock units, which represents a sound unit, even in this high cost locality (transport and maintenance fertiliser).

The property is predominantly steep to very steep, running from 360 metres to over 2100 metres altitude.

The easterly faces have been oversown and topdressed up to 800 metres with good results, however, reversion to bracken fern is vigorous and an ongoing problem. This area provides the bulk of grazing on the lease.

Above 800 metres, useful grazing is available to about 1000 metres and in the upper Scott Creek. This is utilised as winter grazing for wethers and dry cattle. It is suited to summer grazing, however this is not the restricting period on this property and in addition the snow cap removes potential mustering/stock straying problems.

The pastoral lease had an overall stock limit of 1950 stock units. It does not represent an economic unit on its own nor does it have the potential to become one.

### **Removal of grazing above 1000 m**

Given the present management this area provides very little grazing and removal would have negligible effect on the overall carrying capacity of the unit.

### **Removal of grazing above the existing top fence (800-850 m)**

Although only providing probably 500 stock units of grazing and having a limit of 970 stock units, the value of this grazing is enhanced by being utilised in winter. Loss of this area would

significantly affect the property, though it would still remain an economic unit of around 6000 stock units carrying capacity.

## **Possible restructuring of properties**

### **Elfin Bay**

Were the Elfin Bay property to lose either:

- a a substantial part of the Mararoa Valley; or
- b the Greenstone Valley and Slyburn catchment;

it would be rendered an uneconomic unit.

The logical development then would be to add the lake face country to either Mt Nicholas to the south or Greenstone to the north. Both would be practical.

### **Greenstone Station**

Loss of the Caples Valley would make the property uneconomic.

The logical move would be an amalgamation with the Elfin Bay front country.

Mt Nicholas is already a very large and very strong unit (over 30,000 stock units).

**If any of the grazing losses eventuate, an amalgamation of the Elfin Bay-Greenstone remainders is favoured. This would form a sound unit and while difficult to manage it would be no more so than the existing units.**

## **Summary of conservation and recreation values**

The Greenstone and Caples are glaciated valleys with a characteristic U-shape. Steep valley sides rising to over 2000 m in the Ailsa and Humboldt Mountains are forested in beech with alpine tussock grassland, herbfield and fellfield at higher elevations. Active glaciers still exist along the Humboldts. The terraced flat valley floors are in exotic pasture species with shrublands. Short but spectacular gorges are a feature of the lower Greenstone and mid Caples. Glacial outwash terraces are also a feature of both valleys, into which the rivers have been incised.

Water quality is high. The rivers run clear and pure down from the Ailsa and Humboldt Mountains.

The valleys and mountains have a high degree of naturalness, with the only man-made intrusions being the foot bridges, tracks and five huts. The upper Caples Track is rudimentary and ill-defined.

The four pastoral lease homesteads (except for the historic Caples homestead—now disused) are on the lake shore, not in the valleys. Most of the area is unsuitable for grazing.

For several hundred years visitors have walked the Greenstone Valley crossing of the southern alps. Firstly there were Maori en-route to the pounamu (greenstone) resources of the west coast. For the last 100+ years there have been trampers, hunters and anglers. This is an unroaded, readily accessible, low altitude walk within the capability of most people. The Greenstone and Caples valleys now attract at least 2000 trampers per year. There is also a walkway to the Mavora Lakes via the Mararoa Valley.

Public use is not confined to following a few popular tracks. There is a lengthy history of informal 'wander-at-will' over much of the properties. Technically this has been trespassing.

Recently a draft National Water Conservation Order was notified which recommends that the Green-

stone and Caples rivers be “preserved in their natural state”—the highest level of protection available, because of their outstanding trout fisheries, ecosystem and natural qualities.

In a report on ‘conservation values’ the Department of Conservation identified the following recreational features —

- An internationally important wilderness trout fishery
- An internationally important tramping track network
- A nationally important recreational hunting area

## Features of national importance

The area contains examples of the following features which are of national, rather than just regional importance.

### Red tussock

Tussock grassland of red tussock (*Chionochloa rubra*) occurs in both the North and South Islands, in bogs, on alluvial soils of valley floors, and for the most part at a relatively lower altitude than other dominant *Chionochloa* species. Nationwide, its extent has severely diminished, much of its habitat being attractive for farm development. *Chionochloa rubra* subsp. *cuprea* is the red tussock of Canterbury, Otago, and Southland but only pockets of its former, broad expanses remain. Where the plains and low hills of Southland must once have had landscapes of red tussock, today there are often merely relic roadside clumps. Red tussock grassland is still to be found in the heads of some large valleys in Southland, including the Windon Burn, and at Burwood Reserve in the south of the Livingstone Ecological District.

