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27th June 2019

## **FMC concerns regarding a proposed forestry access road through the Whangapoua Forest Conservation Area**

Dear Richard,

FMC has been alerted to an application to vary concession WK-28370-OTH granted in 2013 to Anthony Robert Taylor.

FMC was alerted to this application by a member of ours who is involved in a community trapping endeavour in the Whangapoua Conservation Area and surrounding land. Information was obtained by our member through the Official Information Act (OIA 19-E-0348) and the response included a letter signed by Marie Long dated 26th of June 2019, and a copy of the concession document granted in 2013.

The letter of the 26th of June stated, that as with the 2013 concession, it is planned to deal with this application to vary a concession on a non-notified basis.

FMC has a long-standing interest in the protection of our forest and landscapes, on behalf of our 20,000 members and the wider outdoor community. We are also campaigning for greater recognition of the values of stewardship land, including specifically Whangapoua Forest. See: <https://www.fmc.org.nz/campaigns/forgotten-lands/>

FMC outlines our preliminary position on this concession variation below, and requests further information. Our preliminary position is subject to the consideration of further information obtained.

1. FMC advises DOC to decline the concession variation on the basis that the concession activity is inconsistent with the purposes for which the land is held under s25 of the Conservation Act, which provides that “Every stewardship area shall so be managed that its natural and historic resources are protected.”
2. FMC notes that concession applies for an easement and the right to create an access road. Conservatively, this road will need to be at around a 10 degree gradient and rise 140 metres, and will therefore be conservatively 1.4 kilometres long. Accounting for side slope, the road corridor will also be conservatively 15metres wide. The road will therefore

- destroy 21,000 square metres of native forest, as well as having wider negative ecological effects in regards to weed introduction and reduced ecological connectivity.
3. FMC notes that the granting of a variation to the concession is unlikely to meet the requirements of part 3B of the Conservation Act, principally because of the effects of the proposal, but also among other reasons that the concession activity can be undertaken elsewhere off public conservation land (s17U(a)(4)(i). Access to the applicants forestry block is available through private land to the north.
  4. FMC notes that the concession activity - the granting of an easement to enable the felling of forest and construction of an access road to facilitate personal economic gain - is not provided for in either Conservation General Policy or the Waikato Conservation Management Strategy. This should not be seen as an omission - both of these documents provide strict rules around activities that are far less environmentally damaging - it is an indication that the activity is not compatible with the purposes for which public conservation land is held.
  5. FMC observes that granting the variation would be inconsistent with the Waikato Conservation Management Strategy particularly the statements that: “The maintenance of ecological integrity and habitat connectivity, particularly in forest habitat, is a management priority for the Department.” (pg 64) and the goal that “Within this place, the mountainous backdrops, skylines and ridgelines along the Coromandel Range remain undeveloped” (pg 71)
  6. FMC notes that while the affected forest, sits just outside the “Papa Aroha” priority forest ecosystem that DOC has undertaken to restore to “restore to a healthy functioning state” in the Waikato Conservation Management Strategy (pg 70), the forest is contiguous to this area and of indistinguishable ecological value. The lack of a specific positive goal in the CMS does not reduce DOCs duty to prevent further harm to this land.
  7. FMC observes that land held under s25 of the Conservation Act has been described as being in “statutory holding pen” waiting permanent classification according to its assessed conservation and recreation values. In lieu of this assessment - and appropriate classification - nothing should be allowed to reduce those values. To this end please refer to the Minister of Conservations decision regarding the Fiordland Monorail application and the Parliamentary Commissioner for the Environment’s report on Stewardship land.
  8. FMC further observes that if the Whangapoua and surrounding conservation areas were assessed for a final land classification status, that the minimum appropriate status would be the specially protected area known as “Conservation Park”. The stewardship area and surrounding landscapes are a large extent of recovering native forest which is a known habitat for kiwi, frogs and other endangered wildlife. Recreationally the area should be respected as a core, almost contiguous area, along the Coromandel spine that should be built upon through the generations, not gradually dissected and eroded.
  9. FMC requests that if this variation is not to be rejected outright that it be publicly notified to public interest in the proposal to be properly considered.
  10. FMC also notes that the granting of the 2013 concession (done beyond the public gaze), was quite likely illegal and asks the Department to both look at the legal standing of that document and strictly apply any conditions to minimise future environmental harm from the right of way.

## Information Request

FMC requests the following information to allow further consideration of this issue:

1. DOC's current guidance to staff (in whatever form) regarding determining whether a concession application should be processed on a notified or non-notified basis.
2. The report to decision-maker for the 2013 concession application
3. The Environmental Impact Assessment for the 2013 concession application.
4. The application for the concession variation and any accompanying documentation
5. Any documentation concerning the decision to notify or not-notify the concession variation application
6. The record and details of consultation with Iwi and the Conservation Board for the 2013 Concession and the concession variation application.
7. Record of any survey or ecological report done to assess the conservation values of this forest.

Yours sincerely



Jamie Stewart

Federated Mountain Clubs - Executive member