

TE MANA O TE WAI



TE TAUHU CASE STUDY REPORT

Volume One

JULY 2021

Cover Photo by Kane Hartill Te Waikoropupū Springs 2018

Ko Rangi
Ko Papa
Ka puta, ko Rongo
Ko Tānemahuta
Ko Tangaroa
Ko Tūmataunga
Ko Haumiatiketike
Ko Tāwhirimātea
Tokona te Rangi ki runga
Ko Papatūānuku ki raro
Ka puta te ira tangata
Ki te whai ao, ki te ao mārama
E rongō whakairia ake ki runga
Kia tīna! Tīna!
Haumi e, hui e, tāiki e!

Te Huirangi Waikerepuru

This karakia acknowledges the primordial parents Ranginui and Papatūānuku and the children they begat and their progeny who populated the world. They were the source from which all things in the universe originated including other deities, humans and the various creatures and features of the earth, like the formation of waterways.



Mountain tarn, Kahurangi National Park

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Editorial note:

The different iwi of Te Taihū have different conventions with te reo Māori, and different preferences for key terms. For the sake of consistency, this report will use Te Taihū (rather than Te Tau Ihu). However when referencing existing documents and including quotations from them, the original spellings and terms of these documents are used.

EXECUTIVE SUMMARY

This report, *Te Mana o Te Wai Case Study Report Volume I*, has been prepared for the iwi of Te Taihū o te Waka-a-Māui as a case study contributing to a nation-wide project commissioned by the Our Land and Water National Science Challenge: *Enacting Te Mana o te Wai through Mātauranga Māori*.

The six iwi o Te Taihū involved in this project are Ngāti Apa ki te Rā Tō, Ngāti Koata, Ngāti Kuia, Te Rūnanga o Ngāti Rārua, Ngāti Tama Ki Te Waipounamu and Te Ātiawa Manawhenua Ki Te Tau Ihu. Representatives from Rangitāne o Wairau and Ngāti Toa Rangatira maintained a watching brief through the project.

The introduction sets the scene with information about the rohe and waterways of Te Taihū, Te Tiriti o Waitangi and the Treaty, the worldview of Te Ao Māori and the wider research programme (Chapter 1).

Te Ao Māori, and the many interconnected levels of value, meaning and significance of te taiao, wai, waterways and taonga of the rohe to whānau, hapū and iwi are then explored. This includes consideration of kaitiakitanga, manaakitanga and mātauranga Māori as they relate to wai and the lakes, tarns, springs, rivers, streams, wetlands and groundwater of the rohe (Chapter 2).

Findings of the Waitangi Tribunal's 2008 report on the Te Taihū claims relating to wai, waterways and freshwater fisheries, and to the Crown's systems for environmental management are presented (Chapter 3).

The current thinking of ngā iwi o Te Taihū includes their views of wai and their responsibilities as kaitiaki for te taiao. Iwi thinking on the current environmental management systems under the Resource Management Act 1991 (RMA) includes their assessments of what is working well, what is not working well, tools to give effect to cultural values and gaps in knowledge. Key issues identified include: the need to move from reactive to proactive mode, the chronic lack of resourcing and capacity and the need for iwi to have a role in decision making (Chapter 4).

The report summarises the challenges of management for wai and waterways and outlines the opportunities provided by the requirements of the new National Policy Statement for Freshwater Management 2020 (NPS-FM) and Te Mana o te Wai (Chapter 5).

The final Chapter sums up the findings and offers recommendations to assist ngā iwi, councils and other Crown agencies to implement the NPS-FM and give effect to Te Mana o te Wai (Chapter 6). Recommendations cover: Te Ao Māori values; manaakitanga, customary uses and mahinga kai; mātauranga Māori; protection and limit setting; integrated catchment management; monitoring; participation and decision making; co-governance, co-management and iwi management of wai and waterways; and equitable funding and resourcing and capacity building.

Appendix 1 presents the mechanisms established under the Deeds of Settlement for the claims of ngā iwi relating to the rivers, lakes and puna of the rohe.

Appendix 2 presents summaries of the environmental management plans and other reports for wai and the waterways and taonga of Te Taihū, prepared by ngā iwi over the last twenty years, along with iwi contributions to council plans and processes for environmental management of wai.

Appendix 3 is an infographic about the Te Taihū Te Mana o te Wai project.

The three councils of Te Taihu – Nelson City Council, Marlborough District Council, and Tasman District Council – have also provided information in response to the opportunities of Te Mana o te Wai. This is presented in a separate report (*Te Mana o Te Wai Case Study Report Volume II*).



Lake Rotoiti

1: INTRODUCTION

Ngā Iwi o Te Taihū o te Waka-a-Māui

Te Taihū o te Waka-a-Māui¹ extends across the northern areas of Te Waipounamu, the South Island (Nelson, Marlborough, Tasman and Golden Bays). It is the prow of the waka of Māui and home to eight iwi:

Ngāti Kuia, Rangitāne o Wairau and Ngāti Apa ki te Rā Tō – Kurahaupō waka;

Ngāti Koata, Ngāti Rārua and Ngāti Toa Rangatira – Tainui waka;

Ngāti Tama Ki Te Waipounamu and Te Ātiawa Manawhenua Ki Te Tau Ihu – Tokomaru waka.

The six iwi o Te Taihū involved in this project are Ngāti Apa ki te Rā Tō, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama Ki Te Waipounamu, Te Ātiawa Manawhenua Ki Te Tau Ihu and Manawhenua ki Mohua (representing Ngāti Tama ki te Waipounamu, Ngāti Rārua and Te Ātiawa Manawhenua ki Te Tau Ihu in Mohua Golden Bay).

Representatives from Rangitāne o Wairau and Ngāti Toa Rangatira maintained a watching brief through the project.

Ngā iwi o Te Taihū have participated and contributed to this case study report as part of four case studies in Aotearoa New Zealand for the Our Land and Water (OLW) National Science Challenge: *Enacting Te Mana o te Wai through Mātauranga Māori*.

The iwi Trusts are post Settlement entities,² and continue to uphold kaitiakitanga obligations and responsibilities in freshwater management.

The rohe of ngā iwi o Te Taihū

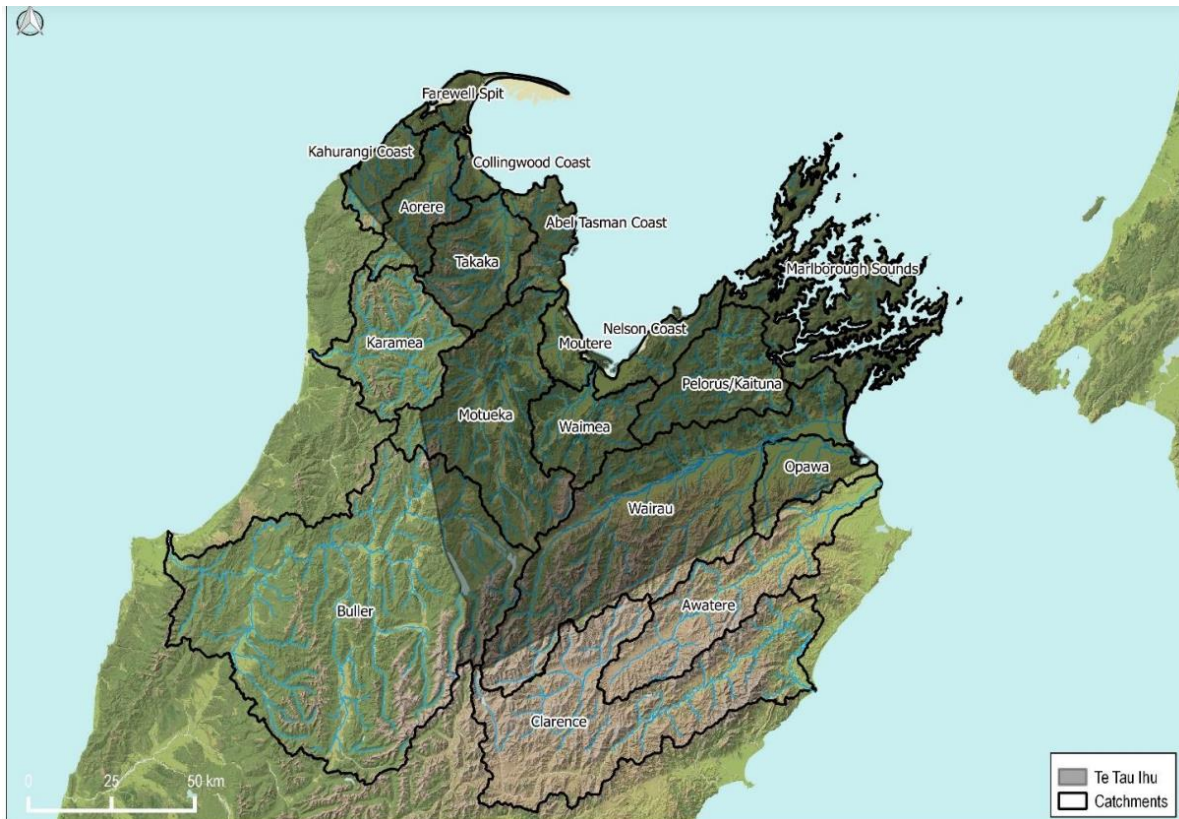
Te Taihū has 16 major river catchments linking the inland mountains to the coast. The major ancestral awa include ko Wairau, ko Te Hoiere / Pelorus, ko Mahitahi / Maitai, ko Waimeha / Waimea, ko Motueka, ko Riuwaka / Riwaka, ko Tākaka and ko Aorere.

These ancestral awa have sustained whānau, hapū and Iwi for generations, with diverse indigenous flora and fauna found on the fertile river flat lands, in the many sheltered valleys, and around the wide estuaries and coastal lagoons. The river and stream characteristics vary greatly across the catchments of Te Taihū, from small steep-sided rocky streams in the headwaters, to wide-open swift-flowing braided rivers, or slow-moving water in meandering river channels in the lowlands. Many of the large river systems form estuaries, deltas or inlets at the coast.³ The inland lakes – Rotoiti and Rotoroa – are surrounded by forested mountains.

¹ The different iwi have different conventions with te reo Māori, and different preferences for key terms. For the sake of consistency, this report will use Te Taihū (rather than Te Tau Ihu). However when referencing existing documents and including quotations from them, the original spellings and terms of these documents are used.

² The inquiry and report of the Waitangi Tribunal into the historic claims of ngā iwi o Te Taihū are discussed below in Chapter 3.

³ A Andrew, 4Sight Consulting on behalf of Te Tau Ihu Fisheries Forum, *Sustaining the native freshwater fishery of Te Tau Ihu: an iwi perspective*, 2016.



Major catchments of Te Taihū

Te Taihū catchments include a huge variety of natural attributes and ecosystems, and are home to a diverse array of taonga species. To the west, there are spectacular landscapes of limestone and marble, with deep caves. Rare and endemic plants and animals live in the hill country. To the east lie extensive grasslands and herb fields. The 2,500 km coastline provides a variety of coastal landforms not seen elsewhere in New Zealand, including the ecologically significant estuaries at Waimea and Whanganui and the Wairau lagoons.⁴

Over the last 190 years the landscapes and waterways of Te Taihū have undergone significant changes and the land uses surrounding the rivers now vary greatly, including natural and exotic forests, agricultural, horticulture, industrial, commercial and residential land uses.

Nevertheless, the mana, rangatiratanga and kaitiaki responsibilities of whānau, hapū and iwi continue. The enduring bonds of whakapapa and cultural identity connect tangata whenua with the wāhi tapu, wai, te taiao taonga and the whenua of their ancestors. Whakapapa and cultural identity connect whānau, hapū and iwi to ngā tupuna (ancestors) and to future generations.

In the present day, the rohe of Te Taihū has two major cities – Nelson and Blenheim – and smaller settlements at Waitohi (Picton), Havelock, Richmond, Motueka, Tākaka and Collingwood. There are three unitary councils⁵ with delegated responsibilities from the Crown to manage the natural and physical environment for the region: Marlborough District Council (MDC); Nelson City Council (NCC); and Tasman District Council (TDC). Each council undertakes state of the environment monitoring and reporting, prepares regulatory plans and have decision making roles for resource consent and other processes. These processes all include engagement with ngā iwi to give effect to their Treaty settlement responsibilities. Several Crown agencies also have responsibilities for the natural

⁴ Department of Conservation, Conservation Management Strategy Nelson/Marlborough Conservancy 1996-2006, p 21.

⁵ Unitary authorities have the combined responsibilities of regional councils and territorial local authorities.

environment, including the Department of Conservation (DOC) and the Ministry for Primary Industries (MPI).

Te Tiriti o Waitangi

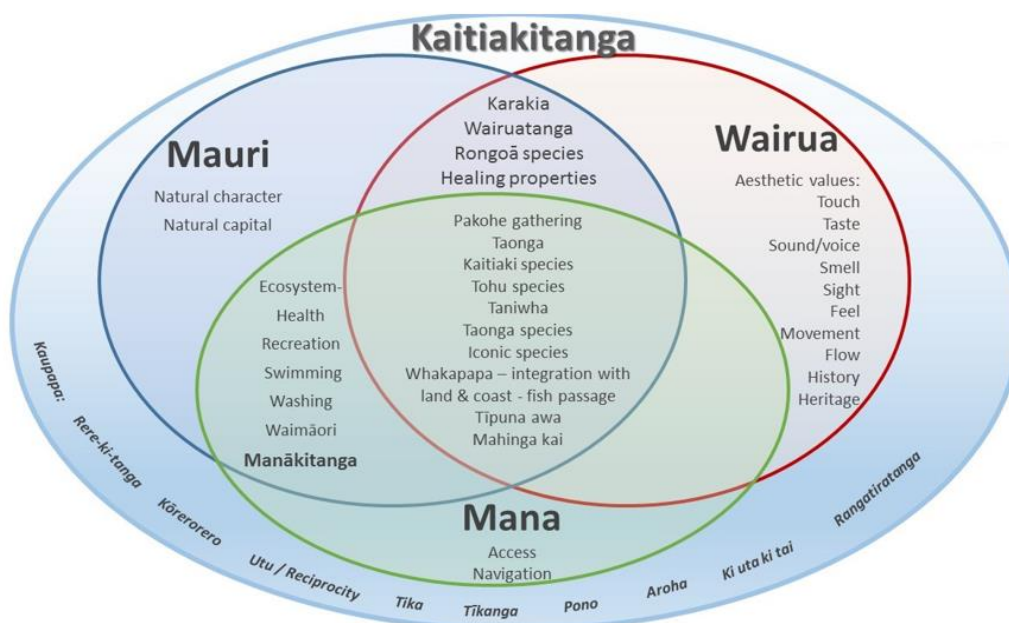
A key context for this report is the central place of Te Tiriti o Waitangi, as the foundation for all processes where ngā iwi engage with the Crown and local councils. Te Tiriti acknowledges and recognises rangatiratanga and affirms Māori relationship to their taonga including fisheries and water. Te Tiriti is the basis of the ongoing partnership relationship between Māori and the Crown:

It has been described as a living document, whose intent and application requires ongoing interpretation within a contemporary context. Protecting the values and interests of tangata whenua and enabling Māori to exercise resource management are obligations under the Treaty. The Treaty recognises the right of Māori to plan for and manage their environment. This makes the Treaty the principal reference point for all natural resource decision-making. The Treaty principles considered important in the realm of resource management and RMA interpretation include iwi/hapū self-regulation, partnership, consultation and active protection.⁶

There are two texts of Te Tiriti o Waitangi – the version in te reo Māori (Te Tiriti) and an English version (the Treaty). There are differences between the texts that promised Māori te tino rangatiratanga and the crown ‘kawanatanga’ and relate to iwi autonomy and sovereignty. However, a large focus of Te Tiriti in contemporary times are the principles of the Treaty, interpreted and refined through decades of case law, which include partnership and active protection.

Te Ao Māori worldview⁷

The context of Te Ao Māori is central for this case study report and fundamental to iwi and Māori knowledge and beliefs. In Te Ao Māori all forms of life are interconnected and interrelated.



This graphic was developed by a working group of representatives of ngā iwi working with the Nelson City Council for the Nelson Plan in 2015-2017. It shows the interconnections and linkages across the spectrum of Te Ao Māori values in wai, waterways and taonga.

⁶ Auckland Council, 2018, Cultural Values Assessments: Negotiating kāwanatanga and rangatiratanga through local government planning processes in Aotearoa New Zealand, Technical Report 2018/008, pp 9-10.

⁷ The Te Ao Māori worldview is discussed in the following Chapter 2.

Through whakapapa, Māori are related to ngā taonga tuku iho, and the wellbeing of the people is closely linked with the wellbeing of the attributes of the natural world. Ancestral values and mātauranga knowledge inform contemporary Māori worldviews, priorities and aspirations of whānau, hapū and iwi for te taiao, the natural environment, and other taonga in their rohe. As tangata whenua, whānau, hapū and iwi have kaitiaki obligations and responsibilities for their rohe.

Context: Te Mana o te Wai

The OLW National Science Challenge research programme is a response to the introduction in 2020 of new formal requirements under the National Policy Statement for Freshwater Management (NPS-FM), a policy direction established under the Resource Management Act 1991 (RMA).⁸

The NPS-FM 2020 provides that regional councils and unitary authorities must:

- Manage freshwater in a way that gives effect to Te Mana o te Wai; and
- Actively involve tangata whenua in freshwater management, including decision making.

The concept of Te Mana o te Wai is explained as:

... a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. It protects the mauri of the water. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.⁹

The NPS-FM 2020 establishes a hierarchy for freshwater management obligations that prioritises:

- Firstly, protection of the health and wellbeing of water bodies and freshwater ecosystems;
- Secondly, the health needs of people (such as drinking water); and
- Thirdly, the ability of people and communities to provide for their social, economic and cultural wellbeing, now and in the future.¹⁰

Other new provisions introduced in the NPS-FM 2020 include specific provisions for tangata whenua involvement,¹¹ and the addition of mahinga kai as a new compulsory value.¹²

Context: The wider research program

The nation-wide research programme commissioned under the OLW National Science Challenge, *Enacting Te Mana o te Wai through Mātauranga Māori*, creates a range of outputs to support and enable the processes that will be needed to give effect to Te Mana o te Wai, including:

- Wānanga to explore the mātauranga and kōrero around Te Mana o te Wai and policy;
- Process guidelines, how to apply Te Mana o te Wai, and training for iwi and councils; and
- Four case studies – of which this report is one.¹³

⁸ A more detailed discussion on the National Policy Statement is provided below in Chapter 5.

⁹ National Policy Statement for Freshwater Management 2020, clause 1.3 (1).

¹⁰ NPS-FM 2020, clause 1.3 (5).

¹¹ NPS-FM 2020, clause 3.4.

¹² NPS-FM 2020, Appendix 1A, clause 4.

¹³ The other case studies are with Ngāti Raukawa, Ngāti Porou, and the Bay of Plenty.

The case studies were commissioned to provide information from the tangata whenua on:

- Their understanding, perceptions and expectations of Te Mana o te Wai;
- Their relationship with and aspirations for their waters and how they currently give effect to their roles and responsibilities;
- How they plan to give effect to Te Mana o te Wai; and
- The challenges they face and opportunities available in enacting Te Mana o te Wai.