*Red tussock is locally extensive in the Mararoa and Greenstone. These valleys offer a rare opportunity to protect red tussock grassland that is still in good condition, on a sizeable scale and on the valley floor landforms characteristic of the vegetation type. Furthermore, the red tussock grassland here is not confined to floor plains and the distal parts of fans and terraces, but demonstrates gradations to moist lower hillside and bog habi-*

*tats, as well as intergrades to hard tussock and narrow-leaved snow tussock, across a broad gradient of rainfall.*

### Short tussock

Short tussock grassland, dominated by hard tussock (*Festuca novae-zelandia*), is also well represented on a diversity of river flat, scarp, outwash, stream fan, and colluvial surfaces in the Mararoa and Greenstone. Hard tussock grassland is widespread on lower montane hillsides in the eastern South Island, but has been greatly altered by pastoral use or removed in the course of intensive farm development. While some of the hard tussock grassland of the Greenstone and Mararoa has been altered by grazing and invasion, especially by sweet vernal and browntop, there are also extensive areas in these valleys where the hard tussock maintains a healthy density and where the characteristic associated native plants are still abundant.

### Wetlands

Wetlands are of national importance virtually wherever they occur. They are biologically rich communities, yet it has been estimated that New Zealand retains 10% or less of the wetlands it once had. While the loss nationwide has been especially of the lowland wetlands, those of montane valleys are equally vulnerable to nutrient enrichment, trampling, and invasion by naturalised plants. The wetlands of the Mararoa and Greenstone Valley have a high conservation value, containing a large number of native plants, and are extremely diverse in composition.

Examples of valley floor turf, sward, pond, and stream vegetation are numerous, and there is particular value in that bog and flush vegetation are still common on landforms that are elsewhere intensively developed.

Kettleholes on the Mararoa moraines are important on a national basis. These examples, together with those on the nearby Oreti-Von divide, are the southernmost such kettleholes in New Zealand, there being some 10 comparable areas in inland eastern South Island, as far north as Marlborough. The string bog in the Mararoa is

a small but interesting example of a wetland type that is characteristic of arctic latitudes, but of very limited extent in New Zealand except in the southern Garvie Mountains.

### Shrublands

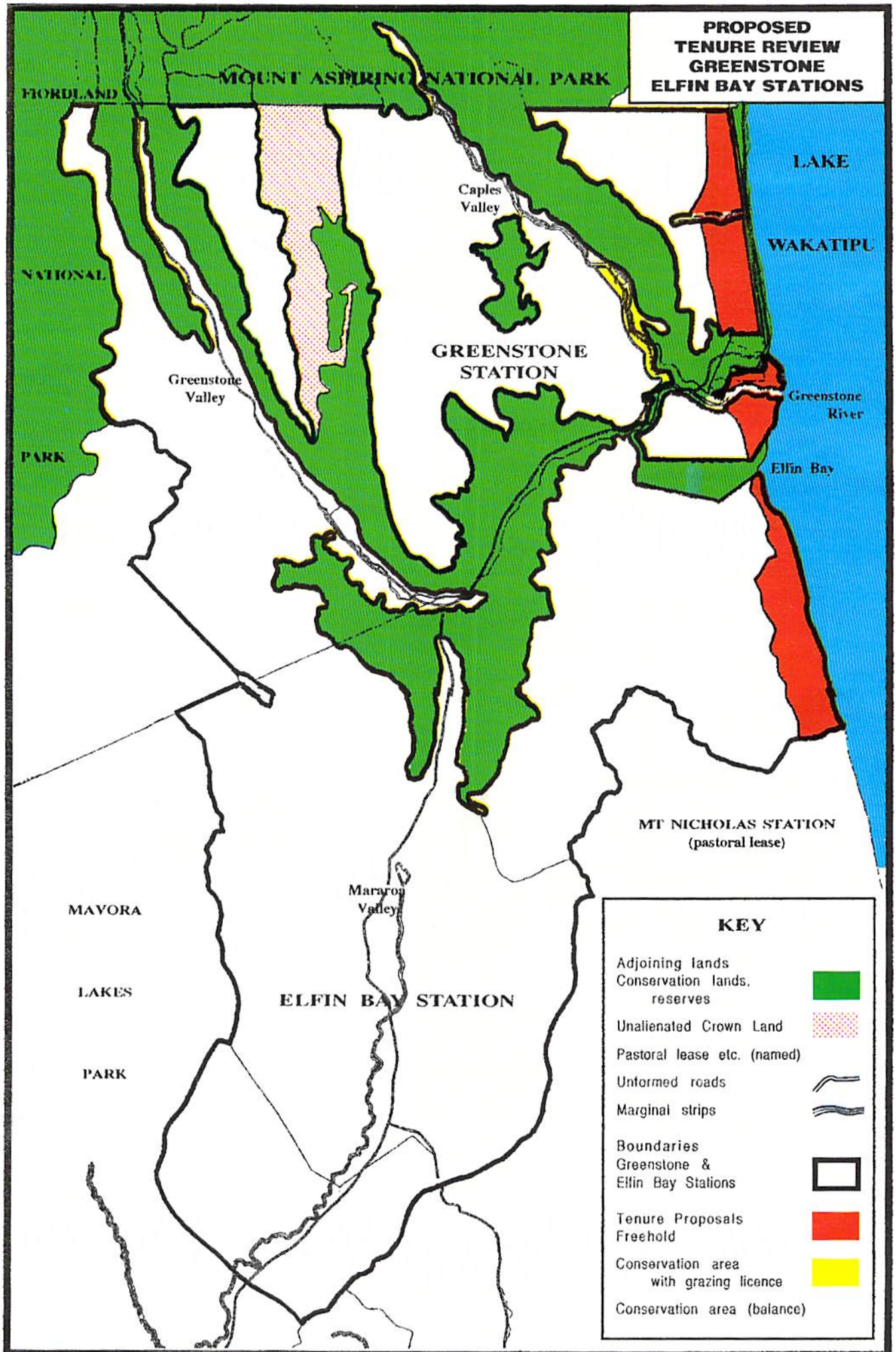
Several of the shrublands are of national importance. Celery pine (*Phyllocladus alpinus*) is widespread in New Zealand as a component of many vegetation types, but of much more local occurrence as the dominant species of woodlands on cold sites. Such a community is well developed in the Greenstone on rockfall debris and morainic surfaces.

