



14 November 2016.

Pauline Adams
Department of Conservation
Hokitika.

Dear Pauline,

Federated Mountain Clubs opposes granting Westpower a lease, licence, and easement concession for a hydroelectric scheme on the Waitaha River

We wish to be heard in support of our submission

Federated Mountain Clubs (FMC) was founded in 1931 and advocates for New Zealand's backcountry and outdoor recreation on behalf of 20,000 members. This fundamental function gives our organisation an interest in the Waitaha as a singular place for recreation and as a part of the public conservation estate not yet appositely classified; it also gives us an interest in the spirit, intent, and letter of the Conservation Act 1987.

Recreationists' views of the Waitaha

Morgan Gorge's wild magnificence is revered throughout the tramping, kayaking, and hunting communities; the contrasting peace of Kiwi Flat and the otherworldly beauty of Ivory Lake, above the gorge, are also parts of the vibrant, living korero around the Waitaha. If a hydroelectric scheme were to be built in this valley, parts of it would be sullied, other parts ruined, with mitigation impossible; granting a concession for such would be in strong tension with the protection New Zealanders trust is given such values under the Conservation Act 1987.

Stewardship

The Parliamentary Commissioner for the Environment noted in her 2013 report *Stewardship Land*, that when the Conservation Act 1987 was enacted,

A large proportion of the land put under DOC management was denoted stewardship land. These mostly forested lands had not been protected previously, but were to be protected until their value had been assessed. After assessment, they were to be reclassified into appropriate categories of conservation land or turned over to commercial production.

Given that without appropriate classification the lands enjoy low legal protection status only, she went on to recommend that:

The Minister of Conservation instruct the Department of Conservation to identify areas of stewardship land that are clearly of significant conservation value, and reclassify them in accordance with that value.

The triggers for her report were significant tests of the protection of high value stewardship land that were enabled by the absence of appropriate classifications. It would be unacceptable, given the red flags raised by the report, and, indeed, the challenges that prompted it, for any more such challenges to bear fruit or even distract DOC significantly.

FMC believes that, were assessment to take place, the area affected by Westpower's application would be considered worthy of very high - national park or conservation park - classification. Expert advice to Westpower and hence, the Department, is that, were the appropriate studies to be completed, Morgan Gorge would likely be given outstanding natural feature status, and its wider upper Waitaha catchment would, on district and regional levels, be deemed an outstanding natural landscape. The area is described as near pristine and contains wildlife that needs support, such as whio, kea, and pekapeka. It is our view that the area 'clearly' has the significant conservation value to trigger the reclassification process and that the process should indeed take place.

Lack of understanding of the values of the area in question should not enable a short circuit to the compromise of those values, especially given that they have been strongly signalled. This would be abrasive to the Act, with respect to this case, and, more broadly, as a precedent.

Westpower's case and the Conservation Act 1987

Westpower's case for its proposed scheme is weak and does not meet the test laid down by the Act. Under Part 3B, it is required that:

* the applicant supply reasons and sufficient information to satisfy the Minister that granting the application is *appropriate* and *lawful* (s17S(2)).

- * an application not be granted if *the activity could reasonably be undertaken in another location that- (i) is outside the conservation area to which the application relates; or (ii) is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less* (s17U(4)(a)).
- * an application not be granted if *the activity- could reasonably use an existing structure or facility or the existing structure or facility without the addition* (s17U(4)(b)).
- * an application not be granted *if the proposed activity is contrary to the provisions of this Act or the purposes for which the land concerned is held* (s17U(3)).

Robust evidence of high growth in demand does not exist; the application predicts a demand growth rate for Westpower's service area that is significantly higher than that forecast by MBIE in its 2015 national projection and Transpower in its 2014 annual planning report, and its trajectory exceeds the trajectories of its own 2014 information disclosure and asset management planning. Even if demand were to defy present evidence and grow at the rate Westpower predicts, as the company itself acknowledges in the 2014 Asset Management Plan referred to above, the national grid's provisions are sufficient for the West Coast's needs. This calls into question the application's appropriateness (s17S(2)).

Self-sufficiency, reliability, and community ownership are cited as justification for approving the application. These rely on emotional leverage and do not bear scrutiny. As noted above, the national grid provides, amply and reliably; Westpower's own 2014 Asset Management Plan acknowledges this. The company's parochially-driven arguments do not satisfy the appropriateness test (s17S(2)).

Even if need for a further hydroelectric scheme could be demonstrated, alternatives to the proposed Waitaha project exist. These include the Arnold River scheme, expansion of generation from any other existing scheme, and development of any generation scheme already granted but unbuilt. It is abundantly evident that the hydroelectric activity proposed could take place in alternative locations (s17U(4)(a) and (b)).

As noted above, FMC believes that, had the stewardship land in question been properly assessed, it is highly likely it would now be held for specific purposes related to its natural values that would preclude granting approval for this application.

Additionally but not least, it is vital that the matter be approached through the lens of Departmental *raison d'être* (s17U(3)). There is a raft of factors for consideration, granted, but it is of utmost importance to keep sight of the big picture, encapsulated in s6(a)'s statement of Departmental function: *to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act*. Granting the application, which would

permanently reduce the rare original power and beauty of the Waitaha, would be contrary to this high-level provision of the Act and to the purposes for which the land concerned is held.

Recommendations:

- * that Westpower's application be declined on the grounds that it does not satisfy the demands of the Conservation Act 1987 as outlined above.**
- * that the Department of Conservation assess the significant inherent values of the Waitaha catchment and stewardship land surrounding it for the purposes of classifying it appropriately.**

Yours sincerely,

J R Finlayson
Federated Mountain Clubs vice-president.

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