This case study report is a contribution to the wider national discussions. It is grounded in the work of ngā iwi o Te Taihū (advocacy and negotiation), over many generations as kaitiaki of te taiao – wai, ngā roto, tarns, wetlands, awa, streams, puna and aquifers/groundwater.¹⁴

Purposes of this case study report

The purpose of this report is to document ngā iwi o Te Taihū values on what Te Mana o te Wai means for them and the waterbodies in the rohe. The focus of this report is the collation of ngā iwi values and interests for wai, the identification of gaps in the current freshwater planning and management frameworks and identification of opportunities under Te Mana o te Wai. This will inform and assist ngā iwi and councils to co-design a Te Mana o te Wai planning framework and to give effect to Te Mana o te Wai as set out in the NPS-FM.

The protection and enhancement of the mauri of freshwater – including the lakes, tarns, springs, rivers, streams and wetlands – are among the highest priorities for Te Taihū iwi. The new directions from central government in the form of the NPS-FM 2020, including mandatory requirements for councils on how to manage freshwater under the RMA, present a significant opportunity for iwi to assist councils to make decisions, perform functions and exercise powers to give effect to Te Mana o te Wai. The ultimate objective is to improve the management of the freshwater and the water bodies and catchments of the region, with plans, policies and implementation methods that honour and give effect to the mana of the waters and the mana of the whānau, hapū and iwi as kaitiaki of these wāhi and taonga.

Stage One of the project, funded by the National Science Challenge, is to gather information and develop an iwi “current state” report – this case study report. This report:

- Introduces the iwi of Te Taihū and their kaitiaki responsibilities for wai and other taonga tuku iho;
- Includes a summary of the existing relationships with wai – ancestral, traditional, historical, cultural and spiritual;
- Includes a summary of iwi understandings of Te Mana o te Wai;
- Discusses the iwi perspective of the current relationships with councils in relation to freshwater management, including what is working well, current challenges and gaps; and
- Identifies the current capacity and capability of iwi to participate in freshwater management.¹⁵

¹⁴ Information about the many iwi environmental management plans, cultural values reports, and the contributions of ngā iwi o Te Taihū to council planning processes, over the last twenty years, is provided in Appendix 2 of this case study report.

¹⁵ Additional information is provided in the Appendices to this report. Appendix 1 is a summary of the Deed of Settlement mechanisms negotiated with the Crown by each of the six iwi participating in this project. These mechanisms include specific provisions for the rivers and lakes of the rohe. Appendix 2 gives summaries of a range of iwi environmental management plans, cultural values reports, cultural monitoring project and input to the plans and programmes of councils and other agencies, over the last twenty years, and their provisions for the wai, waterways and associated taonga in Te Taihū.

In Stage Two, the iwi seek to work in partnership with the three councils of Te Taihū to:

- Conduct catchment-focused kōrero with whānau and hapū to gain a better understanding of perceptions and expectations around the implementation of Te Mana o te Wai, including reflections on the tool kit to be prepared by the National Our Land and Water research programme;
- Co-design a planning framework to give effect to Te Mana o te Wai across Te Taihū;
- Identify the tools, interventions, resources, capacity and capability needed to achieve outcomes; and
- Oversee the implementation of the framework.

The outcomes sought are:

- Increased iwi participation in the management of freshwater; and
- Protection and restoration of the mauri of wai.

The three councils have provided analyses of their perspectives of Te Mana o te Wai and how this fits into their current freshwater management framework.¹⁶ This information will assist in Stage Two of the project, the co-development of a new way forward to give effect to Te Mana o Te Wai and deliver improved freshwater outcomes across the region.

How the case study information was gathered and the report prepared

A series of iwi-led hui were held in early 2021, focusing on how to give effect to Te Mana o te Wai through implementation of the NPS-FM. All the iwi of Te Taihū were invited to take part in these conversations. As a result of these hui, the Te Taihū project team was formed to progress this mahi.

The iwi working group for Te Mana o te Wai is made up of Pou Taiao representatives from Ngāti Apa ki te Rā Tō Trust (Jennifer Skilton); Te Rūnanga o Ngāti Kuia (Julia Eason); Ngāti Koata Trust (Alice Woodward); Te Rūnanga o Ngāti Rārua (Rowena Cudby); Ngāti Tama ki Te Waipounamu Trust (Kura Stafford); Te Rūnanga o Rangitāne o Wairau (Sally Neal); Te Ātiawa Manawhenua Ki Te Tau Ihu Trust (Sylvie Heard) and Manawhenua ki Mohua (Ursula Passl). The project team also includes the project manager, Ursula Passl, and the report writer, Dr Ronnie Cooper (Huntaway Strategy Ltd).

The Te Taihū working group and project manager undertook a further series of hui with whānau and Pou Taiao to discuss current frameworks and relationships, recognise lessons learned, identify gaps and make recommendations for wai management looking forward. The working group members also provided iwi environmental management plans and other project and planning work relating to wai management across Te Taihū, demonstrating twenty years' of advocacy and sustained work and dedication of ngā iwi as kaitiaki of te taiao and wāhi.

The project team gratefully acknowledges the support provided by the OLV National Science Challenge's working group for the wider project, *Enacting Te Mana o te Wai through Mātauranga Māori*. We acknowledge in particular Tina Porou, Pia Pohatu and Naomi Aporo for their contributions.

¹⁶ These are included in *Te Mana o te Wai – Te Taihū Case Study Report Volume II*.

2: TE AO MĀORI WORLDVIEW

Origins

For ngā iwi and hapū of Te Taihū, wai is the essential life force and is itself a living taonga under Article II of Te Tiriti and the Treaty of Waitangi.¹⁷ In recognition of the mauri and wairua that exist in all taonga, wai is considered tapu. Because it sustains the survival and wellbeing of all things, wai is considered to transcend life itself.

A sacred treasure, wai expresses all dimensions of life: Taha wairua / the spiritual; Taha hinengaro / the intellectual; Taha tinana / the physical; and Taha whānau / the social.

Wai is a living expression of the first atua who are inextricably and continually present in the natural environment – wai is forever the tears of Ranginui, falling as rain and mist, and it is the life blood of Papatūānuku, running through the land and nurturing and connecting all living things. Wai and all the life it sustains are precious taonga, generous gifts from ngā atua kaitiaki – Tangaroa, the spiritual guardian of wai, and Tāne Mahuta, guardian of the forests, trees, plants and birds. These guardians were central in the lives of ngā tūpuna and remain important in the present day, as they ensure the ongoing ability of the natural environment to maintain the spiritual, cultural, communal and economic wellbeing of ngā whānau, hapū and iwi.

The water and waterways of Te Taihū also have their own special guardian spirits or kaitiaki. For example, for Ngāti Rārua, two taniwha (who came to the area with tūpuna from their former homelands in the north) are the kaitiaki of the lower and upper ends of the Wairau River and of the iwi.

Across in Mohua, the spiritual dimensions focus around Huriawa, a tūpuna and kaitiaki taniwha who travels in the waters flowing through the lands of Hine Tua hoanga, the Lady of the Sandstone.¹⁸ Huriawa has whakapapa connections between Mōhua, the northern areas of the North Island, and Te Wai Pounamu. She is the caretaker taniwha, guarding, with help from her children, the mouth of the Waitapu River, originally a tributary of the Tākaka River.¹⁹ Huriawa clears waterways from the effects of storms, moving fallen trees and tangled vegetation out of the rivers to free the flow of wai. In the rains she dives deep, churning up the waters where fresh water is found rising through the sea far from shore. The waters in the Tākaka river catchment where Huriawa resides are sacred, and used for ceremonies, offerings, blessings and healing.

The Ngāti Kuia kōrero pertains to Matua Hautere and the kaitiaki Kaikaiawaro and Ruamano. Kaikaiawaro was a guardian spirit in the form of a white dolphin that guided Kupe and Matua Hautere to Te Hoiere. The awa is named after the waka of Matua Hautere, and along the river are the rua of Kaikaiawaro as she dug out the river looking to make a path to Whakatu. The rua (hollows) are still visible in the river today, and one is the resting place of the kaitiaki. Pelorus Jack is the most recent reincarnation of Kaikaiawaro.

In the Ngāti Kuia worldview, the awa includes all of the awa and Pelorus Sound. Te Hoiere is considered a Tūpuna Awa, an ancestor that is the direct link to Kaikaiawaro and Ruamano, the parents of Awa who landed at Tai Tapu (Golden Bay) on the Kurahaupo Waka.

¹⁷ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, April 2011, p 6.

¹⁸ Ngāti Tama ki te Waipounamu Trust, *Environmental Management Plan*, 2018, p 40.

¹⁹ Manawhenua Mātauranga Report for the Tākaka Catchments, June 2018, p 12.

The lakes, rivers, streams and wetlands of the rohe are understood as a collective, interlinking complex system or network of connections between the atua, the ancestors and present and future generations, and between the spiritual and physical:

Manawhenua iwi view wai (water) as interconnected with all life within river catchments. This view is a holistic one, focused on the relationship between all living things... For manawhenua iwi, wai cannot be separated from other resources within a catchment. Wai links all taonga.²⁰

The wellbeing of one part of the environment directly impacts on the wellbeing of all other parts... Te Ao Māori is a holistic and integrated [worldview], recognising interconnectedness and interdependence of all things.²¹

However each water body has a unique mauri and wairua of its own, and they are each taonga as entities in their own right. Each has its own tapu and mana, its own history and identity, and its own purpose.

The wai flowing through these waterways symbolises and expresses the wairua and spiritual connections that bind together the past and the present; linking the spiritual and the physical, the sacred and profane, and connecting the cosmological world of ngā atua with present generations. The health and mauri of the rivers derive from the need for flowing water from the head of the river and its tributaries to where it meets the sea – ki uta ki tai.

Kaitiakitanga

For the tangata whenua iwi and hapū of Te Taihū, a paramount environmental principle is to safeguard the mana, mauri and wairua of the natural and physical resources handed down from ngā atua and ngā tūpuna for future descendants and communities. These obligations span across the generations, from the earliest ancestors to the mokopuna of today's whānau, and are integral to the cultural identity of ngā iwi me ngā hapū as tangata whenua.

The kaitiaki role of the tangata whenua is a continuous responsibility passed down from ngā tūpuna to take care of the water and waterways of the rohe, all their tangible and intangible taonga, and their cultural, spiritual, historic and traditional values. It is an obligation for ngā kaitiaki – whānau, hapū and iwi – to make decisions about how to look after and protect the physical and spiritual wellbeing of the whenua, of taonga, and of wāhi tapu and all sites of significance:

The role of kaitiaki is an inherited one... It is an obligation, not something that tangata whenua can opt out of. As kaitiaki, tangata whenua have a duty to their ancestors, those living and those future generations to come, to take care of and protect ngā taonga tuku iho... items and places of cultural significance, natural resources and other environmental taonga.²²

Although sourced in spiritual values, the kaitiaki responsibilities of whānau, hapū and iwi are expressed as a practical solution for the regulation and control of human activities and their impacts on the natural environment.²³

²⁰ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, April 2011, pp 4 and 10.

²¹ Te Ātiawa, *Iwi Management Plan*, 2001, p 10.

²² Dean Walker and Wayne Bunt, Kawatiri Resource Management for Tiakina Te Taiao Ltd, *Motueka River Cultural Values Report*, July 2010, p 19.

²³ Ursula Passl, Ngā Taonga Tuku Iho ki Whakatū Management Plan, June 2004, p 13.

Kaitiakitanga lies at the heart of Māori culture... The practices associated with kaitiakitanga are closely linked with mana and self-determination. Mana is directly related to whakapapa and identity.²⁴

Central to the kaitiaki responsibilities is the maintenance of customary practices and the sustainable use of wai and other resources. This includes protection of biodiversity, utilisation of resources, maintenance of resources for present and future generations, and restoration and enhancement of damaged ecosystems. Decisions are based on mātauranga Māori – traditional knowledge of the water flows and quality, wildlife and natural taonga of each river, stream, lake and wetland, gathered through generations of patient observations by ngā tūpuna. Decisions are also based in whakapapa and the tikanga and kawa, including tapu and noa, which are held by whānau and hapū to ensure the proper course of action is followed.

Interconnectedness

The water, waterways and natural taonga of the rohe are essential roots that intertwine with the spiritual, historical and cultural dimensions of what it means to be tangata whenua and kaitiaki. Like the interweaving root structures of a grove of kahikatea, they provide stability and support across the group as well as nourishment:

For tangata whenua, relationships are everything – the relationships between people, the relationships between people and the physical world, and the relationships between people and the spiritual world. Whakapapa (genealogy) is the basis for the relationships between all things.²⁵

For ngā whānau, hapū and iwi, their associations with the lakes, rivers, streams, wetlands and natural taonga of the rohe include mana, whakapapa, traditions and history. Ngā roto me ngā awa are intertwined with the identity, mana and mauri of the tangata whenua, and to their spiritual and cultural wellbeing, their whānaungatanga, and their social and economic prosperity. The histories – people, events, intermarriages, trade, warfare, achievements and tragedies of the ancestors – are continuously present in the landscapes and waterways of Te Taihu, reinforcing the identity and mana of whānau, hapū and iwi today, supporting kinship and solidarity, driving the transmission of intergenerational knowledge, and keeping continuity between the generations. The landscape and the wai define the people.

The interconnectedness between people and their lakes, rivers and wai is carried through inalienable whakapapa connections and ahi kā. The spiritual and cultural integrity of the waters and waterways throughout the rohe are inseparable from the identity of whānau, hapū and iwi. The cleanliness and quality of the water within ngā awa me ngā roto is paramount.²⁶ Therefore, it is essential for whānau, hapū and iwi that all activities within catchments are managed in an integrated way, to safeguard the life-supporting capacity and mauri of wai as a taonga.²⁷

The many-layered interconnections with wai and waterways make it imperative that the cultural, spiritual, environmental and economic values of whānau, hapū and iwi are protected in today's environmental management and conservation programmes. These values include the interconnected requirements for whānau ora: rangatiratanga, kaitiakitanga, manaakitanga, whakawhanaungatanga

²⁴ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 19.

²⁵ Ursula Passl, *Ngā Taonga Tuku Iho ki Whakatū Management Plan*, June 2004, p 11 – emphasis in original.

²⁶ Ngāti Tama ki te Waipounamu Trust, *Environmental Management Plan*, 2018, p 2.

²⁷ Manawhenua Mātauranga Report for the Tākaka Catchments, p 16.

and wairuatanga.²⁸ A framework of matters of particular importance for environmental management includes key kaupapa:

- Tino rangatiratanga;
- Exercising the kaitiaki role;
- Management of wāhi tapu and wāhi taonga;
- Sustainable management of whenua, te wai Māori and te moana; and
- Opportunities for iwi, hapū and whānau to use resources.²⁹

The quality of wai and waterways is an important indicator or sign of wider environmental health and wellbeing.³⁰ Classifications of water health include:

- Wai Ora – the purest form of freshwater, it is of spiritual significance, it is used in baptism, and it can rejuvenate damaged mauri and counteract evil;
- Wai Māori – water used for everyday purposes;
- Wai Tai – sea water;
- Wai Mate – water that has lost its life supporting capacity or mauri; it has been damaged or polluted beyond its capacity to rejuvenate either itself or other living things;
- Wai Kino – water that has been spoiled or polluted; and
- Wai Tapu – waters where death has occurred and are subject to restrictions.³¹

The health of a river reflects the health of all the living things – people, fish, eels, birds, trees, plants, insects – that depend on that river for physical and spiritual sustenance. All the creatures and plants living in the wai are an integral part of the rivers and cannot be separated from them. The relationships of whānau, hapū and iwi with these taonga relate to the entire catchments.

The customary use of wai and indigenous taonga, practiced over many generations, is the context for engaging with the natural world: 'Central to the role of kaitiaki is to maintain customary practices and uses (tikanga and kawa).'³² Maintenance of the customs, knowledge and traditions associated with the rivers and lakes is essential for the spiritual and cultural wellbeing of the whānau, hapū and iwi. Reconnection with wāhi tapu and the home places and pathways of ngā tūpuna is essential to sustain identity and to link present day whānau, hapū and iwi both physically and emotionally with their ancestors.

Rituals and healing

The centrality of wai and the lakes, rivers, streams and wetlands of the rohe to the wellbeing of the people is also demonstrated in the importance of water for traditional rituals and healing. The rivers and lakes of Te Taihū are at the heart of important healing and ceremonial work, essential for whānau hauora, iwi mana and identity. This is seen in the use of waters from significant rivers and springs in tohi or consecration rituals and other tikanga.

²⁸ Ngāti Tama *Environmental Management Plan*, 2018, pp 2, 14 and 25.

²⁹ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 16.

³⁰ Ngāti Tama *Environmental Management Plan*, 2018, p 40.

³¹ Te Ātiawa, *Iwi Management Plan*, 2001, p 16; and Manawhenua Mātauranga Report for the Tākaka Catchments, June 2018, p 17.

³² Statement of Evidence of Leanne Manson on behalf of Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, Application for a Water Conservation Order in respect of Te Waikoropupū springs and associated water bodies, 28 March 2018, paragraphs 7 and 9.

For example, the importance of the pristine waters of Te Waikoropupū is encapsulated in a Ngāti Tama waiata:

***Waikoropupū, Waikoropupū, Pupū ake te whenua
Pupū ake ko ngā waiora, Waikoropupū
Ngā puna wai o Tākaka
Ngā puna roimata wairua
Waikoropupū, Waikoropupū³³***

Waters bubbling from the throat of the spring
Waters bubbling from the throat of the spring
Forever bubbling from the land
Forever bubbling for the health of the people and the spring waters
The spring water Tākaka
The tears of the spirit ancestor
Waters bubbling from the throat of the spring
Water bubbling from the throat of the spring



Traditionally water from Te Waikoropupū was valued as wai ora, the purest form of fresh water, used for customary and ceremonial practices, blessing and healing. These traditions have been practiced by whānau, hapū and iwi for hundreds of years, with this wai symbolising the link between past and present:

It is the intrinsic values of Te Waikoropupū, its purity and pristine wai that whānau go to in times of need and spiritual fulfilment, the wairua surrounding Te Waikoropupū as it bubbles up from the underground aquifer. The purity of the wai is unequalled as a Wāhi Tapu and Taonga Tuku-iho.³⁴

³³ Ngāti Tama ki te Waipounamu Trust, Environmental Management Plan, 2018, p 40.

³⁴ Statement of Evidence of Margaret Little on behalf of Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, Application for a Water Conservation Order in respect of Te Waikoropupū springs and associated water bodies, 28 March 2018, paragraphs 11 and 14.

Te Puna o Riuwaka also has special mana as the source of wai ora or the waters of life and is a taonga for Ngāti Rārua. The pools have for generations been a place for whānau to come for spiritual sustenance, cleansing and healing, and the whole area associated with the Riuwaka awa is one of the most sacred sites in Te Tai o Aorere. The Riuwaka is also associated with Tāmati Parana, a revered tohunga who utilised the healing powers of the river stones. These stones continue to be of great significance today for healing purposes.

For Te Ātiawa o Te Waka-a-Māui the Waitohi river carries its own mana and mauri, guarded by separate spiritual kaitiaki and the iwi kaitiaki. The spiritual significance of Waitohi Stream derives from the tohi rite that was performed over the warriors of Te Ātiawa o Te Waka-a-Māui before and after battle.³⁵ A complex process was led by the tohunga, calling on Tūmataunga through karakia to protect each warrior in the battle ahead. Traditionally toitoi bushes lined the stream representing those who had been lost in battle, and they became the kaitiaki of this awa. This tohi rite was performed for the troops of the 28th Māori Battalion before they left for the Second World War.

