

# Submission on the proposed revocation and the conservation land - Smedley land exchange

## Te Taiao Hawke's Bay Environment Forum

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Hello, I am Dr Amelia McQueen and I am presenting this submission is made on behalf of the Te Taiao Hawke's Bay Environment Forum. The Te Taiao Hawke's Bay Environment Forum is umbrella group made up of organisations such as Bay Watch, Forest and Bird, Environment Centre and individuals with an interest in ecological issues.

Te Taiao Hawke's Bay Environment Forum is opposed to both the revocation of conservation park status and the land exchange proposed by Department of Conservation due to the fact that

- it is unlawful;
- there is no justification for the revocation of conservation park status;
- when assessing conservation gains, the Department of Conservation has neglected to adequately recognise the 'Like for like' principle;
- has wrongly used 'Current values' for assessment; and
- has heavily relied on the dam applicant's reports and surveys which could be deemed as a conflict of interest.

Each of these points are addressed in detail within the submission and I understand that the panel will have already read these so I will summarise the points and highlight certain issues.

- Firstly, the revocation and land exchange can be **deemed unlawful**. The details of this will be covered in Forest and Bird own submission.
- There is **no proper reason to revoke conservation park status**. The conservation park land clearly holds values that justify conservation park status. For example, the area to be revoked comprises of Acutely Threatened and Chronically Threatened land environments, it is important habitat to numerous threatened species (e.g. NZ falcon, long tailed bat, North Island fernbird, red mistletoe, indigenous fish species), it contains significant lowland/riparian indigenous biodiversity, it contains important wetlands and shrubland habitat types and is part of the broader conservation park.
- The **like for like principle** has not been used properly when **assessing the exchange of conservation values/ conservation gains**. That is, significant vegetation/landforms that are permanently removed must be replaced with the same type vegetation/landforms. We have identified numerous accounts where the like for like principle has not been used, for example:
  - The alluvial landform/vegetation types within the Doc exchange area are to be swapped with dissimilar hill country landforms/vegetation. The Smedley block is

degraded and grazed land, connected to other pasture and remnant forest, whereas the conservation land is not grazed and in particular within Dutch Creek is continuous with other indigenous vegetation and habitats and forms an important connection to the Ruahine Conservation Park

- The Doc exchange land forms an area of acutely and chronically threatened land environments which is a national priority for the protection of indigenous biodiversity. The Smedley exchange block has no Acutely Threatened land environments and the Chronically Threatened land environments present are patchy and dispersed through less reduced/better protected environment. Note not all of the Chronically Threatened land environments within the Smedley block would be protected (i.e. exchanged) within the proposed land swap.
- **The exchange of Acutely Threatened for Chronically Threatened land environments is a fundamental problem with the proposed exchange, as it results in net loss of important lowland indigenous biodiversity that is exchanged for a larger area of less important hill country indigenous biodiversity. This is trading down, not trading up.**
- Wetlands on the conservation land and in the Smedley Block are not equivalent. They differ significantly in nutrient status and hydrology and vegetation types. Seepages on the Smedley block have a high level of degradation and eutrophic conditions (e.g. cattle pugging and exotic grasses been evident). The oxbow wetland on conservation land contains indigenous wetland plants, is hydrologically intact and is well-connected to surrounding indigenous vegetation, habitats, and the riparian margins of Dutch Creek. Furthermore, the area of wetland within the Doc exchange is larger than the 0.29ha stated due to the fact that the desktop mapping technique used by Kessels Ecology does not identify small wetlands. There are significant wetland (swamp) connected to the north bank of the Makaroro River and within the Doc exchange land.

The suggested additional gain of a small-leaved shrubland type (indigenous shrublands) will not occur as the same shrubland type is found within the Doc exchange area (i.e. small-leaved shrubland based on major vegetation types (e.g. kanuka/manuka/coprosma species) also exist within the Doc exchange land). Furthermore the diversity of small-leaved shrubs described within the Doc exchange site indicates that this vegetation type is in significantly better condition than that within the Smedley exchange block. Therefore the exchange would result in a significant loss of an important shrubland habitat type if the revocation and exchange were to occur.