Bog pine (*Halocarpus bidwillii*) is also widely but patchily distributed in New Zealand, yet dominant only on particular types of site, including bogs, but especially on infertile, often old soils of glacial outwash. Bog pine woodland with a characteristic assemblage of associated heath plants, mosses and lichens, is scattered through inland Canterbury, Otago and Southland. The vegetation type is well represented in the Greenstone and the Pass Burn area.

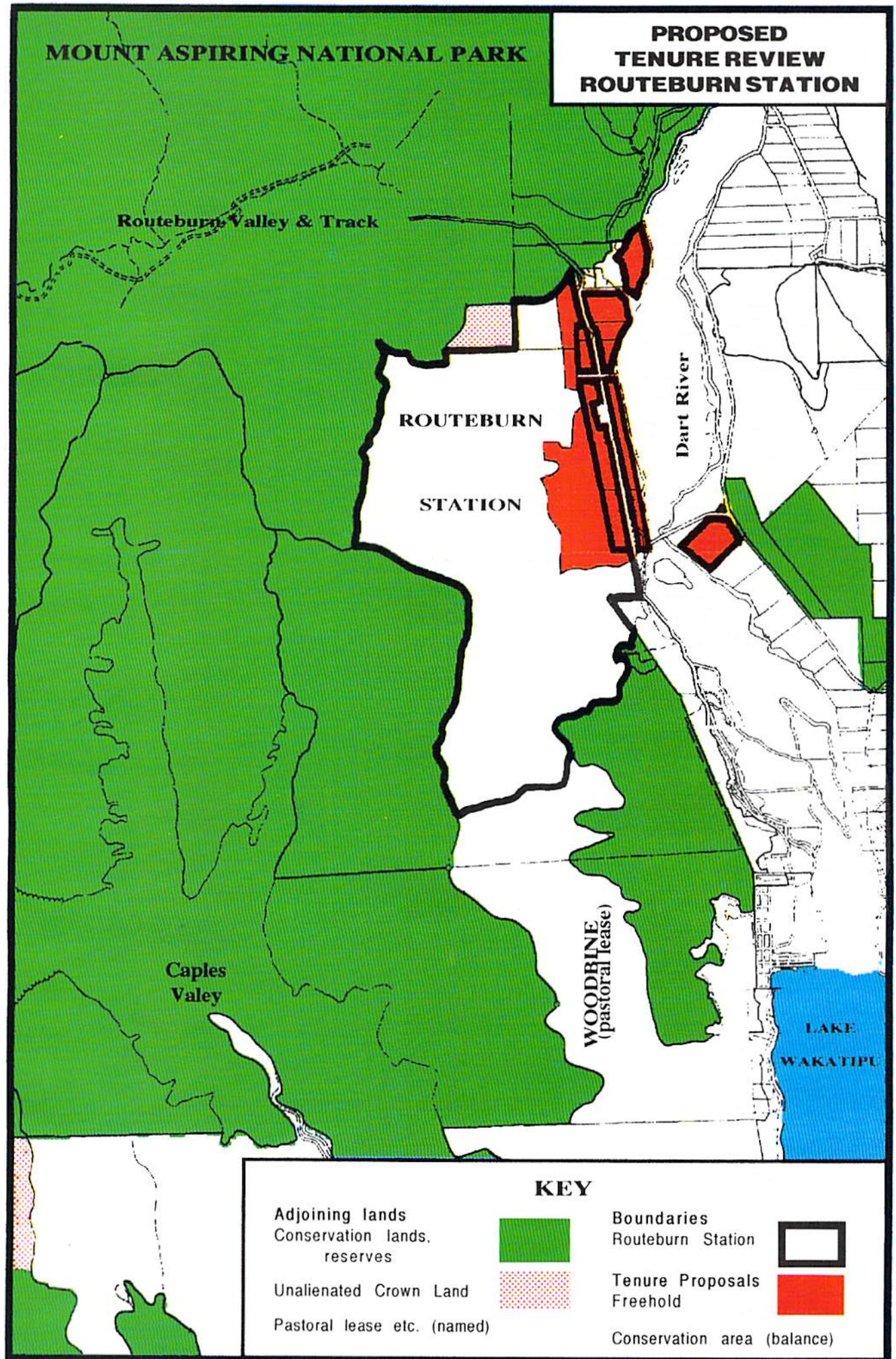
The shrubland of *Hebe propinqua* in the Mararoa is also of special interest. It occupies an old soil surface on a large outwash terrace, the sort of habitat which bog pine can occupy in other parts of the South Island. *Hebe propinqua* may reach its western limit at this site.