For Ngāti Kuia the wetlands within the Wakamarino / Te Hoiere River plain hold a particularly strong spiritual and cultural value as wāhi tapu – these wetlands were used to hide the remains of whānau killed in battle in the northern invasions.³⁶

For Ngāti Apa ki te Ra To, the inland lakes have a profound spiritual significance, reflecting the importance and purity of wai as a taonga that links past, present and future generations, and in doing so provides a path to the hereafter. Ngā tūpuna placed great importance on the tapu nature of the lakes and tarns and their role in ritual and ceremony. Rotomairewhenua / Blue Lake and Rotopōhueroa / Lake Constance were traditionally used for hauhanga or bone cleansing ceremonies for the bones of the deceased, giving these lakes deep spiritual significance and supporting the release of spirits on their journey along the sacred pathway to Onetahua / Farewell Spit, Te Reinga and ultimately to Hawaiki. Rotomaninitua / Lake Angelus is a marker and resting place for the spirits of the deceased on this final journey.

The Wairau River has great spiritual significance to Ngāti Rārua. The water resource sustains everything living around it, including the iwi. It is the mauri or lifeforce that has sustained and nurtured the Ngāti Rārua of Wairau for generations. According to Ngāti Rārua tradition there are two taniwha who are associated with the Wairau River, and live at opposite ends of the waterway. These taniwha came with Ngāti Rārua from their former homelands in the north. At the lower end of the river is a taniwha that takes the shape of a woman and at the upper end of the river is another which is in the form of a log and is seen travelling upstream against the current. For Ngāti Rārua these taniwha are the kaitiaki of the river and the iwi.

Manaakitanga - mahinga kai, rongoā, taonga

The essential principle of manaakitanga – caring for the people, with reciprocal respect and hospitality – is at the heart of the bonds linking the tangata whenua whānau, hapū and iwi with the wai and other taonga in the rohe. Mahinga kai, rongoā and taonga are a reflection of the kaitiakitanga and rangatiratanga involved to sustain the kai, rongoā and taonga to the point that they can be selectively harvested to support manaakitanga.

³⁵ Te Ātiawa, Waitohi and Waikawa Streams Characterisation Study, August 2018, p 19.

³⁶ Te Hoiere Project – A case for involvement, Julia Eason, Ngāti Kuia Te Iwi Pakohe, 3 October 2019, p 3.

Manaakitanga is the strengthening of relationships through whakawhanaungatanga. The ability to serve and share a taonga species to manuhiri, or to support whānau kaupapa such as tangihanga, raises the mana and strengthens the relationship of those who have shared it with those who receive it. The eating of kai is a process of whakanoa, an essential part of ritual and welcome ceremonies.

Traditionally, the lakes, rivers, streams and wetlands of Te Taihū provided a diversity of natural taonga that maintained the traditions, relationships, and mana of ngā tūpuna and their communities and sustained their physical, cultural, spiritual and economic prosperity. The wealth and diversity of natural taonga, mahinga kai and rongoā have always been closely linked with the freshwater in the environment.

The wai itself has always been of paramount importance as fundamental to the survival and wellbeing of tangata whenua and of all the living things – birds, fish, tuna, koura, insects and plants – that are nourished and sustained in the waterways of the rohe:

There are many large rivers and wetland areas, and countless streams and springs. All of these help to make up the naturally rich ecosystems of the region, in which abundant bird life, fish, shellfish, and plants have long flourished.³⁷

Shared whakapapa within and between whānau, hapū and iwi guaranteed rights and access to the rich mahinga kai of the rohe:

It was always told and understood that we had full use of the rivers, no one could stop us from going onto these rivers because they were part of our rohe... We didn't need to go beyond there because all the food we needed was within these rivers.³⁸

Tuna are a valued taonga and a food that has been central to the lives of whānau, hapū and iwi for many generations:

It has been recorded that about 110 different names were used by Māori to differentiate between various types, colours and sizes of eels.³⁹

The origins of tuna are recorded in a pūrākau of the original ancestor Māui who lured a taniwha named Tuna with karakia before killing him. Another story tells of Tuna, the river eel, and his brother eels coming down to Papatūānuku because of a drought affecting their home in the heavens. Tuna chose to live with Hine-te-repo the goddess of swamps, while his brothers went to live with Tangaroa in the oceans.⁴⁰

The many places where ngā tūpuna harvested tuna are important sites for tangata whenua. Methods included spearing, digging in swamps and bogs in the dry season, the channel trap and canal trap, weirs, pots and nets.⁴¹ There are canal traps at Wairau Lagoons, and another on the Kaituna awa that served as a live trap for the Orakiawhaea Kainga on the high tide.

Customary management practices followed the life cycle of the tuna, and harvesting was regulated according to the seasons. Ngāti Kuia have a Tuna Mataitai called Te Oranga on Te Hoiere Awa. The mataitai is 3 kilometres long and abuts four kāinga sites: Te Hora, Taituku, Otipua and Ruapaka. The purpose of the mataitai is to exclude commercial fishing and support customary harvest to manaaki

³⁷ Waitangi Tribunal, *Te Tau Ihu o te Waka a Māui: Report on Northern South Island Claims*, WAI 785, Volume III, 2008, p 1035.

³⁸ Nohorua Kotua, brief of evidence on behalf of Ngāti Koata, quoted in: Waitangi Tribunal, *Te Tau Ihu o te Waka a Māui: Report on Northern South Island Claims*, WAI 785, Volume III, 2008, p 1047.

³⁹ Te Tau Ihu Mahi Tuna / Eel Management Committee, *Eel Management Area Plan*, 1999, p 9.

⁴⁰ Te Tau Ihu Mahi Tuna / Eel Management Committee, *Eel Management Area Plan*, 1999, p 8.

⁴¹ Te Tau Ihu Mahi tuna / Eel Management Committee, *Eel Management Area Plan*, 1999, pp 10-15.

at Te Hora Marae. The name Te Oranga is the name of the Whare that stood at Ruapaka until 1964 when it was removed to make way for the road.

Gathering and processing tuna are customary practices that strengthen kinship connections and relationships, share knowledge and build skills, and bring whānau together for the harvest:

Participation in mahinga kai activities is an expression of cultural continuity. It is a means of experiencing collective activity as a coherent social group.⁴²

There is extensive mātauranga built up over many generations around the harvesting of whitebait, linked to the flowering times of ti kouka, and of many other freshwater species and the special places where they could be found. A diverse range of taonga were harvested including inanga, caught in specially dug trenches at the river's edge, freshwater mussels, kōura or freshwater crayfish, kōkopu, paraki or smelt, kōaro and other whitebait, upokororo or grayling, kanae or mullet, aua or herrings, and piharau or korokoro, the lamprey, which were considered a delicacy. In the past there were beds of freshwater mussels in the delta of Te Hoiere, but these taonga are no longer found there.

The waterbirds of the lakes and rivers, and the other bird species that nested and lived in the riparian forests, were also important foods. Whio or blue duck were common on the faster flowing waters of the rivers and streams. Whio were observed by whānau in the Whakamarina Awa and the upper reaches of Te Hoiere as late as the 1960s and 70s, but are no longer reported as inhabiting these areas.

Traditionally a range of birds including pigeons, tui, kaka, parakeets, weka, pukeko and other waterfowl were harvested. Birds were stored in fat for later periods of need. As well as their significance as customary foods, ngā manu were also valued for their feathers, which were used for beautiful cloaks and for decoration for garments and taonga.

Freshwater was also central to the extensive gardens of whānau and hapū supported by the rivers. For example, Ngāti Kuia established and maintained māra kai on the banks of the Waimeha awa that were the largest kumara fields in the South Island, extending for about 500 hectares on either side of the river down to the estuary. The gardens were made using mixed soils from the fertile river flood plain.

The inland lakes and their surroundings were the source of rich mahinga kai, which supported both travellers across the rohe and to Te Tai Poutini and whānau and hapū seasonal harvesting camps. Kai and other materials were processed on site at the lakes and transported back to coastal papakāinga for later use or for trading.

Extensive swamps and swamp forests existed across Te Taihu in pre-European times. The lower reaches of the Tākaka River was once a lowland kahikatea forest – part of a large and diverse delta system. This important ecosystem and associated wāhi tapu were severely damaged when the river was straightened to protect post-European land use practices. Only a remnant of these taonga are still visible today. Another example is the Motueka River, which was originally a braided river system with a flood plain, rather than the single channel it is now.⁴³ Harakeke and raupo were common in the lowland wetlands behind the beach ridges. Tradition describes the Motueka flood plain as an

⁴² Te Ātiawa, *Iwi Management Plan*, 2001, p 18.

⁴³ Dean Walker and Wayne Bunt, Kawatiri Resource Management for Tiakina Te Taiao Ltd, *Motueka River Cultural Values Report*, July 2010, p 14.

extensive and bountiful mahinga kai, replenished and fertilised by floods and supporting a wide variety of resources and cultivations.⁴⁴

Wetlands such as the Motueka, the Moutere Valley, and the Para Swamp in the Waitohi Valley, were important mahinga kai for ngā tūpuna, providing birds, fish and eels, as well as harakeke and raupo. The wetlands are areas where customary harvesting traditions and practices have been taught from one generation to the next.

Harakeke or flax has always been a crucially important freshwater taonga and ngā mahinga harakeke of the riparian areas and wetlands provided ngā tūpuna with the raw materials for weaving and making containers, baskets, nets, rafts and fishing lines.⁴⁵ Two main industries traditionally associated with the Mahitahi River and Whakatū area – pakohe and fishing – utilised large quantities of flax. The Waimea River and its tributaries were important to ngā tūpuna for the flax found there. Four varieties of harakeke could be found in the Waimea: a fine, long-fibred variety suitable for net making; a coarse long-fibred type suitable for ropes and cords; an intermediate type for kete; and a finer short-fibred variety for more delicate work such as kākahu, taniko or borders, and other decorative work.⁴⁶

Other rivers where the flax was greatly valued for its quality include Te Hoiere and the Kaituna River. Hundreds of hectares of pā harakeke were maintained for muka flax, but almost all of this was removed through the commercial flax mills established in the valley from the 1860s. Paru and tree bark was used to dye the fibres which were finely woven in to kākahu. Te Ātiawa o te Waka-a-Māui whānau from Taranaki would travel down to Waikawa for the harakeke from the Tuamarino River area because of the high quality of this resource. For Ngāti Tama in the Tākaka area, muka flax fibre was dyed by burying it in the black mud in the Motupipi Estuary, with the dyed material being used for decoration of kete and cloaks.⁴⁷

All these freshwater taonga – and others including a wide range of medicinal plants and substances – were the basis of the physical, cultural and spiritual sustenance of the people. They also supported an extensive trading economy, with regular travels between the communities and settlements of Te Taihū and across to Te Tai Poutini. The rivers and interconnecting river valleys, and the inland lakes, were essential routes for ngā tūpuna to maintain these trading relationships and whakapapa connections. The riverbanks and lakes have many well-known tauranga waka or landings, camp sites and settlements, forming a vast network of trails and harvesting places across the landscape that were the foundation for trade and for maintaining political and family links:

Traditional food resources were also a form of currency in a barter system, which was often instrumental in maintaining intertribal relationships.⁴⁸

⁴⁴ Walker and Bunt, *Motueka Cultural Values Report*, p 30; Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001, p 34.

⁴⁵ Te Ātiawa, *Iwi Management Plan*, 2001, p 34.

⁴⁶ *Te Tau Ihu Statutory Acknowledgements - 2014*, document compiled for Nelson City Council, Tasman District Council and Marlborough District Council, p 76.

⁴⁷ Ngāti Tama, *Manawhenua Mātauranga Report for the Tākaka Catchments*, June 2018, p 19.

⁴⁸ Te Ātiawa, *Iwi Management Plan*, 2001, p 18.

Mātauranga Māori

Ngā tūpuna developed an encyclopaedic body of knowledge about all these natural taonga, their habitats and seasonal cycles – a wealth of mātauranga Māori which is a taonga in itself, and is passed down through the generations. Mātauranga Māori is inextricably intertwined with the lakes, rivers, streams and wetlands across the rohe.

In close association with this knowledge, ngā tūpuna developed tikanga and kawa to guide the use of these taonga. These frameworks of regulation weave together ecological knowledge, whakapapa and familial connections and rights, and recognise and respect the relationships and dependence of the people on the wai and waterways of the rohe. They carry through the ethic of reciprocity or giving back, to ensure the continued health and wellbeing of the mauri of natural taonga over time – an approach synonymous with the concept of sustainable management. Acknowledging the atua, leaving natural resources in a better state than what they were, always taking for a purpose, sharing in the bounty and looking after manuhiri or manaakitanga are all integral to the wise management of te taiao.⁴⁹

Mātauranga associated with the customary use and harvesting of kai and other taonga from the rivers, lakes and wetlands of the rohe was central to the lives of ngā tūpuna and remains a significant part of the cultural identity of whānau, hapū and iwi today. This ancestral knowledge, and the associated tikanga, karakia and kawa for gathering and utilising natural resources, are essential for maintaining customary practices, with the ritual and tapu necessary for gathering and utilising resources sustainably. These include adhering to the mātauranga and environmental indicators. These practices are integral to the spiritual, cultural and economic prosperity of the tangata whenua of Te Taihu:

The use of mātauranga (knowledge) and tikanga (customary practices) is fundamental in the management of wai (water)... The mātauranga associated with these habitats and indigenous species underpin the cultural identity of tangata whenua... Loss of biodiversity is not only an affront to ngā atua kaitiaki of those taonga; it also results in the loss of cultural identity through the inability to apply mātauranga and tikanga connected with those resources.⁵⁰

The interconnectedness of the physical, environmental and spiritual dimensions, and the grounding of this knowledge in whakapapa and in the relationships between people and place, ensure that mātauranga Māori encompasses and supports all that is necessary for the wellbeing of whānau, hapū and iwi:

Freshwater resources are identified by Ngāti Koata as being a source for food (Mahinga Kai), as containing a “life-force” (Mauri), while also being sites of spiritual significance (Waahi tapu).⁵¹

⁴⁹ Ursula Passl, Ngā Taonga Tuku Iho ki Whakatū Management Plan, June 2004, p 14.

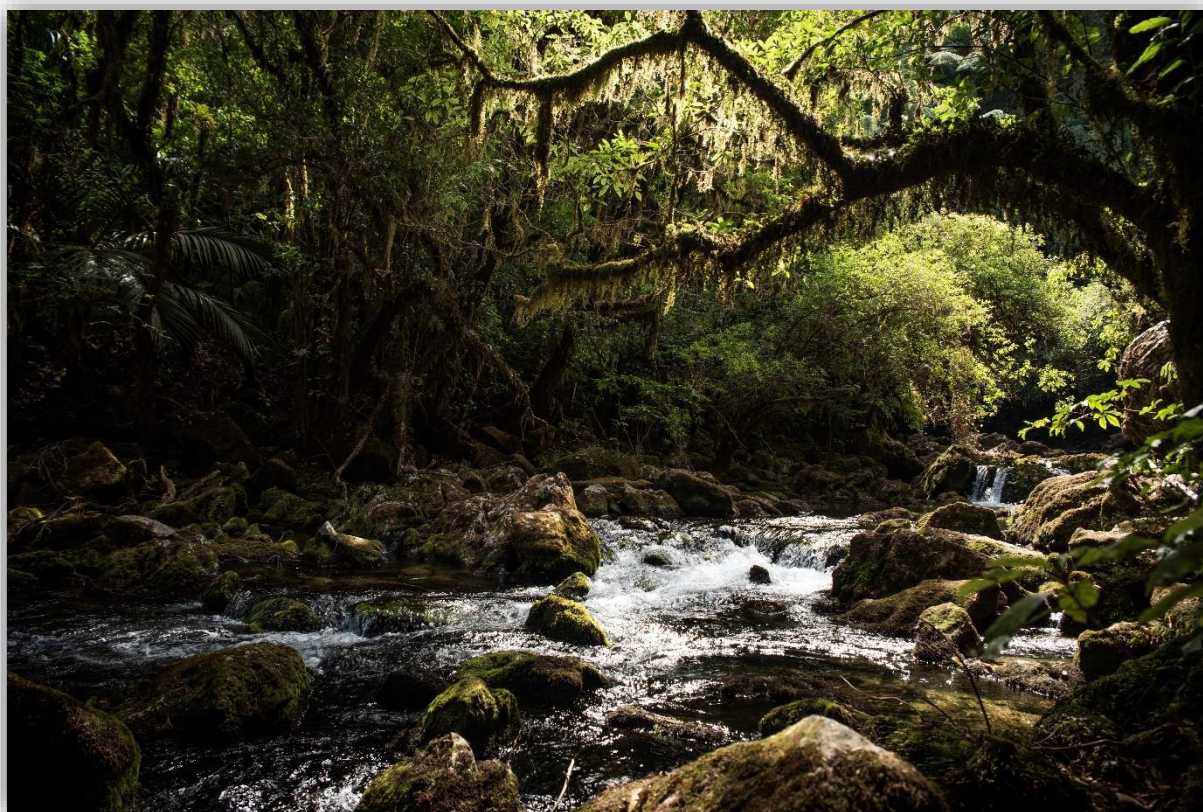
⁵⁰ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, April 2011, p 8.

⁵¹ Ngāti Koata No Rangitoto Ki Te Tonga Trust, *Iwi Management Plan*, 10 June 2002, p 32.

Much of this environmental knowledge is local and detailed, based on customary observations over time, specific to a place or waterway, or a particular harvesting site, and the preserve of whānau or hapū:

Each whānau has developed particular views on their relationship with the natural environment. Ultimately, it is the whānau, who decide what their values are and how each value applies in their particular context.⁵²

The mātauranga for mahinga kai and the natural environment includes a focus on seasonal, lunar and tidal cycles, and careful monitoring of the many tohu or natural attributes that connect processes and species across the entire ecosystem. These signs can signal a change in the state of a resource, such as readiness for gathering, or can indicate the abundance of the coming season's harvest.⁵³ This includes gathering plants and materials for the most effective rongoā or healing purposes, or for dyeing and weaving.



Riuwaka Awa
Photo credit: Melissa Banks

⁵² Te Ātiawa, *Iwi Management Plan*, 2001, p 10.

⁵³ Te Ātiawa, *Iwi Management Plan*, 2001, pp 35-36.

3: THE WAITANGI TRIBUNAL REPORT

The 2008 report of the Waitangi Tribunal⁵⁴ on the claims of ngā iwi of Te Taihū addresses the effects of European settlement and development on te taiao across the rohe. Chapter 11 of the Tribunal's report records the impact of Crown policies and legislation on the environment and the natural taonga of the rivers and wetlands and other habitats, including mahinga kai, rongoā and materials for weaving. The Tribunal examines the effects of Crown actions or inaction on the ability of ngā iwi to exercise their customary rights to the taonga in those habitats. The report explores the impacts of European settlement and development – on the traditional economy and society of ngā iwi, based on mahinga kai, whanaungatanga, manaakitanga and kaitiakitanga, and on the ability of ngā iwi to retain a tribal base for future generations. The Tribunal's inquiry focuses on five key questions:

- What customary rights did the Treaty of Waitangi protect in relation to the lands, waterways and coastal resources in Te Tau Ihu?
- Have these rights been constrained by the Crown?
- What have been the effects of the Crown's admitted breach of the Treaty principle of options on the ability of Te Tau Ihu iwi to maintain their customary economy, society and culture in accordance with their needs and preferences?
- Has the Crown's management of natural resources adequately protected the resources of Te Tau Ihu Māori, and their ability to exercise customary rights of access, use and management (kaitiakitanga)?
- Have Crown policy and practices recognised and respected the tino rangatiratanga of Te Tau Ihu Māori in relation to their customary resources? In particular, does the modern post-1991 resource management regime do so?⁵⁵

Chapter 11 of the Tribunal's report is a sobering account of a long process of alienation, degradation, thoughtlessness, hubris, disrespect and loss, extending chronically over nearly two centuries of European presence in Te Taihū.