- The diversity of indigenous flora within the conservation area proposed for exchange area is likely to be far greater than that of Smedley block. This is especially the case for riparian and associated stream/bluff vegetation types particularly within Dutch Creek, which have been over looked in assessments of vegetation types. Within the Smedley block, riparian vegetation is limited to

small streams and not associated with major streams and rivers, and lack the functions of the riparian habitats on the conservation land.

- The NZ falcon, long tailed bat, North Island fernbird, red mistletoe, indigenous fish species (all threatened species) have habitats within the conservation land proposed for exchange. In contrast, there are no recorded red mistletoe plants within the Smedley Exchange block and no recent, specific recordings of NZ falcon or North Island fernbird. It is also noted that threatened species (indigenous birds, lizards, invertebrates, indigenous fishes) for Smedley Exchange block are based on desktop data and extrapolation from the TER (Terrestrial Ecology Report) report rather than formal recording/surveys within the Smedley exchange block.
  - The exchange of a maternal long-tailed bat roost close to the river on the conservation land, for uncertain bat mitigation proposals on the Smedley Block, is not equivalent as it exchanges certain loss of an important habitat for indigenous fauna for very uncertain gain.
  - The assessment of conservation gains for threatened species relies on the Dam applicant's experts, and is unbalanced. The assessment should acknowledge Dr Kelvin Lloyd discussion where use of bat roosting boxes can be unsuccessful and the successful transplanting of mistletoe highly variable .
  - **Basing the exchange on simple factors such as the area of indigenous vegetation and the overall land area (both of which are larger in the Smedley Block) is misleading, as it fails to address the significant differences in ecological values between the two areas, as has been described.**
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- The use of 'current values' when assessing conservation gains is not valid as the dam will have detrimental effects to the Smedley exchange block and any management of the exchange block to fulfill conservation gains relies heavily on the 'biodiversity offset package' presented by the dam applicants. The question arises as to whether the exchange would occur if a dam was not built.
  - Any assessment should take into account the effects of the dam on the exchange block. For example; The edge effects of the dam on Smedley block (e.g. die off of trees -this has not been assessed), the clearing of 0.39 ha of black beech (which is deemed ecologically significant) on a chronically threatened environment for forestry road access and, the loss of fish passage for threatened fish species, and habitat and food for birds, lizard, insects.

- **A conflict of interest is evident** as the Doc Science and Capability team's, La Cock report shows that there has been a heavy reliance on the Applicant's expert surveys and reports (i.e. Kessels *et al.* reports). It is not appropriate to rely on advice from experts retained by the Applicant. This conflict of interest must be addressed by engaging independent experts or balancing the views of the Applicant's experts against those of other experts represented at the EPA hearing.
- **There has been limited reporting on Doc's behalf while assessing revocation and conservation gains.** For example, the Doc Science and Capability team (La Cock report) suggests that no comment can be made on the maternity bat roost as Doc did not make any comment within the BOI submission. DOC has a statutory duty to consider all values of the conservation land regardless of what it submitted in the BOI process. Therefore it is appropriate that Doc assesses and makes comment on the loss of a significant maternal bat roost.

**To conclude, there is no clear reason to revoke conservation park status and the justification for the proposed land exchange is based on factually incorrect information and takes a partisan, unbalanced view that relies on simple exchange factors (primarily a larger area of land) that do not adequately account for indigenous biodiversity losses and gains.**

**Under the proposed exchange, indigenous biodiversity bears all the risks, with certain loss traded against uncertain gains. The loss of lowland riparian vegetation and habitats on Acutely Threatened land environments cannot be addressed by gains of hill country vegetation and habitats on land environments of less importance. The proposed exchange would simply add to the ongoing loss of important lowland biodiversity.**

**Finally, on a broader note many people here have been involved in shaping the Hawke's Bay Biodiversity Strategy. This has been led by organisations such as Doc and Hawke's Bay Regional Council. A core message of the strategy, that aligns with the National Biodiversity Strategy, is 'to halt the decline in indigenous biodiversity'. The propose revocation of Conservation land and the land exchange, that does not reflect the 'like for like principle' is contradictory to the Biodiversity Strategy and leaves the public and communities with mixed messages.**