

David Bishop

From: Graeme Hansen [Ganz@hbrc.govt.nz]
Sent: Thursday, 18 June 2015 12:34 p.m.
To: David Bishop; Reg Kemper
Cc: Rebecca Mackenzie; Andrew Newman; 'Stephen Daysh'; 'Martin Williams'
Subject: RE: DOC's Science and Capability report & cover letter
Attachments: HBRIC response to DOCLand Exchange report.doc; Kessels Ecology Commentary on DOC SEB report HBRC 00023 170615.docx

David, as discussed, please find attached HBRIC response and supporting commentary to the recent Land exchange report work completed.

We look forward to hearing from you in due course.

Regards Graeme

From: David Bishop [<mailto:dbishop@doc.govt.nz>]
Sent: Friday, 5 June 2015 2:17 p.m.
To: Graeme Hansen; Rebecca Mackenzie
Cc: Reg Kemper
Subject: DOC's Science and Capability report & cover letter

To Graeme Hansen, c/o Hawke's Bay Regional Investment Company, Napier
Rebecca Mackenzie, c/o the Property Group, Napier

Hi Graeme and Rebecca

I attach DOC's Science and Capability report being DOC's assessment of the proposed land exchange between Ruahine Forest Park revocation land and the proposed Smedley Exchange Block, this in relation to the Ruataniwha Water Storage Scheme.

In addition, I attach the cover letter from panel convenor Reg Kemper, which describes the follow up matters from the Hearing and subsequent processes.

Reg Kemper would appreciate receiving any advice from you within a 2 week time period, in respect of this report.

I shall also arrange to send by post several copies printed from the 9MB Science report document.

Yours sincerely

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18 June 2015

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Attention: Reg Kemper

Dear Sir

RE: RUAHINE CONSERVATION PARK CHANGE OF STATUS HEARING

Thank you for your letter of 5th June 2015 and associated Department of Conservation (DoC) Science and Capability team report for the land exchange for the Ruataniwha Water Storage Scheme, seeking comments on the recently completed work by 19 June.

The report and associated appendices completed by a range of DoC specialists provide a comprehensive review of ecological issues in the context of the forest park. We believe the independent work undertaken by DoC, albeit with a different methodology, supports and bolsters the significant earlier work commissioned by HBRIC Ltd, particularly the terrestrial ecology work of Kessels and Associates. HBRIC Ltd has made the DoC report available to Mr Kessels and sought a response from his specialist perspective. This response is appended to this letter.

HBRIC Ltd acknowledges the 2nd to last paragraph of the executive summary of the report which states;

"from an ecological and biological point of view we believe that the proposed exchange offers an enhancement to conservation values. Given that Smedley Exchange Block is underpinned by a different geology from that in Ruahine Forest Park, and thereby supports different ecosystems not currently present in the Park, we believe it complements the current values of, and would be a worthy addition to Ruahine Forest Park".

Reference is made to possible additional tracts of land within the Smedley Exchange Block being considered as part of redesigned boundaries to further improve the exchange proposition. The total area of land within the Smedley block under negotiation with HBRIC is in excess of 400 hectares. This includes land for the dam, reservoir, offset mitigation, enhancements and protective covenant requirements. There is the opportunity within that to adjust or refine the boundaries to maximise the exchange benefits identified in the report. The inclusion of the Donovan Gully wetland area is supported in principle, however practical requirements for access to be maintained to adjacent forestry land and any residual Smedley land under negotiation would need to be accommodated. Following a decision to proceed with the revocation and exchange, we understand that a level of refinement would be inherent in boundary survey prior to Gazetting as the final step in any event, and HBRIC Ltd remains open to discussion about such refinement.

Overall, HBRIC Ltd considers that the additional work carried out by the DoC Science and Capability team has corroborated the work commissioned by HBRIC Ltd, with no substantive additional issues identified, other than as would support the conclusion being reached that the exchange would enhance the conservation values of the park and so promote the purpose of the Conservation Act 1987.

With the hearing (as was required by section 49 of the Act) having concluded, and whereby also the material obtained and now provided in the report is directed at responding to issues raised in

submissions and evidence presented at that hearing, we believe there is no need for a further hearing. Rather, we understand that what you are seeking is (as stated in the letter) "*comments or changes that arise as a result of the consolidated information*", and that this will be considered by the Director-General of Conservation alongside the report and the submissions and evidence already presented.

We note the advice in your letter that you intend to finalise your recommendations with reference to the body of information now to hand (and any additional comments received by 19 June) in order that the Director-General of Conservation may then make a final decision, and trust this can proceed as soon as possible.

Thank you for providing the opportunity to comment on this recent work and we look forward to a conclusion to this process.