The Tribunal begins its assessment with an outline of the pre-European relationships of whānau, hapū and iwi with the rich diversity of taonga in the rohe. The report acknowledges the holistic interconnectedness of the physical, cultural and spiritual dimensions, and the central importance of tikanga, kawa and the balance between tapu and noa, mātauranga and kaitiakitanga:

Prior to the arrival of the European Te Ati Awa exercised our authority, our own practises of control and management of natural resources. This practise was, and still is, strongly anchored in the knowledge and belief that the relationship of Te Ati Awa within the domains of Ranginui and Papatuanuku is one of interdependence and reciprocity.⁵⁶

For freshwater taonga and habitats, the Tribunal's report lays out the impacts for the rivers, wetlands and habitats themselves; for the freshwater fisheries, mahinga kai and other taonga; and for the ability of whānau, hapū and iwi to have their say, to have their values and rights respected, and to participate meaningfully in management and decision-making.

⁵⁴ Waitangi Tribunal, *Te Tau Ihu o te Waka a Māui: Report on Northern South Island Claims*, WAI 785, 2008. The chapters dealing with the natural environment are in Volume III, pp 1035-1228 and 1427-1446.

⁵⁵ Waitangi Tribunal report, pp 1035, 1039.

⁵⁶ Rita Powick, brief of evidence on behalf of Waikawa Resource Management, quoted in Waitangi Tribunal report, p 1042.

Freshwater bodies and habitats

The Tribunal records the ongoing processes of modification – limited in scope at first but increasingly more widespread and extreme – of the natural waterways and wetlands of Te Taihū under the work of European colonisation. Draining swamps and wetlands was encouraged, facilitated and legislated for by the Crown, resulting in pollution, erosion and flooding.⁵⁷ Acclimatisation societies were formed to stock streams and lakes with exotic fish species, which were protected by law. The natural courses of waterways were radically disrupted:

...in the late 1880s, the local government altered the course of the [Motueka] river and [associated smaller streams] dried up... Te Atiawa lost both their fisheries and their fresh water for their domestic use... Change continued in the twentieth century. The Motueka and Riwaka rivers still run to the sea... but their wairua and water quality have been compromised.⁵⁸

Waterways, tributaries, creeks, wetlands and swamps have for the best part been drained of their valuable resources and replaced with culverts, water pump stations, cattle fords and dams.⁵⁹

Water quality was drastically affected by multiple pollutants including overflows from sewage ponds and septic tanks, runoff from dairy farms, effluent and waste from dairy and other commercial operations, exotic forestry, river diversion works causing siltation, and weed management. The ability of whānau, hapū and iwi to fulfil their kaitiaki obligations to past and future generations was profoundly affected by the modification and degradation of the freshwater bodies and habitats of the region. This damage has continued into more recent times, with local councils granting consents for industrial and sewage discharge into the waterways. Consents for water take for irrigation and viticulture have left many rivers and streams dangerously depleted or completely dry.

Mahinga kai

The report details the loss of access to – and control of – natural taonga as a result of the Crown's 'blanket' land purchases in the 1850s and the inadequacy and attrition of the reserves allocated to ngā iwi. The settlers and Crown officials assumed that Māori customary rights had been given up, but the Tribunal found that the purchase deeds are so flawed that the purchase documents:

...cannot be relied upon to sustain the view that the iwi of Te Tau Ihu willingly and knowingly surrendered all customary rights to the natural resources... From the 1850s to the present day, the iwi of Te Tau Ihu have continued to assert and exercise their customary rights. In practical and legal terms, however, those rights have been circumscribed by the Crown.⁶⁰

The Tribunal supported the insistence of Te Taihū iwi that their customary rights to mahinga kai and other taonga have never been alienated:⁶¹

The claimants argued that they had never willingly relinquished their rights to particular waterways, resources and mahinga kai... They also argued that loss of access, as well as damage and harm to those resources, curtailed or even precluded their tikanga and almost their very existence as a tribal people... We accept the claimants' argument that they have

⁵⁷ Waitangi Tribunal report, p 1105.

⁵⁸ Waitangi Tribunal report, p 1072.

⁵⁹ Jeffrey Hynes, brief of evidence on behalf of Rangitane, quoted in Waitangi Tribunal report, p 1088.

⁶⁰ Waitangi Tribunal report, p 1056.

⁶¹ Waitangi Tribunal report, p 1428.

never knowingly or willingly alienated their customary rights of fishing, resource gathering, and ability to manage (kaitiakitanga) those resources.⁶²

Access was increasingly constrained by Crown assertions of control and authority over inland waterways and other sites, delegation of control over many areas to local councils and other agencies, modification of the environment, particularly the draining of wetlands, the impacts of hunting of waterfowl by European settlers, and the work of acclimatisation societies and the 1921 licensing requirement for duck hunting.



The Tribunal acknowledges the importance of the customary use of freshwater taonga for the fundamental subsistence of whānau and hapū through the 19th and well into the 20th century, particularly in hard times when families and communities depended on mahinga kai for their very survival: ‘There were times when people would literally have starved without it.’⁶³ The report explains the additional values of customary foods as:

...more than a means of meeting physical needs. They are central to the core Māori values of kaitiakitanga, whanaungatanga and manaakitanga, and to the identity of Māori as tribal peoples.⁶⁴

The Tribunal explains the devastating impacts of the loss or diminishment of these natural taonga on whānau, hapū and iwi:

As birds no longer make their seasonal pilgrimage from one food basket to the next neither do the people. The food baskets are no longer intact, the birds and fish are much reduced or vanished and the resources on the journey are for the most part the property of someone

⁶² Waitangi Tribunal report, pp 1200, 1203.

⁶³ Waitangi Tribunal report, p 1048.

⁶⁴ Waitangi Tribunal report, pp 1049-1050.

else. Opportunities to practice kaitiakitanga and harvest from mahinga kai are similarly much reduced or non-existent. This severance of connection to these resources has led to a loss of mana on the part of Te Tau Ihu iwi.⁶⁵

The depletion and degradation of resources and sites results not merely in a loss of mana, important and painful as that is; it causes harm and grief for the kaitiaki. They suffer with the land and feel acutely their failure as its guardians.⁶⁶

In its assessment of the customary fishing resources of Te Taihū, the Tribunal reported that the harm done to customary fishing is one of the most powerful grievances of ngā iwi, and the cumulative impacts have been greatest on freshwater fisheries.⁶⁷ The decline of the tuna fisheries is explained as due to a range of interrelated and cumulative causes, including commercial eeling, loss of wetlands to drainage and reclamation, silting up of rivers due to land clearance, diversion of waterways and other river works, pollution, introduction of exotic plant and fish species, and the spraying and stripping of riverbanks and stream banks, destroying breeding habitat.⁶⁸ The Tribunal notes evidence that the freshwater fisheries of Te Taihū have not recovered since the creation of the RMA and new management regime in 1991, and concludes that the Crown is in breach of the Treaty for its failure to protect freshwater customary fishing rights and fisheries.⁶⁹

The Tribunal points out that, as well as the loss of customary foods, whānau, hapū and iwi have been impacted by the loss of access to harakeke and other plant materials for weaving and rongoa; for example:

Wairau flax was greatly reduced by a river diversion in the 1960s, and a rahui was placed on it in 1980, which weavers from all the iwi respect.⁷⁰

The unavailability of customary taonga from the waterways and wetlands of the rohe can often be a consequence of the classification of large areas of the region as parks, reserves or other lands managed by the Department of Conservation.⁷¹ Such areas and places come under the ethic of protection by excluding and strictly controlling human activities, established under the conservation legislation including the Reserves and Wildlife Acts, rather than a sustainable use approach.

Participation and decision-making

Expert evidence presented to the Tribunal found that in the earlier settlement phases, the Crown authorised and facilitated the modification of the environment in the interests of settlement, and that Māori interests were not represented in or protected by the agencies set up to oversee and carry out those modifications.⁷² The Tribunal concludes that:

Te Tau Ihu iwi were almost entirely excluded from the management and control of natural resources... their interests were not considered or protected by the Government agencies... [or] the many boards and agencies empowered by the Crown to manage natural resources... and they had no say in what was or was not done. As a result, they were deprived entirely of

⁶⁵ Dean Walker, brief of evidence on behalf of Te Ātiawa, quoted in Waitangi Tribunal Report, p 1052.

⁶⁶ Waitangi Tribunal Report, p 1053.

⁶⁷ Waitangi Tribunal report, p 1137.

⁶⁸ Waitangi Tribunal report, pp 1132-1133.

⁶⁹ Waitangi Tribunal report, p 1212.

⁷⁰ Waitangi Tribunal report, p 1127.

⁷¹ Waitangi Tribunal report, p 1128.

⁷² Waitangi Tribunal report, p 1107.

their tino rangatiratanga and they lost key sites, mahinga kai and resources without recourse or compensation.⁷³

In more recent times, the Tribunal considers the RMA and the opportunities for participation by ngā iwi in the work of councils for planning, policy, processing resource consents and operations.⁷⁴ The Tribunal reported evidence from ngā iwi of efforts to oppose resource consents and councils' environmental management practices that would impact freshwater bodies and habitats, when the iwi submissions were simply ignored or made no difference. Appeal processes can be costly, and outcomes may go against the iwi, but in some cases legal challenge from the iwi has been successful.⁷⁵

The mechanisms for consultation on such matters are found wanting for the rangatiratanga of mana whenua:

I do not want to make submissions to the deciders. We must be involved in the decision making where it may affect our taonga... To get any of our traditional foods or plants out of a reserve or park I have to get permission from the government. It does not look or feel right. It is an affront to our mana.⁷⁶

Māori are confined to being submitters rather than decision-makers, and as a result their core values are not well understood by those who are making the decisions.⁷⁷

The workloads involved are a heavy burden on whānau, hapū and iwi, with the constant need to respond to resource consent applications and planning or policy proposals from councils and the Department of Conservation. The lack of funding to support this work – whether from councils, resource consent applicants or the Crown – and the limited capacities within whānau, hapū and iwi, are identified as significant issues:

Really, we operate on a shoe string budget, we do not have any resources to dedicate to this work. We have few people who can give their time to do this work.⁷⁸

Lack of resources was a key constraint on the ability of iwi to participate effectively in resource management... some applications required research, site visits, the preparation of reports and evidence, and attendance at hearings. In one case... the iwi had to contract an archaeologist to examine the site of a proposed road realignment and provide technical evidence for them.⁷⁹

The Tribunal's report acknowledges some evidence of improvements in councils' consultations with iwi, but the position of the iwi was that such interactions were ad hoc, reactive rather than proactive, and insufficient to build the relationship:

Improvement is needed for more effective input into decision-making. Fundamentally, iwi need to be represented among the decision-makers.⁸⁰

The Tribunal found that the implementation of the RMA by the unitary authorities and central government agencies was not meeting its objectives. Insufficient regard was being paid to the principles of the Treaty, kaitiakitanga, and the relationship of ngā iwi of Te Taihū with their ancestral

⁷³ Waitangi Tribunal report, pp 1120-1121.

⁷⁴ The situation reported by the Tribunal is as at 2004, the time of the Tribunal hearings.

⁷⁵ Waitangi Tribunal report, p 1103, pp 1180-1181.

⁷⁶ Kath Hemi, brief of evidence on behalf of Ngāti Apa, quoted in Waitangi Tribunal report, p 1128.

⁷⁷ Waitangi Tribunal report, p 1224.

⁷⁸ Lewis Wilson, brief of evidence on behalf of Ngāti Kuia, quoted in Waitangi Tribunal report, p 1181.

⁷⁹ Waitangi Tribunal report, p 1182.

⁸⁰ Waitangi Tribunal report, p 1218.

lands, waters and resources. The values of Te Taihū iwi were not being properly or fully regarded in decision-making. Iwi did not have the resources to participate effectively.

The Tribunal concluded that the Crown was in breach of the Treaty principles of partnership and active protection; has failed to ensure that the RMA is implemented in accordance with its stated intention to protect Māori interests and to provide for their values, customary law and authority in resource management; and has failed to ensure that Te Taihū iwi have adequate capacity to participate in a fair and effective manner.⁸¹ In its final Conclusions chapter, the Tribunal recommended that the Crown provide fairer and more effective means for Māori participation in resource management, including decision-making.⁸² Noting that each iwi requires professional resource management staff with access to legal and other expertise as necessary, the Tribunal suggests that a distinct central government fund may be appropriate to assist with that need and help to address iwi capacity problems.⁸³

The Tribunal also noted that the RMA does not currently require decision-makers to give effect to the principles of the Treaty and observed that the Tribunal has said in many reports that the RMA is inconsistent with the Treaty for that reason.⁸⁴ This Tribunal report agrees with the central North Island Tribunal that the RMA should be amended to require decision-makers to give effect to the Treaty principles.⁸⁵

The report also considers whether the Crown should provide redress for the environmental damages wrought in the waterways, forests, wetlands and coastal areas of Te Taihū over the last 176 years, or has a duty to restore damaged or polluted sites of great value to the tangata whenua. The Tribunal notes two relevant Treaty principles: firstly that the Crown is required to give active protection to taonga, and secondly the Crown is required to redress past Treaty breaches. It concludes that the iwi of Te Taihū and the Crown should negotiate for the restoration of a tribal base that will provide for iwi to exercise their rights of kaitiakitanga, access and use of customary resources. Negotiations must also provide for the restoration of taonga, and the Crown has a Treaty duty to restore damaged or polluted sites of great value to tangata whenua.⁸⁶

In regard to customary fisheries, the Tribunal recommended the negotiation of mechanisms to recognise and protect customary rights of access, use and care for valued taonga and sites, including joint management in partnership for taonga and sites on Crown land. The Tribunal recommended that the importance of customary rights and resources be acknowledged to provide for the restoration of a tribal base, noting that the ability to exercise kaitiakitanga, access and use of customary resources is integral to restoration. Where a resource is too fragile for sustainable use, the Tribunal suggests that creative ways will need to be found for the survival and transmission of culture.⁸⁷ The Tribunal does not mention natural places and species of great cultural, traditional, historical and spiritual significance to whānau, hapū and iwi that have been destroyed or made extinct, or where the modifications wrought by European settlement and control of nature have taken taonga over a tipping point of irreversibility.

⁸¹ Waitangi Tribunal report, pp 1222-1223.

⁸² Waitangi Tribunal report, p 1433.

⁸³ Waitangi Tribunal report, p 1445.

⁸⁴ The current proposed changes to the resource management legislation include a proposal to strengthen the Treaty provisions to “give effect to”, following the recommendation of the Randerson report:

<https://environment.govt.nz/what-government-is-doing/key-initiatives/resource-management-system-reform/overview/>

⁸⁵ Waitangi Tribunal report, pp 1225, 1445.

⁸⁶ Waitangi Tribunal report, pp 1225-1228, 1445.

⁸⁷ Waitangi Tribunal report, p 1444.

4: CURRENT THINKING OF NGĀ IWI O TE TAUIHU

In April 2021, a series of hui held with kaumatua, whānau and the Pou Taiao of ngā iwi o Te Taihū explored thinking on Te Mana o te Wai and its implementation. Kōrero focused on gathering information on current management frameworks in the rohe for wai – the lakes, springs, rivers, streams, wetlands and groundwater. Whānau were asked to consider what has been working well, what is not working, where there are important gaps, and to share their ideas for moving forward to implement Te Mana o te Wai.

This chapter provides an overview of these discussions.

Iwi views of wai

The context of the Te Ao Māori worldview, discussed in Chapter 2, is the starting point for understanding the values, priorities and aspirations of whānau, hapū and iwi for wai and the waterways in the rohe. This worldview is underpinned by the cosmology of the creation of the world and all living things. The relationship whānau, hapū and iwi have with wai and waterways is founded on whakapapa and deep connections with ngā atua and ngā tūpuna and is enlivened and focused through mauri, wairua, mana, tapu and tikanga. As kaitiaki of the rohe, tangata whenua have obligations and responsibilities to ensure the hauora of all taonga are sustained for current and future generations. This worldview is grounded in customary traditions and uses and is inextricably linked with the places and natural taonga of the rohe.

The last 180 years have seen enormous change in the natural environment of Te Taihū, as recorded in the Waitangi Tribunal report (discussed in Chapter 3) and in the environmental plans and reports of ngā iwi (outlined in Appendix 2). The water and waterways, mahinga kai and other taonga of the rohe, have suffered significant degradation, exploitation, and pollution. In some cases, they have been completely destroyed through the draining of wetlands and the diversion and channelling of natural river flows.

A key focus for kaitiaki is the restoration and enhancement of the wai and waterways, and full recognition and respect for the values and cultural significance of the rivers, lakes, wetlands and water of Te Taihū. The wai and waterways are living taonga, each with its own mauri, an energy and identity that are interconnected to the identity and wellbeing of whānau, hapū and iwi, and must be strengthened and sustained. The ability of the tangata whenua – to utilise wai and the waterways of the rohe to undertake traditional practices and to support manaakitanga – is also crucially important. The duty of kaitiaki is to ensure that the mauri of awa and wai is elevated and protected, and in turn, all living things in the water are healthy and tangata whenua can access kai to sustain the spiritual and cultural wellbeing of the people.

Te Tiriti o Waitangi, the reo Māori version of the 1840 Treaty, guaranteed tino rangatiratanga, kaitiakitanga, customary rights and interests for ngā taonga tuku iho, te taiao, waterways, fisheries and lands. Over the last fifty years, extensive scholarship, the rulings of the Courts, and the findings of the Waitangi Tribunal have determined the principles of the Treaty.⁸⁸ The Treaty principles are

⁸⁸ The Treaty principles relevant for environmental management and Te Mana o te Wai include:

- The principle of partnership between the Crown and tangata whenua;
- The duty to act reasonably and in good faith;
- Active Crown protection of Māori interests;
- Crown protection of Māori rangatiratanga, in return for the ability to govern;
- Crown obligation to remedy past grievances;
- Crown fiduciary obligation to protect Māori interests.

formally provided for in the RMA (Section 8) and the Local Government Act (Section 4), the two statutes most relevant for environmental management and Te Mana o te Wai. Ngā iwi o Te Taihū are committed to working constructively with local authorities and other agencies:

- To assist councils and other agencies to make best practice decisions in their work, plans, policies and strategies; and
- To support councils and other agencies to fulfil their statutory obligations to the guarantees of the Treaty and its principles, and to give effect to Te Mana o te Wai, as now required under the NPS-FM 2020.

The iwi trusts have commercial entities, which are tasked with managing assets within environmental limits and generating income to deliver on whānau, hapū and iwi aspirations and outcomes. Any environmental programmes undertaken by whānau, hapū, and iwi engage will be aligned with their wider strategic plans and priorities, for the benefit of the people, including employment and business opportunities. The 2018 ruling of the Supreme Court in the Ngāi Tai appeal case determined that the right of mana whenua to economic development is protected under the Treaty principle of active protection.⁸⁹

The whānau and Pou Taiao recommended ongoing discussions with whānau and hapū to strengthen understanding and share pūrākau and information, and to affirm their solidarity as kaitiaki for the wai, waterways and associated taonga across the rohe. It is important that the different perspectives and stories of whānau and hapū are shared and appreciated, and that whānau are supported to participate in local projects that protect and elevate the mauri of wai and all living things.