## Areas of importance for protection

1 Those portions of the Caples, Greenstone and Mararoa which are of high biological conservation value include most of the open valley floors of the Greenstone and Mararoa with the exception of the more extensive segments of hard tussock-sweet vernal mixed short tussock grassland, which in its entirety cannot be rated highly. The fact that the delimited areas are extensive is a reflection of the diversity of habitats and plant communities on valley floors. These have high conservation value, as a network of interrelated communities along a complex of edaphic, temperature, and disturbance gradients.



Tenure Review: Greenstone-Elfin Bay-Routeburn Crown Lands



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2 Also catchment areas integral to maintenance of valley floor biological conservation values. These areas of higher country would provide for complete altitudinal sequences of vegetation and landform.

3 On other parts of the properties substantial red beech forest remnants remain, notably on the Humboldt Mountains, and intact snow tussock grasslands, shrublands and fellfields on all alpine and subalpine vegetation zones. Mountain beech and manuka become more common south of Lake Rere along the eastern Thomson Mountains. The Weka Flat grazing licence located within Mount Aspiring National Park, whilst being predominantly covered in a sward of pasture grass would regenerate to shrubland and eventually beech forest if grazing ceased.

## Threats to botanical conservation from grazing

The impacts of previous grazing regimes, and the effects of current grazing of cattle and fallow deer on the valley floor vegetation communities, vary with altitude, landform and vegetation type. The plant communities on river terraces, fans and flood plains in the Caples Valley (330 m-500 m asl) are relatively stable under the existing grazing regime, although grazing at current levels will not prevent the spread of matagouri or introduced scrub weeds. In contrast, both the Mararoa (640 m-850 m asl) and the Greenstone (490 m-610 m asl) are at higher elevations and contain more diverse landforms and communities.

Continued grazing will result in a loss of biodiversity and a decline in the condition of natural values and the consolidation and spread of hawkweeds and scrub weeds.

## Faunal Values

### Invertebrates

Terrestrial invertebrate fauna studies are limited to collections made early this century by prominent entomologists such as Hudson. Collections were made by him and others mostly from Bold Peak, a landmark behind Kinloch. This location is the type locality, ie, where the original specimens were collected and subsequently described for many species of Lepidoptera typical of the Humboldt Mountains which were then new to science.

The Southland Fish and Game Council has listed aquatic invertebrates from collections made in the Mavora Lakes Park, and it has commented that streams outside the park, but within the Mararoa catchment, contain similar invertebrate communities. The Council identified 17 invertebrate groups or species. Their presence and species diversity are key indicators of high water quality environments.

### Vertebrates

Vertebrate surveys from 1982-1984, and more recently by DOC, have recorded conspicuously high bird numbers with some rare species present.

Of special interest are good populations of falcon and kaka as well as yellow-crowned parakeets, yellowheads, and South Island robins in the DOC managed Wakatipu forests. Yellowheads favour forest flats in the upper Caples Valley. Several inconclusive sightings and subsequent unconfirmed sightings indicate that a remnant population of South Island kokako may persist in the Mararoa-Greenstone Saddle and Fraser Creek areas. In September 1992 DOC surveyed the forests for brown kiwis as part of the national kiwi survey but none were recorded.