Yours sincerely



Graeme Hansen
Ruataniwha Water Storage Scheme – Project Manager

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17 June 2015

Group Manager - Water Initiatives
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Attn: Graeme Hansen

Dear Graeme,

**DOC Technical Assessment between Ruahine Forest Park revocation land and
proposed Smedley Exchange Block**

Review comments

I have reviewed the Department of Conservation (DOC) report "Assessment of proposed land exchange between Ruahine Forest Park revocation land and proposed Smedley Exchange Block in relation to Ruataniwha Water Storage Scheme" dated 27 May 2015 prepared by Graeme La Cock, Geoff Rogers, Philippe Gerbeaux, Jessica Scrimgeour (hereafter 'the DOC Report'). As requested I have not focussed on a detailed line by line technical response, but rather focussed my attention on consideration of their methodology and key findings, noting that the authors have used a different assessment approach to that used in our report: "Smedley Exchange Block Ecological Survey" (hereafter the 'SEB Report'; Kessels & Hasenbank 2013).

I agree with the DOC Report that perhaps the ecological context could have been discussed more in the SEB Report (page 9 – the DOC Report). However our brief was to assess the vegetation within the exchange land on its current merits, which included brief descriptions of its successional status and history. Also, the original Terrestrial Ecology Report (TER) we prepared did provide some level of background in relation to these aspects (refer to section 3 of the TER; Kessels et al 2013).

Although I have not read the paper the authors reference - Davies (in press) - I agree with the DOC report's statement (page 15): "*LENZ and Land Cover Database 2 (LCDB2), is not a substitute for field survey, did not see their system as a replacement for the biogeographic planning framework of ecological regions and districts, did not see it as a fine-scale tool, and did not see it as a reserve planning tool. Davis (in press) pointed out that LENZ is not a classification of ecosystems and vegetation, but should rather be seen as part of a wider toolkit that complements field survey and other information.*" It is worth noting however, that at a wider landscape ecosystem evaluation level Land Environments of New Zealand (LENZ) uses 15 climate, landform and soil variables likely to influence the distribution of species to classify and map areas that have similar environmental or ecosystem character. LENZ is a surrogate for the likely past (pre-human) pattern of terrestrial ecosystems and their associated biodiversity, so whilst LENZ mapping is generated by modelling at a relatively coarse level, its application is still considered to be a valid and transparent approach, especially when looking at how various

described vegetation types sit within the Threatened Environment Classifications (TEC) framework.

Field work was undertaken for the SEB Report to ensure that vegetation cover was correctly classified and quantified for the subsequent significance assessment process. LENZ was primarily used as a coarser base over which the actual vegetation communities described from field work were overlaid, and from which the assessment of significance was then undertaken. The analysis undertaken, using LENZ and TEC classifications as a 'sieve', allowed for a transparent comparison, both in area and *relative ecological value* from a national perspective, of similar and different habitats found within the DOC land against those types found within the proposed exchange land.

The statutory requirement in our ecological assessment for the Board of Inquiry process was to assess significance against the relevant regional and district policy documents as they relate to section 6(c), section 7(d), and recognition of the functions of territorial authorities – section 31 - of the RMA. So, in the SEB report (and TER) we evaluated the various habitats against the Hawke's Bay Regional Policy Statement (RPS; Chapter 3.4) and the Central Hawke's Bay District Plan (CHBDP - Section 2.2 and Section 4.9.13). I certainly take the authors point, following from those made in Dr Keesing's rebuttal evidence, these assessment criteria do not allow for robust comparison of ecological values (page 18, the DOC report). This is one of the reasons we also ran the evaluation through a LENZ/TEC filter.

Nevertheless, we still undertook additional biogeographic and ecological districts and regional analysis of the RWSS site as a whole in my evidence in chief (refer to paragraphs 7.3 to 7.9 in my evidence in chief for example). In addition, while not familiar with the David (in press) report the DOC report cites, I am certainly familiar with, and often have used, the assessment criteria listed in the DOC report in my twenty five years of assessing natural areas in New Zealand. These criteria (or 'philosophies'), are not new concepts or approaches. As the authors point out Norton & Roper-Lindsay (2004), Walker et al. (2008), and indeed before them and not mentioned in the DOC Report, Whaley et al (1995) (following on from the Protected Natural Area Programme criteria, Myers et al. (1987)), have all suggested very similar approaches to assessing significance and management of natural features.

I attach (as **Attachment 1**), the nine criteria Whaley et al. proposed to assess significance in 1995, which are more or less the same as those listed in the DOC Report citing Davies (in press) (pages 18-19 of the DOC Report). Certainly, at the inception of designing a suite of packages which could adequately mitigate for the losses of significant ecological habitats associated with the RWSS, I always had in mind the nine Whaley criteria. Thus it is no surprise to me that the DOC report, although coming at the site assessment and evaluation from a different approach, ultimately reached the same conclusions that we reached in our overall evaluation process; whereby the SEB report had implicitly drawn upon an assessment process starting from the analysis first formed in the TER design and stakeholder consultation workshops, and further developing through the Board of Inquiry conferencing and hearing process.