What is working well

The collaboration amongst ngā iwi and the work of the Taiao Practitioners – sharing information and ideas and costs, and giving each other much needed support and encouragement – was acknowledged as a strong positive development. This solidarity, collegiality and mutual assistance are a significant advantage given the scale, pace and complexity of their work with wai, waterways and the wider environment. Regular workshops and contact help to build the professionalism and skills of this team, to deal with legislative change and other government policy developments, to build and strengthen capacities and capabilities, and to proactively develop new initiatives.

This collaboration does not in any way diminish the rangatiratanga, mana and individual positions of each iwi and there is clarity the engagement of other agencies must be with each iwi.

There was acknowledgement that the councils in Te Taihū are more aware than in the past of their obligations to iwi and to the Treaty, and are increasingly willing to engage and learn to support these relationships. The ability to work directly with council kaihautū, senior managers and CEOs is recognised as a significant improvement.

Participation in projects such as Te Hoiere, where Ngāti Kuia are signatories to the wider programme Kotahitanga mō te Taiao along with local government and the Department of Conservation, was seen as working well. These kinds of initiatives are opportunities to build relationships and to strengthen

<https://teara.govt.nz/en/principles-of-the-treaty-of-waitangi-nga-mataponu-o-te-tiriti/print>

⁸⁹ Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation [2018] NZSC 122 (14 December 2018) – paragraphs 52(c) and 69. <https://www.courtsofnz.govt.nz/cases/ngai-tai-ki-tamaki-tribal-trust-v-minister-of-conservation-1/?searchterm=NG%C4%80%20I%20TAI%20KI%20T%C4%80MAKI>

understanding within councils and across the community of the iwi values and aspirations for wai and other environmental taonga.

There was appreciation that other groups in the community often share similar objectives for environmental restoration and there has been support from the community when iwi have taken a stand to oppose proposed developments that would have had adverse effects on environmental quality.

Initiatives with whānau – such as site visits to important wāhi taonga – are also very significant in building understanding of the history, values and significance of ngā awa, and of kaitiakitanga. The whānau and Pou Taiao emphasised the importance of engaging with rangatahi to encourage and support their commitment to their culture, history and whakapapa, and get them involved in the hands-on work of kaitiaki.

What's not working well

There are several issues which came up repeatedly in all the discussions with Pou Taiao and whānau. Three themes came to the fore:

- The need to shift from being reactive to proactive;
- The chronic lack of resourcing and capacity of kaitiaki; and
- The inability of ngā iwi to sit at the decision-making table.

From reactive to proactive

There is a clear sense that current expressions of kaitiakitanga are reactive – responding to resource consent applications, contributing to council plans and policies, preparing reports to inform council processes, or explain repeatedly Te Ao Māori and associated tangata whenua values. Trying to retrofit kaitiaki values and priorities into bureaucratic systems, which are focused on other purposes and framed within a different paradigm, has proved problematic. This continual reactivity is enormously demanding on ngā iwi time, energy, commitment and spirit. There can often be very little apparent effect of these efforts, with responses to resource consents often disregarded or outweighed by other concerns.

This pattern is enormously demanding of time and iwi resources and is relatively unproductive for the effort required. It is also seen as disrespectful of mana and kaitiaki responsibilities. The whānau and Pou Taiao affirmed their desire to be proactive and drive their own initiatives for wai and environmental management. This will necessitate a major shift in the standard operating procedures and assumptions of councils and other government agencies. It will also require significant resourcing to support the participation of ngā iwi as Treaty partners and kaitiaki.

Resourcing and capacity

There is still inadequate and inequitable funding for the critically important environmental work of tangata whenua, whether sourced from councils or directly from the Crown. There is an extremely limited number of people able and available to carry forward the work of kaitiaki iwi and hapū with water, waterway environments and associated taonga species. These two factors can have crippling effects on the ability of whānau, hapū and iwi to fulfil their kaitiaki responsibilities, to engage in the official processes of councils, central government agencies and others, and to develop their own projects and initiatives.

Pou Taiao continually face hard decisions about what to give priority, when all the mahi is important. Funding is often limited and does not provide for appropriate levels of iwi participation. Furthermore, the piecemeal nature of funding does not provide a secure basis for Pou Taiao to carry out long term planning to increase staff numbers. The underfunding impacts on the ability to undertake cultural health monitoring and constrains the development of ngā iwi databases and information systems. It can be difficult to seek funding internally, as a commitment to an environmental project can be seen as taking resources away from the needs of the beneficiaries of the iwi trust. Whānau and governors need to see the benefit of participating, or how the mahi is justified.

Often the iwi representative on working groups for environmental programmes is just one isolated individual, working alone alongside council managers and professionals from business, consultancies or other agencies. This can be a very isolated and stressful position, particularly if other participants have little understanding of Te Ao Māori, or there are strong pressures from special interest groups in the community.

This chronic inequitable deficit pattern, and the corresponding burden on ngā iwi to utilise Treaty Settlement funds, despite being ratepayers in their own right, has significant adverse impacts on the quality of environmental outcomes, on the cohesion and productivity of communities, on the wellbeing of individual whānau, hapū and iwi, and on the Treaty partnership. The burdens of participating fall entirely on iwi representatives, meaning that many actions and activities that should be assessed with a cultural lens simply fall through the cracks and uninformed decisions are made. Without effective iwi participation in formal processes for wai and environmental management, regulators in councils and other agencies lack the knowledge and confidence necessary to actively protect Māori interests and cultural values.

Decision making

The difference between being consulted and being at the decision-making table is an ongoing erosion of the mana and rangatiratanga of iwi and hapū, and a fundamental betrayal of the Treaty partnership. Tangata whenua are united in their determination that the Treaty commitments require a genuine, equal, meaningful partnership, where their voices are heard and heeded, their contribution is respected and valued, and where their ability to shape processes and outcomes is no less than any other participants. It is no longer acceptable to relegate tangata whenua to advisory or consultee roles. An equal place in decision making will need more equal resourcing to support iwi participants appropriately. It will also need a substantial paradigm shift within councils and other government agencies, and new systems for funding and revenue distribution.

The NPS-FM 2020 includes a new requirement that councils must actively involve tangata whenua in freshwater management including decision-making processes (section 3.4, clause 1, and also clause 2(b)). The way councils interpret this new requirement is one of the current challenges, to ensure that the expectations of ngā iwi are satisfactorily carried through into implementation of the new NPS-FM requirements. The reforms of New Zealand's regional and local government frameworks, recently launched by Hon Nanaia Mahuta, Minister of Local Government,⁹⁰ and the reforms of the RMA being led by Environment Minister Hon David Parker,⁹¹ are also timely opportunities to include tangata whenua (as the Treaty partner) fully into decision making processes.

⁹⁰ <https://www.dia.govt.nz/Future-for-Local-Government-Review>

⁹¹ <https://environment.govt.nz/what-government-is-doing/key-initiatives/resource-management-system-reform/overview/>

Pou Taiao also identified a number of more specific matters where the current systems are not working well:

Council processes

- Expectations that an individual iwi representative involved in a council process will speak for all the iwi of the rohe, avoiding the obligation for engagement with the other iwi.
- A single iwi representative being out-numbered on a committee or working group – the difficulties of being a “lone voice”.
- Inconsistent approaches, criteria and reporting methods between the three councils in Te Taihu.
- Expectations that mātauranga Māori will be shared and ‘incorporated’ into council or government agency processes and documents. The protection of mātauranga is a serious matter for whānau and the assumption that councils and others can freely access this knowledge and use it for their own purposes is culturally unacceptable.⁹²
- Two questions focus on accountability in council processes:
 - how to hold councils responsible for past decisions that have adversely impacted tangata whenua taonga and values? and
 - how to require accountability from people who pollute wai?

The inability to hold people and organisations answerable – to iwi authorities and to the wider community – for their actions and inactions, is a significant failing in the current environmental management systems of governance, compliance and enforcement.

- A related concern is the lack of any monitoring framework to evaluate the councils’ performance to meet their statutory obligations to iwi authorities, as the Crown’s Treaty partners. Iwi need to be able to track and measure the performance of councils, the Department of Conservation, Ministry for the Environment, and other relevant agencies, for their own information and to encourage improvements.
- Legislation is being used as an excuse for councils and the Department of Conservation to minimise the mechanisms and tools available to them to involve Māori in decision making and planning, from taking account of their world views, to transferring decision powers to them. As a result, agencies avoid substantive change and to fully recognise and deliver on tangata whenua participation and values in environmental management. Whānau reported that staff in councils and DOC were personally supportive and keen to do more, but were constrained by wider bureaucratic processes and the directions of their legal teams interpreting the legislation as conservatively as possible.

⁹² <https://www.tpk.govt.nz/en/a-matou-kaupapa/te-ao-maori/wai-262-te-pae-tawhiti> The WAI 262 claim (lodged in 1991) and the Waitangi Tribunal’s report *Ko Aotearoa Tenei* (released in 2011) include measures to address appropriate protection of the intellectual property of mana whenua related to the natural environment. The Crown’s response, *Te Pae Tawhiti*, has so far been a process of Te Puni Kokiri engagement with the original claimants’ families and with Māori technical experts, advisory boards and subject experts. Thirty years on these important kaupapa have yet to be resolved.

Environmental processes

- A major concern is the over-use of water and the current allocation systems. The allocation processes are linked to and reflect the predominant way of looking at water – as a resource to be exploited for commercial ends, something that can be traded to the highest bidder, or something that wealthier operators can secure for their personal benefit, while shutting out others in the community.
- The new NPS-FM 2020 requirements for the hierarchy of uses (section 1.3, clause (5)) will necessitate a radical reframing of what water allocations are possible. It will be essential for iwi authorities across the motu to be clear and in alignment on what will be needed to deal with these changes and the reactions of current water users.
- It will be imperative to have robust frameworks for evaluating the cultural health of waterways, and the levels and flows that will be required to comply with the new NPS-FM hierarchy. This will need to be locally specific, to accurately provide for the unique characteristics of each river, stream and spring, many of which have already been heavily modified and no longer resemble their former natural state. The amount of work involved in preparing defensible cultural health criteria and fine tuning them to each different waterway will be challenging. Resourcing must be provided from the central government, as the initiator of the new NPS-FM, to support the work of iwi to establish these systems.
- The starting point for the assessments of cultural health of the water and waterways in the rohe should be reliable baseline information on the current state of the rivers, streams, lakes and wetlands, and groundwater resources. There is currently an absence of reliable information, which will add an extra step into the development of cultural health indicators and levels for compliance with the hierarchy of Te Mana o te Wai.
- Sedimentation was raised as a problem in many catchments. The interconnected nature of ecosystems is now well understood by ecologists who can track coastal plumes from river mouths resulting from upstream activities. More careful oversight of land-use in the whole catchment – ki uta ki tai – will be needed to prevent further impacts on receiving environments.
- Cumulative effects are also a concern. The importance of taking a holistic approach – to include a range of relevant information in an assessment of particular resource consent applications – is critical for catchment hauora. Piecemeal processes, where each consent is considered in isolation of others in the watershed, supports uninformed decision-making, ultimately at the expense of the waterway. Assessment systems need to consider, ki uta ki tai, the history and challenges of impacts and changes across ecological zones to truly appreciate the interconnections between flows with taonga species and habitats.

Matters for tangata whenua

- Intergenerational disenfranchisement and disconnection from traditional natural taonga has arisen due to unsustainable land use practices impacting on the ability to access customary mahinga kai species. Disconnection from places and wāhi taonga that no longer exist because of decades of mismanagement has incrementally eroded away the ability of whānau, hapū and iwi to connect meaningfully with their awa and their customary practices.
- Rangatahi are the future of ngā iwi, and whānau, hapū and iwi initiatives to empower, transform and reconnect rangatahi with the world of their ancestors and their culture are actively promoted.

Instruments and tools for cultural values

The Pou Taiao recommended the use of appropriate tools to integrate Te Ao Māori worldviews and values into environmental management processes with councils. These include:

Co-governance and co-management of sites and waterways

Cultural competency workshops

GIS mapping of sites and wāhi tapu

Equitable funding to participate in processes

Iwi Management Plans

Iwi Environmental Plans are prepared by ngā iwi to inform the management of ancestral whenua, awa, wāhi tapu and wāhi taonga within their rohe. These plans focus on the management of the rohe according to cultural values, to maintain and improve the health of wāhi taonga and protect cultural heritage sites and areas.

Kanohi ki te kanohi hui

Face to face meetings provide an important way to create and nurture relationships between ngā iwi and government agencies and community groups across Te Taihū; to increase awareness and understanding of Te Ao Māori and the range of possible approaches to managing taonga in the rohe.

Te Taihū iwi working group hui

Pou Taiao practitioners hold regular working group hui to discuss planning, policy or strategy documents as a rōpū. Ngā iwi views and approaches are shared first before discussing mahi with agencies and community organisations, to ask questions and to provide feedback and guidance (endorsed by ngā iwi).

Site visits and cultural monitoring – land disturbance activities

Site visits are a useful tool to gain a better understanding of proposed activities in culturally sensitive areas. They also assist in raising developers' understanding of the significance of cultural associations with place and wāhi taonga.

Cultural monitoring of earthworks is carried out for resource consent developments, where ngā iwi consider there could be an adverse effect on cultural heritage sites and other values such as mahinga kai and wāhi tapu. Iwi monitors are trained to identify cultural materials in order for appropriate tikanga to be carried out to look after these taonga.

Cultural health monitoring (CHI)

Cultural health monitoring utilises tohu or indicators in a particular context and environment to measure the changing hauora (health) of a culturally significant site or area. Key considerations include: what species were living in the catchment in the past; what lives there now; and what species whānau would like to see restored for future generations.

Cultural context reports (CCR)

Context reports are written to highlight the cultural significance of areas within which developments are proposed and are often produced to inform applications for an

archaeological authority from Heritage NZ. This includes an outline of the Māori history and traditions associated with the area and cultural values held by the hau kāinga/kaitiaki.

Cultural Impact Assessments (CIA)

Impact assessments are more comprehensive reports to assess the likely effects of a proposed activity on cultural values, to identify potential cultural effects or values and to provide recommendations for the management of an area or site.

Interpretation signs and publications

This mahi relates to the mātauranga Māori shared through interpretation signs, articles or contributions to books, where ngā iwi consider it important to provide a cultural lens over a particular topic or area.

Pou and Waharoa / Mauri stones

Pou and/or waharoa are crafted to highlight the cultural significance of a place. Pūrākau are woven into the design and their presence at a site encourages greater appreciation and awareness of ngā iwi history and connections to the rohe. A mauri stone may be placed at a special site and blessed with a dawn ceremony. Mauri stones are very significant, as each stone has a story that relates back to the area or site in question.

Te Reo

Oral traditions are an important way for ngā iwi to express their connections to places and sites in the rohe, such as wāhi tapu wāhi taonga. These names tell a story of association with an area and often provide a pertinent description of how ngā tūpuna viewed the world and their connections to place.

Gaps in knowledge

The kōrero with whānau and Pou Taiao, and the plans and reports of the last twenty years, identify a number of gaps in the information available to whānau, hapū and iwi for the wai and waterways in Te Taihu. These gaps need to be proactively addressed, as the starting point for the work of iwi and councils to implement the NPS-FM and give effect to Te Mana o te Wai.

Not every iwi within Te Taihu has had the resources to develop a formal iwi environmental management plan. Some of the older iwi environmental management plans are now outdated, and do not deal with issues that have become significant more recently. Two examples are:

- The effects of the use of contaminants that are not listed in the current iwi management plan of Te Ātiawa, such as pesticides (including 1080), dust suppressants or site stabilisation chemicals.
- The Motueka stopbank developments of the 1950s distancing, both physically and spiritually, the hapū connections to the river.

The Pou Taiao also noted the potential benefits of updated iwi environmental management planning that would cover the entire rohe, rather than specific waterways and areas.

The particular information gaps identified for whānau and iwi fall into three key areas: ecological and groundwater data; planning, policy and resource consent information; and cultural health index monitoring tools.

Ecological and groundwater information

- More information is needed on the health of ngā awa and the wai of Te Taiuhu. This would best be addressed with a comprehensive stocktake of the current state of the environment and the wai and waterways of the rohe, including cultural values, cultural health monitoring data. Reliable, up-to-date information is essential as the evidence base from which to prioritise and progress the work to give effect to Te Mana o te Wai in a meaningful way.
- Information about the abundance and health of customary species is often limited and knowledge about the relationships between species, including introduced species, is scarce. The information that does exist may not always be accurate or readily available. For example, recreational fishers are not required to report their activities. Therefore, knowledge about the combined cumulative effects of customary and recreational fishing is limited.⁹³
- Ngā iwi question whether the councils have sufficient information about the range of indigenous birds nesting near or on waterways? This includes information on rare and endangered species associated with wai in the rohe.⁹⁴
- Research should be carried out on tuna and the effects on eel habitat of pastoral practices, upstream forestry planting, agrichemicals, pollution and aquaculture ventures.⁹⁵
- Research and monitoring programmes are needed to assess the ecological health, carrying capacity and cumulative effects of activities such as gravel and sand extraction, damming or diverting of waterways, water extraction, discharges and vegetation changes.⁹⁶
- Tangata whenua concerns relate to the lack of information about how waterways have changed as a result of many decades of river works. This concern extends to the cumulative effects of current and future river works carried out under the [Tasman District Council] global consent, and the way in which these works will impact on the mauri of wai in the rohe. The cumulative effect of river works on water quality downstream is another area of concern – for example, the effects of river control and maintenance works on wetlands and estuaries.⁹⁷
- There is also concern about the previous dumping of agricultural chemicals in old gravel pits in the riparian areas of the Motueka River. It is understood that dumping was commonplace but the extent and intensity of the practice is not fully known. Another issue is the leaching of chemicals into the river, whether from piles of tarseal or other sources.⁹⁸
- Huge increases in viticulture developments in Marlborough have led to many more water extraction permits. Te Ātiawa questions whether the Wairau aquifer can sustain these developments in the long term, and the iwi is concerned about the possibility of seawater intrusion.⁹⁹
- Managing increasing demand for irrigation from groundwater in the Upper Motueka Valley requires knowledge of how these alluvial aquifers interact with the Motueka and tributary rivers, and how groundwater pumping indirectly impacts aquatic ecology.¹⁰⁰

⁹³ Ursula Passl, Ngā Taonga Tuku Iho ki Whakatu Management Plan, 2004, p 72.

⁹⁴ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, 2011, p 18.

⁹⁵ Te Tau Ihu Mahi Tuna Eel Management Committee, *Eel Management Area Plan*, 1999, p iv.

⁹⁶ Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001, p 50.

⁹⁷ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, 2011, pp 15-16.

⁹⁸ Dean Walker and Wayne Bunt, Kawatiri Resource Management for Tiakina Te Taiao, *Motueka River Cultural Values Report*, 2010, p 25.

⁹⁹ Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001, p 48.

¹⁰⁰ Andrew Fenemor, Landcare Research, Integrated Catchment Management for the Motueka River, 2013, p 3.