Notable bird species of open country include vulnerable species such as falcon, kea and rock wren. The latter species is considered to be endangered in this area and deserves special study. No comprehensive bird survey has been undertaken of the upper

Mararoa Valley but it is noted that black-fronted terns are possibly breeding in the mid Mararoa riverbed and utilising the waterways in that valley for foraging.

Habitat protection, be it forest, riverbed or grassland, is a critical factor in meeting the conservation management needs of such species.

### Introduced fauna

The major introduced fauna issue relates to the fallow deer herd management in the Wakatipu forests and margins, in the Caples and Greenstone Valleys.

### Issues

There are several aspects which have generated conflict between landholders and hunters/visitors, which have either been resolved or compromises made, namely:

- hunter access across private land (mostly pastoral lease)
- hunters illegally breaking into and using private huts and theft/interference with supplies and equipment
- less hunting tends to occur when permission for access has to be gained, resulting in uneven hunting pressure
- hunter/recreational disturbance of stock grazing, and conflicts between deer and stock
- cattle pugging of bush sections of walking tracks – stock damage on forest margins, especially on the true right of the Greenstone Valley and Caples Valley.

Concern over the effect of stock grazing on forest margins prompted the New Zealand Forest Service to install an electric fence in the upper Caples Valley. This fence costs DOC several thousand dollars annually to maintain.

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## Fisheries and aquatic values

### Greenstone-Caples fishery

The Otago Fish and Game Council submission on the recent Kawarau National Water Conservation Order hearing contains substantial resource data and is summarised as follows.

The Greenstone/Caples offer some of the best rainbow trout fly-fishing in New Zealand in a wilderness setting. The fishery attracts 800-900 anglers per season about half of whom are overseas anglers, many of them from USA, Europe and Britain, confirming the fishery's international appeal. The remaining anglers are mostly New Zealanders who live outside the Southern Lakes region.

The Greenstone River is renowned for its catch rate, containing the fourth highest trout density per kilometre of river in New Zealand. Many anglers practice a "catch and release" philosophy. Comments from a recent angler survey include statements such as—

"A classic river."

"Never seen so many big trout in one river."

"First class experience."

"A true national treasure."

These comments apply similarly to the Caples River where the smaller fish population is compensated by fish of larger size.

There are few rainbow trout sports fisheries in the world which could provide a more highly valued experience.

Stock grazing, especially in the valley floors, is having an adverse effect on wetlands through trampling and tracking and is contributing to river bank erosion. Trampling of small tributary streams also has the potential to damage developing trout ova during the spawning season.

The only native fish record is for koaro, which is described as rare.

### Mararoa fishery

The Southland Fish and Game Council considers this river and lake system as one of its most important fisheries. The Mararoa River drains into the Mavora Lakes, and there is a suggestion that a national water conservation order over the total water system should be considered. The council and DOC both consider that the protection of the very high aquatic and fishery values of the Mavora Lakes can only be retained by adopting sympathetic and complementary land use practices in the entire lakes catchment including the upper Mararoa River. To achieve this the catchment should be maintained in its natural state to minimise soil erosion and nutrient enrichment.

The water in the lakes is ultra-oligotrophic, i.e., contains very low organic matter due to low nutrient concentrations. Seasonal influences dominate water quality and mask the effects of non-point source pollution such as low density cattle grazing. The council notes the extensive red tussockland communities would be at risk from agricultural use, especially from continued cattle grazing.

Inorganic fertiliser application in the Mararoa Valley should not be permitted because of the downstream risk to the Mavora Lakes. The north Mavora Lake would act as a sink for nutrients, quickly degrading its water quality.

Published results from angler surveys reveal 2700 angler visits were made to the Mavora Lakes in the 1991-92 season, with about half of the total anglers residing outside Southland. The council's postal survey of anglers in that season estimated the use at 4800 visits per year. The Mavora Lakes fishery contains both brown and rainbow trout and is ranked as the sixth most popular fishery in Southland. The upper Mararoa River is described as a wilderness brown trout fishery. No details on angler use are available. An increase in rainbow trout numbers in the lakes will also in the future enhance the upper Mararoa fishery.

The native fishery is notable for the presence of alpine galaxiids which are found only in the Mararoa and Oreti headwaters in Southland and in high altitude streams of Canterbury.

### Wilderness fisheries management

A study by Carl Walrond (1995) of wilderness fisheries management in the upper Greenstone Valley found that fishers are very sensitive to encounters with others, and the social carrying capacity in a wilderness fishery setting is very low (maximum of 3 encounters per day). "Fishing lodges and increased levels of guiding will lead to increased levels of user pressure and more aircraft use which will seriously alter the character of the area".