While not relied upon in our assessment of the exchange land (a current values approach was applied to comparison of conservation values with the DOC land) the wider requirements of the Mitigation and Offset package offered and how they relate to the exchange proposal also come into play when looking at the broader benefits of the exchange package. One of the core aspects of this package is the "Ruataniwha Reservoir Restoration Buffer and Catchment Enhancement Zone" (refer to section 13.4.2 of the TER and **Attachment 2**). Further, in my evidence in chief I tested the Mitigation and Offset package against the seven principles that support offsetting in the proposed draft NPS on Indigenous Biodiversity (paragraphs 8.7 – 8.39 of my evidence in chief). This part of the mitigation and offset package clearly shows that enhancement and restoration of habitat within the Smedley Block is a key element in offsetting the overall adverse ecological effects associated with the RWSS, including those values which would be lost within the DOC land.

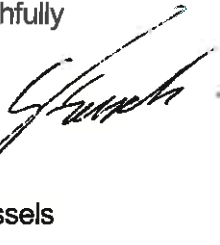
Hence the concluding comments and recommendations in section 4 of the SEB report are particularly pertinent when reflecting on the emphasis the DOC report places on matters concerning the key criteria they evaluated the proposal against, with the broader obligations of HBRIC to restore and enhance key ecosystems and habitats of key fauna and flora species associated with the impacts of the RWSS. If the SEB report, and section 4 in particular, is considered in that context I consider we have implicitly addressed the key elements of 'Representativeness', 'Diversity and pattern', 'Rarity and special features', 'Naturalness', 'Size and shape, buffering', as well list the main 'Management inputs' required to address the 'Fragility and threats' the SEB may face, and to ensure the 'Long-term ecological viability' of it should the exchange be accepted.

The DOC report considers of a range of habitats in its assessment, not only from a vegetation representation point of view, but also from a broader consideration as to availability of habitats for key fauna species and representative wetlands, when comparing the two areas. I support this approach. As Walker et al (2008) purports: "*Maintenance of biological diversity (i.e. future representativeness) requires protection of the long-term capacity of a landscape to support species populations. Survival of inherently dynamic ecosystems and their component species will not be achieved by preservation of a few isolated 'high quality' sites, and elimination of less pristine (and more vulnerable) remaining ecosystems and truncation of remaining species meta-populations.*" To this end the SEB block, while not always achieving a precise 'like for like' exchange, would cater for the broader fragmentation, connectivity and habitat losses resulting from the RWSS on the DOC land.

The addition of a number of more modified seep wetlands assessed as being significant by the DOC team, by comparison with our evaluation, can be attributed to our team using the broader regional and district council assessment criteria and to differing field survey techniques, whereas our team focussed primarily on forested areas, and not on what was mainly pasture and small shrub (as much of 'Donovan Gully' otherwise is).

In summary, while there are some valid critiques of some of the finer aspects of the SEB report in the DOC report, and evaluation of the exchange proposal was approached in a different way, neither approach is 'wrong', and more importantly, the conclusion reached by both the authors of the DOC report and the SEB Report was essentially the same. As the DOC report concludes (and which I agree with): "...from an ecological and biological point of view we believe that the proposed exchange offers an enhancement to conservation values."

Yours faithfully



Genny Kessels

Managing Director & Senior Ecologist

Kessels Ecology

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- Walker, S., Brower, A.L., Clarkson, B.D., Lee, W.G., Myers, S.C., Shaw, W.B. & Stephens, R.T.S. 2008. Halting indigenous biodiversity decline: ambiguity, equity, and outcomes in RMA assessment of significance. *New Zealand Journal of Ecology* 32: 225-237.

ATTACHMENT ONE

Whaley et al. (1995) criteria used for assessing ecological significance.

Whaley et al. (1995):

1. Representativeness: How representative is the area of the full range of ecological diversity in the present natural landscape?;
2. Diversity and pattern: What is the diversity of the ecological units and pattern of vegetation types represented?;
3. Rarity/special features: Presence of locally or nationally threatened species or ecosystems;
4. Naturalness/intactness: Extent of indigenous species and natural communities in the area;
5. Size and shape: Influence of size and shape of the area on ecological viability;
6. Inherent ecological viability/long-term sustainability: Will the features of the area maintain themselves in the long-term?;
7. Buffering/surrounding landscape/connectivity: Extent to which an area is buffered from modifying influences. Distance from modifying influences and other natural areas;
8. Fragility and threat: Threat process and agents, effects of proposed modification; and
9. Management input: Nature and scale/intervention necessary & restoration potential.

ATTACHMENT TWO

Map 1 (Figure 36 – TER)

Outline of recommended Reservoir Restoration Buffer and Catchment Enhancement Zone (Note: actual areas utilised to be agreed with landowners)