- More information is needed on gravel transport mechanisms in Motueka rivers, especially during floods, to understand the decline in riverbed levels, and how to best manage gravel extraction from rivers.¹⁰¹

Planning, policy and resource consent information

- In the preparation of the Nelson Plan (2017) (a review of Nelson’s combined regional policy statement and regional and district plans), it was identified that further work would be needed to bring information from the Statutory Acknowledgements, Deeds of Settlement and Iwi Management Plans into the definition of freshwater values in the plan.¹⁰²
- Manawhenua iwi seek clarification of the scientific research that consent conditions are based on.¹⁰³
- The iwi also identified issues with information collation for iwi management plans, and defining the process for undertaking cultural impact assessments.¹⁰⁴

Cultural information and mātauranga

- Ngā iwi need to know who the hapū and whānau are for particular waterways, for support with the restoration mahi and decision making.
- The traditional knowledge aligned to kaitiaki responsibilities has been marginalised for many and diverse reasons. As each generation is lost, so too is much of their specific knowledge. It is important therefore that iwi address the need for succession to the kaitiaki role and to the capturing and dissemination of mātauranga, as appropriate, to ensure kaitiaki can undertake their role now and in the future. The location and nature of wāhi taonga can be highly sensitive and may only be known by a small number of individuals. How this information is kept and who has access to it, is a matter of great importance.¹⁰⁵
- Over time, land adjacent to waterways has been sold or alienated from tangata whenua. Subsequently, whānau, hapū and iwi mātauranga about the location and significance of wāhi tapu has been lost. Although some work is being undertaken to record and research wāhi tapu, there are many sites or areas that have not been recorded, because the knowledge about these sites has been lost.¹⁰⁶
- Some Pou Taiao and whānau and iwi environmental plans explored the idea of developing a database of mātauranga – traditional and local ecological knowledge – covering the distribution of native fish species and their habitat needs, seasonal indicators of health and productivity, and other values and information relevant to improving understanding of the cultural and natural ecology of waterways and water bodies in the rohe.¹⁰⁷
- Pou Taiao and whānau also noted the potential benefits of facilitating wānanga, coupled with practical application of hands-on methods, to enhance the knowledge and upskilling of interested iwi members, in all aspects of traditional and contemporary freshwater resource

¹⁰¹ Andrew Fenemor, Landcare Research, Integrated Catchment Management for the Motueka River, 2013, p 5.

¹⁰² Kate McArthur and Alistair Beveridge, The Catalyst Group, Values and Attributes for Freshwater in Nelson: Technical report to support the development of the Nelson Plan, 2017, p 25.

¹⁰³ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, 2011, p 18.

¹⁰⁴ Andrew Fenemor, Landcare Research, Integrated Catchment Management for the Motueka River, 2013, p 11.

¹⁰⁵ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, pp 19-20.

¹⁰⁶ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, 2011, p 15.

¹⁰⁷ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 50; and Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001, p 50.

management. This includes an understanding of waterways and water bodies and customary fisheries, particularly the protection and teachings of tikanga and mātauranga.¹⁰⁸

- Iwi recommended more work to research, identify, develop and apply the use of cultural indicators for state of the environment monitoring and reporting in relation to wai and the freshwater taonga of the rohe.¹⁰⁹

¹⁰⁸ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 50; and Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001, p 50.

¹⁰⁹ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 50.

5: LESSONS LEARNED, CHALLENGES AND OPPORTUNITIES

This case study report has gathered together a range of information and wisdom from ngā whānau, hapū and iwi of Te Taihū relating to the wai, waterways and natural taonga of the rohe.

The traditional, historical and spiritual relationships of whānau, hapū and iwi with wai, waterways and mahinga kai are explored in Chapter 2. The depth and breadth of these relationships are inextricably interwoven with the enduring relevance of ngā atua, the continuing responsibilities of kaitiakitanga, and the sustaining networks of whakapapa, binding together ancestors, places, taonga species and the people today.

The pre-European environments of Te Taihū that shaped and nurtured ngā tūpuna, supporting strong communities, customary uses and environmental practices, and the mana of hapū and iwi, manifested in pūrākau, mātauranga, waiata, whakataukī, manaakitanga and trade. But since the arrival of Europeans, the natural wai resources of the rohe – the lakes, rivers, streams, wetlands and groundwater that connected all living things – have been heavily modified. The wai and waterways of Te Taihū are, more often than not, radically changed. Many of the traditional, cultural, spiritual and historical values associated with the catchments across the rohe have been significantly compromised.

Legislation, regulations and management regimes have excluded or marginalised iwi, and supported developments and interventions that are contrary to Te Ao Māori and cultural values. ***The holistic mātauranga Māori has been replaced by a compartmentalised management paradigm as the primary means of understanding the interactions and interconnectedness of the natural environment.*** This simplification and categorisation has led to degraded understanding of complex systems and multiple values needing integration in Te Ao Māori.

Whānau, hapū and iwi remain steadfast in their commitment to their kaitiaki responsibilities. They are mindful of history, tikanga and kawa, of the ancestors who have passed on their mātauranga, and of future generations who will inherit ngā taonga tuku iho - natural environment, customs, mātauranga and mana of Te Taihū.

The wide range of documentation and formal processes surveyed in this report and its appendices are evidence of decades of hard work, purposefulness and determination of whānau, hapū and iwi. Their ongoing mission is to uphold rangatiratanga and the customary rights and interests guaranteed under Te Tiriti o Waitangi noting that in more recent times, the principles of the Treaty have been incorporated to varying degrees in New Zealand's laws, government policies and environmental management systems. This work is grounded in and sustained by the rich heritage of kaitiakitanga and customary practices, and the commitment to ensure that the mauri and wairua of the wai, waterways and natural taonga of the rohe are enhanced, strengthened and restored.

The requirement for councils to give effect to Te Mana o te Wai, introduced with the NPS-FM 2020, is not the only change under way. The wider contexts for environmental management in New Zealand – political systems and legislation, organisational structures, management processes – are currently undergoing the most radical changes seen in thirty years. This includes:

- The repeal of the RMA and its replacement with three new Acts;
- The new Taumata Arowai regime with super-regional agencies to be established along with new laws and systems for management of drinking water, stormwater and wastewater; and
- Sweeping reforms of regional and local government, which will inevitably bring disruption and uncertainty to local relationships and processes.

Not since the major reforms of the late 1980s – that brought the RMA and the Department of Conservation into existence – has there been such a fundamental reworking of the ways in which New Zealand manages its natural resources, water, and environment, along with major restructuring of regional and local government.

This creates very significant opportunities. For councils and Crown agencies the opportunities are:

- ***To strengthen and sustain their relationships with whānau, hapū and iwi by developing Treaty of Waitangi, Iwi Values and Iwi engagement frameworks;***
- ***To enhance their cultural capability and understanding of Te Ao Māori; and***
- ***To proactively fulfil their legislative and statutory responsibilities and obligations to ngā iwi as Treaty partners.***

For whānau, hapū and iwi, the opportunities are:

- ***To co-design freshwater management frameworks, plans and policies with councils and the Crown to ensure that future systems, laws and partnerships fulfil Iwi Māori rights and values;***
- ***To increase capacity building resourcing and secure their rightful place as kaitiaki in environmental management decision-making;***
- ***To recognise and provide for tikanga and mātauranga Māori in environmental resource management and planning;***
- ***To give effect to rangatiratanga and partnership as envisioned by ngā tūpuna in 1840; and***
- ***To develop an Iwi wellbeing framework in Te Taihū***

Opportunities – Te Mana o te Wai

The 2020 iteration of the NPS-FM sets the requirements that regional councils must fulfil in their management of freshwater under the RMA. The most important changes for whānau, hapū and iwi with this most recent update of the NPS-FM are:

- The requirements for Te Mana o te Wai (clauses 1.3 (1) and 3.2);
- The principles established within Te Mana o te Wai (clause 1.3 (4));
- The hierarchy of obligations (clause 1.3 (5));
- The specific provisions for tangata whenua involvement (clause 3.4); and
- The addition of mahinga kai as a new compulsory value (Appendix 1A, clause 4).

The fundamental concept of Te Mana o te Wai is defined as:

... a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.¹¹⁰

This concept is to be relevant to all freshwater management, including groundwater and, to the extent they are affected by freshwater, to receiving environments (including estuaries and the coastal marine area).

¹¹⁰ NPS-FM 2020, p 5.

Principles

Six principles are defined to inform the NPS-FM and its implementation:

- a) ***Mana whakahaere***: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect and sustain the health and wellbeing of, and their relationship with, freshwater;
- b) ***Kaitiakitanga***: the obligation of tangata whenua to preserve, restore, enhance and sustainably use freshwater for the benefit of present and future generations;
- c) ***Manaakitanga***: the process by which tangata whenua show respect, generosity and care for freshwater and for others;
- d) ***Governance***: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and wellbeing of freshwater now and into the future;
- e) ***Stewardship***: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations;
- f) ***Care and respect***: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Hierarchy of priorities

The hierarchy of obligations sets the priorities to be followed under Te Mana o te Wai and the overall Objective of the NPS-FM:

- a) ***First, the health and wellbeing of water bodies and freshwater ecosystems;***
- b) ***Second, the health needs of people (such as drinking water);***
- c) ***Third, the ability of people and communities to provide for their social, economic and cultural wellbeing now and in the future.***

Policies

The policies in clause 2.2 of the NPS-FM include:

1. Freshwater is managed in a way that gives effect to Te Mana o te Wai.
2. Tangata whenua are actively involved in freshwater management (including decision making processes) and Māori freshwater values are identified and provided for.
3. Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Further policies address specific matters, such as Policy 6 – which requires that there be no further loss of extent of natural inland wetlands, that their values are protected, and their restoration is promoted – and Policy 9, which requires that the habitats of indigenous freshwater species are protected.

Policy 11 is also significant for ngā iwi, requiring that freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Monitoring and reporting of the condition of water bodies and freshwater ecosystems is provided for under Policies 13 and 14.¹¹¹

¹¹¹ NPS-FM 2020, pp 9-10.

Tangata whenua participation

The requirements for engagement with tangata whenua are set out in the Implementation sections of the NPS-FM, and are significant for the specific provisions for active involvement of tangata whenua in decision making processes. Councils must also:

- Enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater (clause 3.2 (2) (d));
- Adopt an integrated approach, ki uta ki tai, to the management of freshwater (clauses 3.2 (2) (e) and 3.5);
- Actively involve tangata whenua (to the extent they wish to be involved) in:
 - Identifying the local approach to give effect to Te Mana o te Wai (clause 3.4 (1) (a));
 - Making or changing council policy statements and plans relating to freshwater management (clause 3.4 (1) (b));
 - Implementing the National Objectives Framework through collaboration with tangata whenua, including identifying Māori freshwater values in addition to mahinga kai (clauses 3.4 (1) (c) and 3.4 (2));
- Work with tangata whenua to investigate the use of mechanisms available under the RMA for tangata whenua involvement, including transfers or delegations (section 33 RMA), joint management agreements (section 36B RMA), and mana whakahono a rohe (sections 58L-58U RMA) (clause 3.4 (3)).

Mahinga kai

The NPS-FM includes a suite of compulsory values which must apply to every Freshwater Management Unit (FMU). Councils must identify an environmental outcome for each value, which must be included as objectives in regional plans. Environmental outcomes must be described in a way that enables assessment of the effectiveness of the regional policy statement and plans, including limits, methods, and action plans (clause 3.9).

The definition of Mahinga kai has two parts (Appendix 1A, clause 4):

- Kai is safe to harvest and eat;
- Kei te ora te mauri (the mauri of the place is intact).

The definition recognises that the term mahinga kai refers both to freshwater species traditionally used as food, tools or other resources, and also to the places where these taonga are found and the act of catching or harvesting them. The definition includes the transfer of knowledge about these taonga and their preparation, storage and cooking. Customary practices must be able to be exercised to the extent desired, and tikanga and preferred methods must be able to be practised.

Mahinga kai is valued as an indication of the overall health of the water. The definition includes the conditions that the desired species are plentiful enough for long-term harvest, and the range of desired species is present across all life stages.¹¹²

These changes to the statutory requirements for freshwater and councils' management are hugely significant for ngā iwi, for te Taiao, and for the wai, waterways and natural taonga in Te Taihū. ***The challenges now are to work effectively with councils and Crown agencies, to co-design a new planning framework under the Treaty partnership, which gives effect to Te Mana o te Wai. This new framework will support whānau, hapū and iwi to fulfil their responsibilities as kaitiaki, will support customary practices and values, and will deliver improved outcomes by strengthening the mauri and wairua of the wai, waterways and taonga in the rohe.***

¹¹² NPS-FM 2020, p 37.

6: CONCLUSIONS AND RECOMMENDATIONS

This section brings together the key concerns and priorities of tangata whenua for the future management of freshwater and for the implementation of Te Mana o te Wai across Te Taihu.

The provisions of the NPS-FM 2020, outlined above, are an opportunity to realise the aspirations of whānau, hapū and iwi to transform the current freshwater management frameworks, to strengthen working relationships with the three councils in the rohe, to enhance understanding of Te Ao Māori values, and to give effect to Te Mana o te Wai.

The recommendations are offered as strategic and practical measures to support better environmental outcomes, more effective partnerships, and proactive, meaningful solutions.

Te Ao Māori values

The values of freshwater for whānau, hapū and iwi, and the multiple inter-relating levels of significance of water and waterways of the rohe, have been articulated many times in Iwi Environmental Management Plans, in iwi contributions to council plans, and in the report and findings of the Waitangi Tribunal.

A recurring theme in the worldview and kōrero of whānau and Pou Taiao for this project is that freshwater is a taonga – it is the very essence of life, with its own mauri, wairua and spiritual energies that demand respect and protection. Each river, stream, lake, spring and wetland across the rohe likewise have their own spiritual identity and mana, their own histories, cultural narratives and rich layers of meaning and value. All are inextricably interconnected with ngā atua, ngā tūpuna, ngā taonga, and with whānau as members of hapū and iwi today.

The diminishing or disregard of mātauranga Māori and Māori values in the conventional Western management systems for wai and waterways – including laws, land uses, utilitarian expectations and exploitative assumptions – has been identified by whānau, hapū and iwi as a major factor in the changes that will be needed to give effect to Te Mana o te Wai, to restore and enhance the mauri and wairua of wai and waterways, and turn around some of the damages wrought over the last 180 years.

The NPS-FM 2020 requires councils to actively involve tangata whenua and work collaboratively to identify Māori freshwater values (in addition to mahinga kai) for the implementation of Te Mana o te Wai through the National Objectives Framework (NOF) and Freshwater Management Units (FMUs). The existing value statements and established positions of tangata whenua, set out in Iwi Management Plans, council documents and the Tribunal report, are a clear starting point for this process. A small rōpū or working group of Taiao Practitioners could carry this kaupapa through into council deliberations. This mahi, and the time and services of whānau, hapū and iwi to contribute this information in to council processes, will need to be appropriately resourced.

Recommendation 1: That the iwi authorities of Te Taihu establish and mandate a representative rōpū or working group to work with Nelson City Council, Tasman District Council and Marlborough District Council to identify the values of ngā iwi in freshwater for the councils' implementation of Te Mana o te Wai.

Recommendation 2: That the three councils of Te Taihu rohe establish a fund to resource the work of iwi authorities to contribute statements of value to the processes to implement Te Mana o te Wai.

Manaakitanga, customary uses and mahinga kai

The connections of whānau, hapū and iwi with freshwater, water bodies and taonga species of the rohe are integrated with the customary uses, ancestral knowledge and traditional management methods of manaakitanga and mahinga kai. Just as the rich natural resources of these lands sustained ngā tūpuna – in pre-European times and through the lean times of the 19th and 20th centuries – the practices of mahinga kai sustain the cultural and tribal identity and wellbeing of whānau, hapū and iwi today.

The NPS-FM 2020 provides for mahinga kai as a compulsory value that councils must incorporate into policy statements and plans. The definition of mahinga kai includes recognition of the importance of the mauri of the taonga and the place, and provides for customary practices and tikanga as desired by the tangata whenua. The NPS-FM definition requires the mahinga kai species to be plentiful enough for long-term harvest and the range of desired species to be present across all life stages.¹¹³

These requirements might be a challenge for many traditional mahinga kai areas and resources, significantly compromised by pollution, current land management practices and exotic species. These requirements will also be a test of councils' willingness to share or delegate decision making to iwi. Only the kaitiaki tangata whenua are able to determine customary mahinga kai species and locations, and to assess their mauri, health and abundance – and whether harvest is sustainable or not. If there are not currently sufficient populations of a mahinga kai species at a particular site, it will be for whānau, hapū and iwi to assess the need and establish an appropriate traditional method such as a rahui or other restoration measures.

The mātauranga and expertise that will be necessary to fulfil these requirements of the NPS-FM will be found within whānau and hapū. Local specificity and tikanga will be crucial. Tangata whenua will need to consider the most appropriate way to exercise their right to determine mahinga kai under the NPS-FM 2020 – whether iwi by iwi, or working together for particular rivers, lakes and wetlands across the rohe. The councils will need to allow tangata whenua the time to work through the best ways to manage this responsibility. Once there has been agreement, the iwi authorities will be able to advise the councils how best to address the mahinga kai compulsory value in their policy statements and plans. Resourcing will be needed to ensure that the councils are able to properly fulfil this requirement of the NPS-FM.

Recommendation 3: That the iwi authorities of Te Taihu consider and determine amongst themselves the most appropriate way to implement the new compulsory value for mahinga kai in the NPS-FM in the rohe.

Recommendation 4: That the three councils of Te Taihu rohe establish a fund to resource the work of iwi authorities to develop and implement the mahinga kai compulsory value.

Mātauranga Māori

An essential dimension of the fulfilment of mahinga kai and freshwater values is mātauranga – the specialised, multi-dimensional knowledge from ngā tūpuna that defines and enlivens the values and purpose of each place and taonga resource. The Pou Taiao and whānau raised the importance of this historic, traditional knowledge, but they also emphasised the sensitivities and need for confidentiality around this information. They cautioned against the assumptions of some council managers or researchers that this knowledge will be freely accessible. The slow progress of the Crown's response

¹¹³ NPS-FM 2020, p 37.

to the WAI 262 claim and the recommendations of the Waitangi Tribunal suggests that whānau, hapū and iwi need to determine their own controls over mātauranga and its availability.

The NPS-FM specifically provides for mātauranga to be applied in freshwater management, with the requirement that councils must enable the application of a diversity of systems of values and knowledge (clause 3.2 (2) (d)). Only kaitiaki tangata whenua are able to authoritatively determine what use might be made of mātauranga and customary knowledge for councils' implementation of this requirement of the NPS-FM, and what safeguards will be necessary. As with mahinga kai, this will need resourcing.

Recommendation 5: That the iwi authorities of Te Taihu consider and determine amongst themselves the most appropriate way to apply mātauranga to freshwater management in the rohe.

Recommendation 6: That the three councils of Te Taihu rohe establish a fund to resource the work of iwi authorities to determine the application of mātauranga to freshwater management.

Recommendation 7: That the Minister of Māori Development is strongly encouraged to advance the engagement and discussions for resolution of the WAI 262 claim.

Protection and limit setting

The existing management plans, and the input from whānau and the Pou Taiao, highlight the very significant issues with over-allocation of freshwater, and the adverse impacts on groundwater resources and on surface water bodies and ecosystems. Support for practical water storage methods and water efficiency measures indicate areas where contributions could be made, but the scale of the problems will potentially need more targeted actions.

The NPS-FM 2020 establishes clear requirements for setting limits on water allocation and use. This is inherent in the hierarchy of uses, where water may only be taken for commercial uses such as farming, horticulture and viticulture, after the needs of the water bodies and ecosystems, and the health needs of people, have been met. Policy 11 of the NPS-FM also requires efficiency and restraint, providing that all existing over-allocation is phased out, and that future over-allocation is avoided.