Walrond concluded that on wilderness rivers, like the Greenstone, the "fishery" is not only the river and the fish but the whole environment experienced by anglers.

Walrond also concluded that land tenure plays a crucial part in the management of wilderness fisheries. Those fisheries that fall within the conservation estate have their environmental and habitat aspects best protected. "Any legislation such as the proposed amendment to the Land Act that allows for...freeholding of lands adjacent to wilderness fisheries should be firmly opposed".

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## Recreation and tourism

### Tramping

*(International significance)*

#### Major Tracks

Includes the Caples and Greenstone Tracks and the Mavora Walkway. Usage of these tracks is both by New Zealanders and overseas trampers in approximately equal numbers. The Greenstone and Caples Tracks are being considered by DOC for "Great Walk" status.

The Caples-Greenstone Circuit is particularly important for overseas visitors with a fixed travel timetable

arriving early in the tramping season. The lower altitude of this track circuit makes it an attractive and negotiable alternative to the high altitude Routeburn and Rees-Dart Tracks early in the season when late spring snow prevents safe use. It also appeals to some users, being less strenuous and less crowded than the Routeburn.

### **Minor Tracks and Routes**

There are at least eight well-known minor tracks which are traversed frequently in combination with part of the Caples and Greenstone Tracks, and some provide more challenging variations when combined, for example, with the Routeburn Track. All except Kay Creek and Fraser Creek are partly on Crown or former pastoral leasehold land.

## **Hunting**

*(National significance)*

Based on the trophy fallow deer herd in the Greenstone and Caples Valleys, the recreational hunting area attracts hunters from throughout New Zealand. The bush edges adjacent to the former pastoral leases are favoured hunting. Hunting interest is increasing for the five month season, now necessitating balloting for blocks in the first two months. A total of 192 hunters were permitted in the 1992 season.

## **Fishing**

*(International significance)*

The rainbow trout fly-fishing opportunities for the Greenstone River, and to a lesser extent the Caples River, have international recognition amongst the angling fraternity. About 50% of anglers are from overseas and a total of 86% reside outside of the Southern Lakes region. Eight hundred to nine hundred anglers fish the rivers annually. The Greenstone River is ranked fourth nationally for fish abundance and over 80% of anglers practice a "catch and release" philosophy.

More than 2700 anglers fish the Mavora Lakes area per season which is predominantly a brown trout fishery. The upper Mararoa River is considered to be a wilderness fishery and is the sixth most popular fishery in Southland.

## **Commercial tourist operators**

There are four DOC licensed concessions operating on DOC-administered land and on the properties. The major enterprise is the Greenstone Valley Walk Ltd concession, owned by Routeburn Walk Ltd. The company has two 40 bunk lodges in the Greenstone Valley, on former pastoral lease land. Two walking options are offered by the company involving either the Greenstone Valley three day walk or a combined Greenstone-Routeburn five day walk. About 250 and 400 clients respectively are accommodated each season. In comparison, 800 clients use the Routeburn Walk option annually.

The three other concessions are currently low-key enterprises based on guided walks. A trial guided fishing concession is also operating. There are two recreation permits issued under the Land Act authorising guided safari hunting on Routeburn and Elfin Bay Stations. Several of these enterprises were partly owned by the former lessees.

There is significant potential for increased commercial activity, especially in the Mavora Lakes-Greenstone Valleys. Other opportunities are currently under consideration, eg, heliskiing, guided hunting and fishing. Some of these will require aircraft landings.

## **Existing recreational facilities**

Over the last 20 years government conservation agencies have constructed seven huts, 16 foot bridges, electric fencing and signs. Approximately 140km of major walking tracks and many kilometres of minor tracks are maintained. Much of this development has, of necessity, occurred on the former pastoral lease land, to utilise logical routes or hut sites.

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## **Recreation issues and impacts**

There have been and will be continuing conflicts of expectations between differing uses of the land, affecting both DOC administered lands and former pastoral leaseholds. Public recreation and commercial tourism operations transcend existing tenure boundaries and occur where the opportunity to do so exists. This use attracts an important national and international recreation tourism market and is highly valued in terms of user experience. Recreation tourism use generates substantial economic and employment benefits to the region, which will expand in line with the increased visitor numbers predicted.

### **Key issues**

- 1 Some recreational facilities have been constrained in their development by pastoral farming operations.**
- 2 Many recreational facilities have been developed on pastoral land by former government conservation agencies, and large sums of tax-payers' money were spent, without legally securing this investment.**
- 3 Public access for many recreational activities, especially hunting and fishing requires "wander at will". This is additional to the retention of existing marginal strips and the creation of additional marginal strips along the Greenstone River, etc.**
- 4 Adverse public reactions to the presence and impacts of cattle on the recreational experience. Many complaints are made by recreationists about the appropriateness of cattle grazing in an area which has become nationally and internationally renowned for the quality of its recreation experience. This situation also applies to some valleys in Mount Aspiring National Park.**

**5 Minor tourist developments.** eg, lodges, already occur in the Greenstone Valley. Further developments will need to be carefully assessed in order to avoid compromising the overall wilderness experience, or to prevent displacement of non-clients from hunting and fishing opportunities.