This will be a very challenging dimension of the NPS-FM for councils to implement, and will likely become a political issue at both regional and central government levels. Councils will need support from iwi, to respond to the concerns of users with established interests and to defend sensible limit setting. Options identified by whānau and Pou Taiao include more frequent reviews of water allocations. This is an area where tangata whenua should be actively involved.

Another option put forward was the idea of establishing a cultural flow for each waterway, to sustain and enhance the cultural values and mahinga kai values – this is effectively the first priority in the hierarchy of uses established under Te Mana o te Wai. The idea was further expanded with the concept of a decision-making matrix for water allocation to different kinds of use, with specific criteria to ensure the wai itself is protected, and weightings for each kind of use value to bring the intangible cultural and spiritual dimensions and tikanga considerations into better balance with the more easily quantifiable commercial uses. These options should be explored and further developed in wānanga amongst whānau, hapū and iwi, and in discussion with the council partners and key resource use groups in the community.

Another suggestion was the option of taking legal action to hold councils and / or water users accountable for the degradation and cumulative effects of insufficiently restrained uses. This is a matter that ngā iwi would need to consider carefully. It would need solid data to demonstrate causality and would require expensive legal advice and support. Any outcomes would be beyond the ability of tangata whenua to control, being over to the Court to decide. Given the extended timelines of such actions, it would not be a timely way to resolve issues. Other strategies, such as working directly with councils and water users in the rohe, may be more productive of good outcomes.

A further factor relevant for assessing necessary limits within the hierarchy of uses established under Te Mana o te Wai are the impacts of climate change – another complicating dimension in determining appropriate freshwater systems and sustaining healthy waterways into the future. The projections are clear that the eastern side of Te Wai Pounamu will become drier and hotter, which will inevitably bring more pressure on already scarce seasonal water resources. This is a matter for tangata whenua to work closely with the councils, Crown Research Institutes such as NIWA and Landcare Research, and other climate scientists, to keep abreast of the projections and have the necessary information for effective planning.

Opportunities for water storage and greater efficiencies in water use – both in domestic uses and for farmers and growers – are another area where tangata whenua could develop proactive initiatives, potentially with business potential for whānau employment and skills development. The overall aim must be to eliminate water wastage, and to manage water use intelligently around seasonal flow fluctuations. These options could be explored in partnerships between ngā iwi and councils.

Recommendation 8: That councils work closely with iwi authorities to advocate for and support measures to address over-allocation of freshwater in the rohe.

Recommendation 9: That iwi authorities consider development of business opportunities for water storage and efficiencies.

Integrated catchment management

The shortcomings of management approaches that focus narrowly on a single purpose or on a particular section of a freshwater system – such as the concentration of council works around flood control, with a limited range of objectives and methods – have been demonstrated many times in the iwi contributions to council reports and reiterated in this report. The importance of taking a broad perspective, and integrating the multiple dimensions and frameworks of value that are inherent in any freshwater system, cannot be overstated. The science and methods of integrated catchment management (ICM) are now well established, with demonstrated advantages and efficiencies. Whānau and Pou Taiao suggested a system of spatial layers for sustainable management across a whole catchment – an approach that is included in the proposed new legislation to replace the RMA under the current reform processes, with a new system of long-term strategic spatial planning to guide future options for land use and development.¹¹⁴

A number of the evaluations of councils' freshwater management (surveyed in Appendix 2) identified a chronic lack of internal consistency in the approaches, objectives and operations of different council departments, with river works teams apparently oblivious to the policies and priorities for

¹¹⁴ <https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/resource-management-system-reform/>

environmental protection, waterway management and biodiversity of other parts of the organisation. It may be firstly a matter of simple communication within councils.

The NPS-FM 2020 includes Policy 3:

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a catchment basis, including the effects on receiving environments.

Implementation of this policy may sound ambitious, but some managers and planners within councils will already be familiar with the principles and practice of ICM. This will be an advantage when ensuring the values, priorities and concerns of tangata whenua are meaningfully integrated in the new NPS-FM framework. The rōpū or working group suggested above for advocacy to councils about tangata whenua values would be a logical group to carry the ICM kaupapa as well.

Recommendation 10: That the rōpū or working group to be established and mandated by iwi authorities to work with the councils with regard to the values of ngā iwi in freshwater, be also charged with developing and promoting integrated catchment management and spatial planning approaches for the councils' implementation of Te Mana o te Wai.

Monitoring

The iwi management plans, input to council plans, and iwi work with cultural health indicators for rivers highlight the central importance of monitoring across a wide range of indicators, to provide the necessary baseline of information to guide effective management of freshwater, rivers and streams, wetlands and groundwater. Both the disciplines of Western science and the mātauranga of the ancestors are needed – and are complementary, reporting from different perspectives and values frameworks.

There was strong insistence from Pou Taiao and whānau of the need for up-to-date information about the state of all the wai, waterways and associated taonga in Te Taihū, as the essential starting point for the work going forward to implement the NPS-FM 2020 and give effect to Te Mana o te Wai. This updating of the knowledge base is necessary in order to set priorities and develop practical work programmes to restore and enhance the mauri and wairua of the wai, waterways and taonga tuku iho of the rohe.

There is a huge amount of work involved in cultural values monitoring – designing an appropriate set of indicators, doing site visits in all weathers, maintaining databases and other records, and reporting the information gathered in a way that will be useful for planning and limit setting. For kaitiaki whānau, hapū and iwi, the additional dimensions of tikanga with mātauranga bring the need for further skill and sensitivity. **Whānau and Pou Taiao repeatedly emphasised the importance of using Māori principles and traditional knowledge as the basis for today's cutting edge monitoring systems. As well as the physical tohu or signs, often signalling seasonal or life cycle shifts across the ecosystem, they stressed the valuable wisdom and insights to be found in pūrākau and histories. Even the memories of today's kaumatua, of what the resource or taonga was like when they were young, can reveal significant changes or responses to pressure in the taonga and waterways.**

The NPS-FM 2020 provides for monitoring through Policies 13 and 14:

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and wellbeing, is regularly reported on and published.

Establishing a team of Taiao Practitioners to develop and consolidate experience in freshwater monitoring and cultural health indicators is a natural priority for whānau, hapū and iwi. This would be a positive way to engage rangatahi and get them out into the waterways of the rohe to learn more about these taonga and their cultural significance. Only kaitiaki tangata whenua can determine and manage appropriate cultural health indicators and monitoring systems to track the condition of wai and waterways in terms of the Te Ao Māori values. The councils should resource this work and direct their science teams to work with and support kaitiaki tangata whenua.

Recommendation 11: That the iwi authorities of Te Taihu establish and mandate a network of whānau and rangatahi to develop and undertake monitoring programmes, to assess the cultural health of the freshwater and water bodies of the rohe, and to liaise with the councils' science teams to utilise this information in the implementation of Te Mana o te Wai.

Recommendation 12: That the three councils of Te Taihu rohe establish a fund to resource the work of iwi authorities to establish and undertake monitoring programmes to assess the cultural health of the freshwater and water bodies of the rohe.

Recommendation 13: That the three councils of Te Taihu and the iwi authorities work together to undertake a stocktake of the current state of the wai, waterways and associated taonga in the rohe, as the starting point to set priorities for the implementation of Te Mana o te Wai.

Recommendation 14: That the three councils of Te Taihu rohe direct their science teams to liaise with the iwi authorities and cultural health monitoring team to utilise cultural health information in the implementation of Te Mana o te Wai.

Participation and decision making

Whānau and Pou Taiao all stressed the principle (also emphasised in most of the iwi management plans and other documents, and endorsed by the Waitangi Tribunal), that tangata whenua must be given a meaningful place in the decision making processes of councils. This is absolutely necessary, to respect the rangatiratanga, mana and kaitiaki responsibilities of ngā iwi, and to fulfil the obligations of the Treaty partnership.

Some whānau recommended that tangata whenua must be equal partners on all governance bodies with responsibilities for wai and waterway management, and must receive half of all revenues derived from freshwater use in the rohe. Each iwi and hapū will have their own position on what levels of representation will be appropriate, and will have their own sense of what participation is sustainable given capacity constraints – as focused capacity building expands the ability of whānau, hapū and iwi to participate actively in freshwater management and other environmental work.

One suggestion from whānau and Pou Taiao was that it would be simpler to have a single council for Te Taihu rather than three separate councils, each with their own systems, styles and approaches. This may well be an outcome of the reforms of local government recently initiated by the Crown, where the impetus is most likely towards amalgamations and larger council territories, in the expectation that this will deliver greater efficiencies. The regional government sector is already

actively engaging with these ideas and the opportunities and risks of different options. Ngā iwi will keep a close eye on developments, and work with the three current councils to ensure the best future scale and structure for regional / local government in Te Taihū.

The NPS-FM 2020 specifically requires councils to provide for tangata whenua participation in decision making, to the extent that tangata whenua wish to be involved. This leaves the initiative with tangata whenua to determine what means of representation and involvement will be best for them. The strategic opportunity to be proactive and to bring a solution to the councils, rather than allowing the participation question to become a challenge or difficulty for them, offers significant advantages.

The discussions amongst whānau and Pou Taiao emphasised the need for the right people to be around the table – to be in a secure position to influence and guide the future evolution of systems for freshwater management in Te Taihū. Appropriate systems for participation will be crucial so that tangata whenua can help determine what is best practice, and can work with councils to co-design frameworks for decision making, key objectives, baseline standards and criteria for effective implementation of Te Mana o te Wai. Different measures may be appropriate at different levels of the council work – for example the rōpū recommended above may take on some aspects of the mahi, while kaumatua and leaders engage in the governance levels.

The importance of alliances with like minded people and groups – community groups, sector groups, NGOs, schools and rangatahi, science researchers, health service entities – was highlighted as a way to generate momentum for new ideas and align thinking around the core values.

This process – for whānau, hapū and iwi to decide the best ways to support their ongoing participation in the work for Te Mana o te Wai, and to explore with councils what the options might look like – will need adequate time and resourcing, as an investment in future relationships and outcomes.

Recommendation 15: That the iwi authorities of Te Taihū consider and determine the most appropriate structures for their active participation in the work of councils to implement Te Mana o te Wai.

Recommendation 16: That the three councils of Te Taihū rohe make time and resources available to support an open-to-all-possibilities process to co-develop and co-design with iwi authorities a range of options for their active participation in the implementation of Te Mana o te Wai.

Co-management and iwi management of wai and waterways

The discussions of whānau and Pou Taiao focused on opportunities for co-management and direct iwi management of water, waterways and catchments in the rohe. The idea was for the wai, and for the surrounding lands and ecosystems, to return to Māori control. This would recognise and restore iwi customary rights in freshwater, ahead of any governance or management rights assumed by the Crown or regional / local government. An important factor would be the devolution of decision making and the empowerment of hapū and whānau.

The NPS-FM 2020 includes specific requirements that councils must work with tangata whenua to investigate the use of RMA mechanisms such as transfers or delegations of power, joint management agreements, or mana whakahono a rohe agreements.¹¹⁵

¹¹⁵ Ngāti Tūwharetoa achieved two RMA breakthroughs with the January 2009 joint management agreement with Taupō District Council for resource consent and private plan hearings, and in July 2020, the first section 33 transfer of council

Such options are immensely appealing, but the whānau, hapū and iwi of Te Taihu will need to carefully consider the requirements for taking formal management and control of water and waterway management functions. These responsibilities would need to have governance, expertise, administration and on-the-ground capacities in place. The requirement in the NPS-FM that these ideas are to be investigated is an achievable step along the road to future joint management or delegated management arrangements.

Recommendation 17: That the iwi authorities of Te Taihu develop a strategic plan for capacity building towards future co-management, joint management agreements, transfer of powers, and iwi-led management systems.

Recommendation 18: That the three councils of Te Taihu rohe make time and resources available to support an open-to-all-possibilities process to explore with iwi authorities the options for future co-management, joint management agreements and transfer of powers, as part of the implementation of Te Mana o te Wai.

Resourcing and capacity building

A strong theme in most of the documents and in the discussions with whānau and Pou Taiao is the severe lack of resources – funds, people, expertise, time – for more active and more effective participation by kaitiaki tangata whenua in the work of councils for freshwater management. The Tribunal report emphasised the need for support from the Crown and councils for tangata whenua representatives' work in RMA processes, and was not impressed by officials' vague assurances that more resourcing was being provided.¹¹⁶

Whānau and Pou Taiao suggested some innovative options for securing more adequate funding for tangata whenua participation, including a water rate to be charged as part of permits, and a licence fee system to generate a pūtea to be invested back into the waterways, fulfilling the principle of reciprocity. It was also suggested that iwi authorities, councils and other groups could work together to prepare bids for funding from sources such as environmentally-focused philanthropic institutions or the National Science Challenges research programmes.

The responsibility of councils is significant, with statutory obligations under the Local Government Act and the RMA to support tangata whenua participation in environmental management. The NPS-FM 2020 includes the key words “and enable” in the implementation requirements for councils (clause 3.4 (2)), but is otherwise silent on how the various duties and actions will actually be supported.

Ultimately though the principal responsibility for providing adequate resourcing for participation of the Treaty partners in the important work of managing and protecting freshwater and waterways rests with the Crown. The current processes of legislative and structural change provide a strategic opportunity for kaitiaki tangata whenua and councils to advocate strongly for equitable adequate funding to be secured for their ongoing contributions of time and expertise.

powers to an iwi, taking over water quality monitoring functions around Lake Taupō from the Waikato Regional Council: <https://www.taupodc.govt.nz/council/plans-and-strategies/joint-management-agreements>, <https://www.tuwharetoa.co.nz/ngati-tuwharetoa-set-to-become-first-iwi-to-utilise-a-section-33-transfer-with-waikato-regional-council/>. Ngāi Tahu have had extensive experience with co-management for Te Waihora, and are also working with councils and landowners in Murihiku on a large mahinga kai park project led by the Awarua Papatipu Rūnanga at Waituna, which involves purchasing and retiring farmlands around the wetland and managing them according to mahinga kai values.

¹¹⁶ Waitangi Tribunal Report, pp 1221-1223.

The Crown could also establish alternative systems for local government revenue generation, which could be secured to support tangata whenua participation – the Productivity Commission’s 2019 report on local government funding and financing options was relatively cautious in its conclusions, but acknowledged the significant pressures faced by many councils and the need for targeted solutions including additional support from central government.¹¹⁷

Ngā iwi could consider working with councils to prepare a combined case to take to central government for new resourcing to support effective implementation of Te Mana o te Wai. This could be promoted as a necessary investment in New Zealand’s future environmental sustainability.

Another way councils could provide assistance is through secondments or internships, providing a staff member such as a planner to work with tangata whenua for a particular project or a period of time. This has the additional benefits of building relationships and improving understanding of the values, priorities and approaches of whānau, hapū and iwi.

Ngā iwi could also give serious attention to the strategic capacity building needs of iwi, hapū, whānau and kaimahi such as the Pou Taiao. Many of those committed to the ongoing work of environmental management are seriously overstretched. A medium-term (five year) plan could identify upcoming work streams and opportunities, and the particular skill sets and experience that will be needed to fulfil the requirements of future projects and support future prosperity and wellbeing of whānau.

Sustainability is about people as well as the natural environment – he aha te mea nui o te ao – he tangata, he tangata, he tangata.

Recommendation 19: That the Ministers of Local Government, the Environment, Māori Development and Māori-Crown Relations ensure appropriate resourcing is provided for the effective implementation of Te Mana o te Wai.

Recommendation 20: That the iwi authorities of Te Taihū develop a strategic plan for capacity building of the skills, training and expertise needed for whānau to work confidently and successfully with councils and others for the implementation of Te Mana o te Wai and for future development opportunities for their hapū and iwi.

¹¹⁷ <https://www.productivity.govt.nz/inquiries/local-government-funding-and-financing/>

REFERENCES

- Andrew, A. 4Sight Consulting on behalf of Te Tau Ihu Fisheries Forum, *Sustaining the native freshwater fishery of Te Tau Ihu: an iwi perspective*, 2016.
- Auckland Council, 2018, *Cultural Values Assessments: Negotiating kāwanatanga and rangatiratanga through local government planning processes in Aotearoa New Zealand*, Technical Report 2018/008.
- Department of Conservation, Conservation Management Strategy Nelson/Marlborough Conservancy 1996-2006.
- Fenemor, Andrew, Landcare Research, *Integrated Catchment Management for the Motueka River*, 2013.
- Little, Margaret, Statement of Evidence on behalf of Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, Application for a Water Conservation Order in respect of Te Waikoropupū springs and associated water bodies, 28 March 2018.
- Manawhenua ki Mohua, *Manawhenua Mātauranga Report for the Tākaka Catchments*, June 2018.
- Manson, Leanne, Statement of Evidence on behalf of Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, Application for a Water Conservation Order in respect of Te Waikoropupū springs and associated water bodies, 28 March 2018.
- McArthur, Kate and Alistair Beveridge, The Catalyst Group, *Values and Attributes for Freshwater in Nelson: Technical report to support the development of the Nelson Plan*, 2017.
- Ministry for the Environment, National Policy Statement for Freshwater Management 2020.
- Nelson Iwi Resource Management Advisory Komiti, *Tangata whenua indicators for wai*, August 2005.
- Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation [2018] NZSC 122 (14 December 2018).
- Ngāti Koata No Rangitoto Ki Te Tonga Trust, *Iwi Management Plan*, 10 June 2002.
- Ngāti Kuia Te Iwi Pakohe, *Te Hoiere Project – A case for involvement*, Julia Eason, 3 October 2019.
- Ngāti Tama ki te Waipounamu Trust, *Environmental Management Plan*, 2018.
- Office of Treaty Settlements, *Ka tika ā muri, ka tika ā mua: Healing the past, building a future: A guide to Treaty of Waitangi claims and negotiations with the Crown* (commonly known as *The Red Book*), 2018.
- Passl, Ursula, *Ngā Taonga Tuku Iho ki Whakatū Management Plan*, June 2004.
- Te Ātiawa o te Waka-a-Māui, *Iwi Environmental Management Plan*, August 2014.
- Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, 2001.
- Te Ātiawa o te Waka-a-Māui, *Waitohi and Waikawa Streams Characterisation Study*, August 2018.
- Te Tau Ihu Mahi Tuna / Eel Management Committee, *Eel Management Area Plan*, 1999.

Te Tau Ihu Statutory Acknowledgements - 2014, document compiled for Nelson City Council, Tasman District Council and Marlborough District Council.

Tiakina te Taiao, *A cultural impact assessment: Managing waterways in the Tasman District*, April 2011.

Walker, Dean, and Wayne Bunt, Kawatiri Resource Management for Tiakina te Taiao, *Motueka River Cultural Values Report*, July 2010.

Waitangi Tribunal, *Te Tau Ihu o te Waka a Māui: Report on Northern South Island Claims*, WAI 785, Volume III, 2008.