**6 Major tourist developments** proposed in recent times include a Greenstone Road and a monorail to link Queenstown and Milford Sound. Both proposals would have severe environmental impacts in the Greenstone Valley and adjacent Fiordland National Park –

- The RHA would inevitably attract widespread poaching and spotlighting and its wilderness hunting value would diminish. Management of the recreational hunting would be compromised to the extent that its RHA status could be threatened.
- The “wilderness” fishing value could be lost. Increased pressure would be placed on fish stocks by increased numbers of anglers and the social capacity for wilderness experiences would be greatly exceeded.
- The Greenstone Valley tramping experience would be destroyed as the road alignment would follow or parallel the Greenstone Track for the entire length of the valley.
- Roading would cause major landscape and ecological consequences such as slope instability and sedimentation in waterways in such locations as Lake Rere, lower Greenstone-Slip Flat Gorge, Slyburn Gorge and the Narrows-Lake McKellar sections.
- Either proposal, if they were proceeded with, would generate an intense and divisive public debate. Whilst the monorail may have a lesser physical impact than a road the debate may not be any less vociferous.

Previous attempts to develop a road link have generated intense and very divisive public debate. It is inevitable that this debate would reoccur if this proposal was promoted again.

**7 Loss of public recreational use of the properties.** This is a hypothetical situation that may not arise. Assuming that it did eventuate, there would be some predictable consequences –

- There would be a massive public reaction with attendant high media interest resulting. This would be manifested in pressure being applied on politicians.
- The loss of internationally recognised recreation opportunities would be harmful to the tourism industry. Both the national and regional tourist industries would be adversely affected.
- The loss of recreation opportunities on the properties would create increased demands for use on other areas. For example, if the Greenstone and Caples Tracks were no longer available, it is anticipated that the Routeburn Track would get higher usage. However recreation surveys have proven that no track substitutes for any other. The Routeburn, Rees-Dart, Greenstone-Caples and Kepler Tracks are all walked, particularly by overseas visitors who comprise 50-70% of users.
- Closure of the Greenstone-Caples Tracks could result in safety problems on the Routeburn Track. Trampers would be forced into trying early season crossings of the still snow-covered Harris Saddle, instead of traversing the lower altitude Greenstone-Caples circuit.

**8 Existing legal access through all three valleys consists of unsurveyed, unformed legal roads and marginal strips but the latter do not exist at all in the Greenstone Valley.** The “paper roads” approximate the existing 4WD vehicle track in the Mararoa and the walking tracks in the Caples-Greenstone Valleys. It is likely that the chief surveyor would rule that these existing tracks be adopted as the legal accessways, except for the lower Caples and lower Mararoa where the accessways do not approximate the line of the existing tracks.

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## Potential commercial activity

There is potential for future commercial tourism operations to become established –

DOC has identified future concessions interest possibly in the Mavora/Greenstone area involving mountain biking and extended horse trekking. Also some interest in guided hunting and fishing operations is expected, as well as for heliskiing, with consequent demand for aircraft landings.

Some of these activities in more popular areas may pose problems of either over-use or conflict with existing users, both commercial operators and public recreationists. There will be increased localised demands for additional facilities, eg, camp sites with toilet, rubbish disposal or other facilities.

Lancorp has identified the granting of freehold or leasehold title over the former pastoral leasehold land as creating opportunities for establishing hunting and fishing lodges with the potential to control or prohibit public entry to those localities. Exclusive hunting and fishing lodges on the former leaseholds have been identified as having “very high potential”.

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## Development and tenure implications

It is clear from both past recreational management experience, and various development proposals, that there will continue to be conflicts in expectation between differing uses of the land. These conflicts and impacts affect both existing DOC administered land and the former pastoral lease land.

**The granting of preferential or exclusive commercial development or use rights to a new landowner or occupier is certain to cause intense social division and public acrimony. Destruction of egalitarian principles by rationing the enjoyment of natural resources and recreational opportunities through exclusion by private interests, or the ability to pay, is the primary concern of most recreationists.**

There is scope for future development in a number of activities which complement existing opportunities. This potential development has to be done in a manner which enhances rather than reduces the quality of the recreation experience and avoids conflicts between different activities. There will need to be more refined and sophisticated management systems to be put in place such as the completion of a workable air access strategy and the defining of acceptable carrying capacities for particular recreation opportunities.

## Discussion of PANZ proposals

The proposal to confine freeholding to lower altitude farming lands is consistent with the reclassification provisions of the Land Act 1948. The areas recommended for freeholding consist of cultivated or cultivatable riverflat or terrace pastures, oversown and topdressed bracken fern and fescue tussock hillsides, and improvable fescue hill slopes to a maximum altitude of 850 metres. These areas are so modified that little of nature conservation or recreational value remains.

In contrast, the balance of the properties have either severe limitations to pastoral use, or the continuation of grazing or pastoral development would severely impact on natural and recreational values. The latter are of national and international importance. The lower Caples Flats are the only exception, as these are highly modified. Grazing by sheep, provided this is carefully controlled, should be able to continue without significant detriment to natural values in that locality.

Removal of stock from the bulk of the three properties will make these non-viable as stand-alone pastoral units. However by combining the better farm land along the lake faces and flats a viable farming unit should be possible, or alternatively areas combined with adjoining pastoral leases. In the latter case full-property tenure reviews should be undertaken on those properties to rationalise land use, tenure and boundaries.

**Returning the bulk of the properties to full Crown ownership would reverse the historic misallocation of these mountain lands to pastoral farming. By today's standards most areas are clearly unsuited to continued pastoral use.**

**Allocation to the public conservation estate would provide long-overdue recognition of the importance attached to the area by generations of recreational visitors. It would also assure present and future New Zealanders that they will be able to freely enjoy this outstanding heritage, irrespective of ethnicity, privilege, or economic standing.**

## A very different outcome for the Greenstone Valley?

News Media Release  
30 January 1996

### **PANZ warns select committee about Crown Pastoral Land Bill**

Public Access New Zealand spokesman Bruce Mason today warned members of Parliament's primary production committee that Government has no mandate to proceed with the Crown Pastoral Land Bill. The committee is meeting in Dunedin next week.

missions on the Bill which affect the future ownership and public access to 20 percent of the South Island high country held under pastoral leases.

Mr. Mason said that, if passed, the Bill will trigger the most blatant disposition of Crown land this century. "This is a cynical move by a Government desperate to beat the onset of MMP. The Government has no mandate from the electorate, and no consensus among the major stakeholders, for this course of action".

Lands and Conservation Minister, Denis Marshall, is on record as saying that he wants the Land Act changed before an MMP election because non-agricultural stakeholders' interests will be enhanced under MMP. "This statement, and the haste with which the Bill was introduced, show the Minister's real intent", Mr. Mason said.

PANZ believes that the Bill will sanction unconstrained freeholding of up to 2.5 million hectares of some of the most scenic lands in New Zealand. "The Bill amounts to a huge increase in runholders' rights without compensatory provision for public reserves and access", Mr. Mason said.

PANZ submitted to the committee that the Bill is so badly drafted that it is beyond redemption, and that it should be abandoned.

Mr. Mason warned the committee that if the Bill becomes law the controversy is bound to become an election issue.

"The public has not forgotten Government's promises before the last election to drop proposals for exclusive private ownership of the Queen's Domain. We will be reminding the electorate that Government has failed to honour those promises and of its even greater privatisation agenda for the South Island high country".

"If we loose this round of the battle and the Bill becomes law, its handful of runholder beneficiaries will need to think again. I believe there will be support within future Governments for compulsory resumption of lands that should have been retained in public ownership, rather than freeholded through abuse of the present discredited Parliamentary system", Mr. Mason concluded.



*Fly fishing the Greenstone at Slip Flat*

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## What the Crown Pastoral Land Bill does

As introduced, the Bill allows anything “**capable of productive use**” (undefined) being freeholded. This is a huge increase in the rights of runholders. Denis Marshall sees ‘productive use’ as synonymous with ‘commercial use’.

Only lands with “**high inherent values**” *may* be restored to full Crown ownership as a result of tenure review.

Creates an open-ended category of “**other lands**” that will allow *any* land to be sold or leased, rather than being

allocated to DOC or retained in some other Crown ownership. *There is a duty to try to dispose of such lands.*

Makes extensive provision for **leasing** for farming, forestry and other purposes, including over lands with “high inherent values”. Conservation lands may be created however these may be leased as a condition of their creation (ie., they could be no better than pastoral leases).

Provides no assurance that **public access** will result from tenure reviews.

There is likely to be only constrained access rights amounting to privileges, on terms dictated by land occupiers. Only Walkways are planned—these can be closed at any time, with hunters, cycles, vehicles and horses excluded.

Provides for **covenants** to protect ‘public interest values’ over freeholded land. Government has not answered grave concerns about the lack of security of such mechanisms. Instead it is placing almost total reliance on them instead of public ownership.