APPENDIX ONE: DEED OF SETTLEMENT MECHANISMS

The traditional, historical, cultural and spiritual relationships of the iwi of Te Taihū with the lakes, rivers, streams and wetlands of the rohe were formally recognised in the Deeds of Settlement negotiated with the Crown:

- Kurahaupo: Ngāti Apa ki te Rā Tō, Ngāti Kūia, Rangitane o Wairau;
- Tainui and Tokomaru: Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Taihū, Te Ātiawa o te Waka-a-Māui; and
- Ngati Toa Rangatira.¹¹⁸

Crown settlement mechanisms

The Cultural Redress mechanisms recognise that the ancestral rivers and lakes have great significance for Māori, and that rivers and lakes can be or represent any or all of the following:

- The embodiment of or creation of ancestors;
- A key aspect of tribal and personal identity;
- The location of wāhi tapu;
- Sources of water, food and other resources;
- Part of traditional travel routes and trading networks;
- Boundary markers and part of traditional tribal defences; and
- Possessors of mauri, the life force or essence that binds the physical and spiritual elements of all things together.¹¹⁹

The mechanisms are intended to address:

- Loss of ownership or guardianship of sites of spiritual and cultural significance;
- Loss of access to traditional foods or resources; and
- Exclusion from decision-making on the environment or resources with cultural significance.¹²⁰

However, the mechanisms excluded private land and ownership of water in rivers and lakes.¹²¹

The Statutory provisions for Cultural Redress include Overlay Classifications, Statutory Acknowledgements, Deeds of Recognition, vesting of sites, and protocols. Place name changes to a dual Māori and English name are made to provide visible recognition of the cultural, historical and traditional significance of the lake, river or place to whānau, hapū and iwi.¹²²

Overlay Classifications apply to areas of land administered by the Department of Conservation. They acknowledge the spiritual, cultural, historical and traditional values in respect of the area, and require the Department, the NZ Conservation Authority and the regional Conservation Board to consult with the iwi, and in the management of the area, to have particular regard to those values and any agreed

¹¹⁸ Due to unavoidable constraints at the time of preparation of this Case Study Report, Rangitane o Wairau and Ngāti Toa Rangatira were unable to provide information about their expectations and aspirations for the application of Te Mana o te Wai. The position of these two iwi on Te Mana o te Wai, and information about their Deeds of Settlement, can be added to an updated version of this Case Study Report at some time in the future.

¹¹⁹ Office of Treaty Settlements, *Ka tika ā muri, ka tika ā mua: Healing the past, building a future: A guide to Treaty of Waitangi claims and negotiations with the Crown* (commonly known as The Red Book), 2018, p 102.

¹²⁰ *The Red Book*, pp 90 and 92.

¹²¹ *The Red Book*, pp 92 and 103.

¹²² *The Red Book*, pp 114, 121-124.

principles, and to avoid harm to those values. The Overlay Classification is notified on conservation and national park management plans affecting the area.

Statutory Acknowledgements register the cultural, historical, spiritual and traditional association of an iwi with a particular site or area, and provide for iwi participation in RMA and other Crown processes. They only apply to Crown land and/or Crown administered natural resources. Consent authorities (the region's district and city councils) are required to have regard to Statutory Acknowledgements in decisions about notifications of resource consent applications, and must send summaries of all relevant applications to the iwi before making a decision on notification. Local authorities must attach information on Statutory Acknowledgements to any relevant plans.¹²³ The Environment Court and Heritage New Zealand Pouhere Taonga¹²⁴ must have regard to Statutory Acknowledgements when deciding on iwi representation at hearings for proceedings affecting the sites.

If a Statutory Acknowledgement has been made, the Crown may also enter into a Deed of Recognition over the area, although this is not possible for Crown-owned land managed by a local authority, or over water. Deeds of Recognition require the Crown – including the Department of Conservation and the Commissioner of Crown Lands – to consult with the iwi on specified matters, and the relevant Minister must have regard to their views.

Protocols are statements issued by a Minister or other statutory authority, setting out how a particular government agency interacts with iwi on a continuing basis, how it will enable iwi to have input into its decision-making process, and how it will exercise its functions, powers and duties in relation to specified matters within its control in the rohe of the iwi. Protocols set out administrative processes, and are enforceable by way of judicial review, although they are not contracts. A Protocol may be amended or cancelled but if the relevant Minister wants to make such changes, they must first consult the iwi and have regard to their views. For local authorities, memoranda of understanding (MOUs) may be proposed to support and provide for iwi interests in councils' decision-making processes. The Crown may agree to arrange discussions with councils for the establishment of such MOUs, but any resulting protocols are not part of the Settlement with the Crown.

Mechanisms in Te Taihū Settlements for waterways

All these mechanisms are utilised in the Settlement agreements for Te Taihū, to provide for the traditional, cultural, spiritual and historical associations and interests of ngā iwi in the lakes, rivers and tributaries and wetlands of the rohe.

Ngāti Apa ki te Rā Tō

- This Settlement includes Overlay Classifications for the iwi interests in freshwater bodies across the rohe, specifically the alpine tarns in Nelson Lakes National Park: Rotomairewhenua / Blue Lake, Rotopohueroa / Lake Constance, Rotomaninitua / Lake Angelus, and Parautahi Paramu / Lake Arnst Tarns. Overlay Classifications are provided jointly for Ngāti Apa, Ngāti Kuia and Rangitāne in Lakes Rotoiti and Rotoroa.¹²⁵

¹²³ The Statements of Associations for all the Te Taihū iwi Statutory Acknowledgements are included as attachments to the resource management plans and regional policy statements of Marlborough District Council, Nelson City Council and Tasman District Council: Te Tau Ihu Statutory Acknowledgements.

¹²⁴ Formerly the Historic Places Trust.

¹²⁵ <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-apa-ki-te-ra-to/>

- The Settlement also vests the alpine tarns in Ngāti Apa, subject to them being gifted back to the people of Aotearoa / New Zealand.
- The Ngāti Apa Deed includes Statutory Acknowledgements and Deeds of Recognition for the significant rivers of the rohe: the Waimea, Wairoa and Wai-iti Rivers and their tributaries,
- the Motupiko River and its tributaries, the Anatori River and its tributaries, the northern part of the Kawatiri / Buller River and its tributaries, and the Tākaka River and its tributaries.
- Statutory Acknowledgements and Deeds of Recognition are also established for Ngāti Apa ki te Rā Tō jointly with other iwi in Lakes Rotoiti and Rotoroa.
- The mahinga kai values of the freshwater bodies in the rohe of Ngāti Apa are given formal recognition with acknowledgement of the iwi's cultural association with tuna and provision to apply for customary use of tuna from Nelson Lakes National Park.

Ngāti Koata

- The Ngāti Koata Settlement includes He Uhi Takai (Overlay Classifications) for the maritime and Sounds islands interests of the iwi. Under Ngā Maramara Hirahira a number of coastal sites are vested in Ngāti Koata, and Mātangi Āwhio, on the Maitai River in Nelson, is jointly vested in Ngāti Koata with other iwi of Te Taihū.¹²⁶
- This Settlement includes Ngā Tapuwae o Ngā Tūpuna (Statutory Acknowledgements) and Te Waka Hourua (Deeds of Recognition) for the significant river systems of the rohe: the Maitai River and its tributaries, the Waimea, Wairoa and Wai-iti Rivers and their tributaries, Te Hoiere / the Pelorus River and its tributaries, and the Whangamoā River and its tributaries.

Ngāti Kuia

- The Settlement established Statutory Acknowledgements and Deeds of Recognition for eight rivers in the rohe of Ngāti Kuia: the Waimeha River, including Wairoa River and Wai-iti River as its tributaries, jointly between Ngāti Kuia, Ngāti Apa and Rangitāne; the Maitai (Mahitahi) River and Kaituna River (near Havelock) jointly with Rangitāne; Te Hoiere / the Pelorus River; the Anatoki River; and the Motueka River.
- A further mechanism is the Pou Whakāro¹²⁷ relating to lands owned and managed by the Crown, requiring that the Crown must consult Ngāti Kuia and give regard to the views of the iwi, for activities within the areas of the Maitai (Mahitahi) River and its tributaries, the Waimea, Wai-iti and Wairoa Rivers and their tributaries, the Kaituna River and its tributaries, the Motueka and Motupiko Rivers and their tributaries, and the Anatoki River and its tributaries.
- Two sites of importance for their freshwater values, transferred to Ngāti Kuia, are Titiraukawa, a site and buildings at Pelorus Bridge, and Appleby School, the Waimea Gardens. Another site in Nelson is vested in Ngāti Kuia jointly with six other iwi of Te Taihū.

¹²⁶ <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/ngati-koata/>

¹²⁷ Ngāti Kuia and Te Runanga o Ngāti Kuia and the Crown, *Te Whakatau / Deed of Settlement of Historical Claims*, 23 October 2010, p 22.

Ngāti Rārua

- The Ngāti Rārua Settlement includes a range of mechanisms which provide for the importance of rivers and water bodies in the rohe. The significance of Te Waikoropupū Springs is seen in the establishment of a Parirau Whakaruru (Overlay Classification) for the Scenic Reserve, which is based on the Crown's acknowledgement of Ngāti Rārua values in Te Waikoropupū.¹²⁸ The NZ Conservation Authority and regional Conservation Board must consult Ngāti Rārua and have particular regard to their views in management of the reserve, and any conservation management strategy or plan must have particular regard to Ngāti Rārua values.
- Statutory Acknowledgements and Deeds of Recognition¹²⁹ are established for the lakes, rivers and wetlands of importance to Ngāti Rārua: Lakes Rotoiti and Rotoroa in Nelson Lakes National Park, the Para Swamp Wildlife Reserve, the Wairau River Diversion Conservation Area, Wairau River marginal strips, the Maitai River and its tributaries, the Wairau, Omaka and Ōpaoa Rivers and their tributaries, the Waimea, Wairoa and Wai-iti Rivers and their tributaries, the Motueka River and its tributaries, the Aorere River and its tributaries, the Riuwaka River and Resurgence and its tributaries, the Paturau River and its tributaries, the Anatori River and its tributaries, the northern portion of the Kawatiri / Buller River and its tributaries, and the Anaweka River and its tributaries.
- The Kawatiri Confluence, a part of the Glenhope Scenic Reserve, is vested in the Ngāti Rārua Settlement Trust.¹³⁰

Ngāti Tama ki Te Taihu

- The Settlement established Te Korowai Mana / Overlay Classification for Te Waikoropupū Springs Scenic Reserve. This includes the Crown's acknowledgement of Ngāti Tama values in Te Waikoropupū and requirements for the NZ Conservation Authority and Conservation Board for any conservation management strategy or plan for the springs and reserve, to consult with Ngāti Tama and have particular regard to their views and values.¹³¹
- Statutory Acknowledgements and Deeds of Recognition are provided for numerous wai sites in Ngāti Tama rohe: Lakes Rotoiti and Rotoroa in Nelson Lakes National Park, the Maitai River and its tributaries, the Waimea, Wairoa and Wai-iti rivers and their tributaries, the Motueka River and its tributaries, the Aorere river and its tributaries, Te Hoiere / Pelorus River and its tributaries, the Paturau River and its tributaries, the Anatori River and its tributaries, and the Whangamoā River.
- An area at the Tākaka River mouth is vested as a historic reserve with the Ngāti Tama ki Te Waipounamu Trustees as the administering body.¹³²

¹²⁸ Ngāti Rārua and Ngāti Rārua Settlement Trust and the Crown, *Deed of Settlement of Historical Claims*, 13 April 2013, p 30.

¹²⁹ Ngāti Rārua Deed, pp 31-36.

¹³⁰ Ngāti Rārua Deed, p 37.

¹³¹ Ngāti Tama ki Te Taihu and the Crown, *Deed of Settlement of Historical Claims*, 20 April 2013, pp 28-29.

¹³² Ngāti Tama Deed, p 35.

Te Ātiawa o Te Waka-a-Māui

- This Settlement establishes a Kahukiwi (Overlay Classification) for Te Waikoropupū Springs Scenic Reserve to acknowledge the traditional, cultural, spiritual and historical association of Te Ātiawa with this significant site.¹³³
- Statutory Acknowledgements and Deeds of Recognition are established for Lakes Rotoiti and Rotoroa and for the important rivers in the rohe: the Maitai River and its tributaries; the Waimea River, Wairoa River, and Wai-iti River and their tributaries; the Motueka River and its tributaries; the Tākaka River and its tributaries; the Aorere River and its tributaries; Te Hoiere / the Pelorus River and its tributaries; the Riuwaka River and Resurgence and its tributaries; the Waikawa Stream and its tributaries; the Waitohi River and its tributaries; the Paturau River and its tributaries; the Anatori River and its tributaries; the Tuamarina River and its tributaries; the Moutere River and its tributaries; and the Turimawiwi River and its tributaries.
- The Deed of Settlement provides for Te Ātiawa to create and erect a pouwhenua, the location of which will be discussed with the Department of Conservation.

Provisions in all the Settlements

- The Settlements all provide for participation of ngā iwi in a Freshwater advisory committee, to be established to provide input to local authority RMA planning and decision-making processes. This committee has not yet been established, as the iwi considered that direct engagement with iwi as the Crown's Treaty partner is more appropriate to recognise their mana and rangatiratanga.
- The Settlements also require protocols to be issued by the Ministers of Conservation, Fisheries, Energy and Arts, and Culture and Heritage to enable ngā iwi to have input into decision making processes.
- All the Settlements require changes to be made to the formal place names for sites, places and features in the landscape of Te Taihū, including many significant lakes and rivers. New geographic names are established for the Paratītahi Tarns and Paraumu Tarn. Changes including new dual names in both te reo Māori and English are established for: Rotomanitua / Lake Angelus; Te Waikoropupū River; the Ōhinemahuta River; Rotopōhuroa / Lake Constance; Te Kauparenuī / the Gowan River; the Ōpaoa River; Te Hoiere / the Pelorus River; Rotomairewhenua / Blue Lake; Hinemoatū / the Howard River; Te Horowai / Speargrass Creek; and the Riuwaka River (and its North and South branches).

¹³³ <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/find-a-treaty-settlement/te-atiawa-o-te-waka-a-maui/te-atiawa-o-te-waka-a-maui-deed-of-settlement-summary/>

APPENDIX TWO: IWI ENVIRONMENTAL MANAGEMENT PLANS AND OTHER REPORTS

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Over the last two decades ngā iwi of Te Taihū have invested significant time and resourcing into the development of iwi environmental management plans and other strategy documents for the natural taonga, wai and waterways in their rohe. Ngā iwi have contributed similar amounts of input to the environmental management planning processes of the three councils and other agencies, often through Cultural Values Reports, Cultural Impact Assessments, and other formal documents.

This Appendix to the Case Study Report outlines the kaupapa set out in these documents for the freshwater taonga and the lakes, rivers, streams and wetlands of Te Taihū.¹³⁴ Each plan and report sets out priorities for wai and waterways, with the intent to:

- Reaffirm the values, interests, issues and aspirations of tangata whenua;
- Support work to achieve better environmental outcomes;
- Set out a range of proactive objectives, actions, processes and practical on-the-ground measures, for sustainable environmental management;
- Support the councils to meet their obligations under sections 6, 7 and 8 of the Resource Management Act (RMA);

¹³⁴ The plans and other documents are considered in reverse chronological order from 2018 back to 2001. The Iwi Environmental Management Plans are discussed first, and are followed by documents providing input to cocouncil processes and the work of other agencies.

- Assist agency decision makers; and
- Support councils, communities and Crown agencies to evolve towards best practice and more effective relationships and understanding of Te Ao Māori.

Ngā iwi have also participated in RMA consenting and policy processes of the Nelson, Tasman and Marlborough councils, to ensure their values and interests were taken into account, to protect cultural sites and taonga, and to develop environmental plans and other strategic initiatives. These contributions to council programmes may be focused on the entire rohe or more specifically on water or particular waterways.

The mahi going forward – to work together with the councils to implement Te Mana o Te Wai and the NPS-FM 2020 – will draw on these existing documents and plans, to bring through the previous work and wisdom of ngā iwi.

Ngāti Tama ki te Waipounamu Trust – Environmental Management Plan 2018

The purposes of this Plan are to highlight Ngāti Tama aspirations for managing ancestral whenua, awa, wāhi tapu and wāhi taonga in the rohe. The Plan is a tool for Ngāti Tama to express and describe kaitiakitanga, customary rights and values, and to ensure meaningful cultural and environmental outcomes. The Plan is also externally facing – a guide for councils, government agencies and natural resource users, to understand issues of significance to Ngāti Tama, and how those issues can be resolved, ensuring ‘appropriate weight is given to Ngāti Tama values and customary rights in decision making processes.’¹³⁵

The Plan explains the requirements for Ngāti Tama Whānau Ora – the overall wellbeing of whānau encompassing their physical, emotional, spiritual and social health:

- *Rangatiratanga* – leadership and governance capability is strengthened: Ngāti Tama is actively involved in decision making and management of Te Taiao.
- *Kaitiakitanga* – to protect and enhance our sustainable futures: Ngāti Tama are kaitiaki of Te Taiao mai Whangamoa i Kahurangi.
- *Manaakitanga* – cultural values and interests are maintained: Enhance, restore, protect and maintain the mauri of natural and physical resources and wāhi taonga.
- *Whakawhanaungatanga* – to build strong and healthy relationships and leaders: Te Taiao support Ngāti Tama whānau and communities.
- *Wairuatanga* – to participate as Māori in te ao Māori and te ao whanui: Wāhi taonga are enhanced, restored and protected mai Whangamoa i Kahurangi.¹³⁶

The Plan establishes a clear framework for decision making and managing the effects of activities on natural resources and Ngāti Tama cultural values and interests. The method to assess effects focuses on magnitude, likelihood, frequency, duration, cumulative effects and positive or negative effects, and is supported with a hierarchy of management approaches, depending on the severity of the impacts. Ngāti Tama expectations of best practice are beyond the RMA requirements, and a precautionary approach is encouraged.¹³⁷

¹³⁵ Ngāti Tama ki te Waipounamu Trust, *Environmental Management Plan*, 2018, p 11.

¹³⁶ Ngāti Tama Plan 2018, p 14.

¹³⁷ Ngāti Tama Plan 2018, p 15.

Section 13 of the Plan focuses on Wai Ora, setting out aspirations for the health and wellbeing of wai and waterways, actions to achieve Ngāti Tama outcomes, and indicators to measure progress.¹³⁸ This Section addresses the issues for the kaupapa of Water Quality, Hydro Development Generation, Repo (Wetlands) and Freshwater Fisheries:¹³⁹

- *Aspirations for Water Quality:* water levels and flows; Ngāti Tama access to freshwater resources for cultural purposes; restoration of riparian margins with indigenous vegetation; integrated catchment planning; a comprehensive water management plan for water take permits; and zero water take from Te Waikoropupū Springs and associated aquifers and puna.
- *Issues identified for Water Quality:* water takes and water abstraction from waterways, aquifers and puna; mining and exploration activities, discharge of contaminants; damming, draining or diverting wai, aquifers or puna; overallocation of wai; low flow levels; loss of indigenous habitats on riparian margins; and cumulative effects.
- *Actions necessary to achieve more positive outcomes for Water Quality:*
 - Participation of Ngāti Tama in co-governance and co-management;
 - The River and Freshwater Advisory Committee as provided for in the Claims Settlement legislation;¹⁴⁰
 - Ensuring cultural values and interests are reflected in plans, best practice guidelines, strategies and regulations;
 - Using cultural health data collected and interpreted by Ngāti Tama;
 - Early engagement;
 - Respecting Statutory Acknowledgements in formal plans and agency processes;
 - The quality and integrity of freshwater, aquifers, puna and mahinga kai sources; secure and reliable access to drinking water for marae and communities;
 - Integrated catchment management; and
 - Flow rates for Te Waikoropupū, puna and aquifers.

The kaupapa for hydro developments focuses around protection of wāhi tapu and wāhi taonga. The wetlands kaupapa calls for recognition and protection of cultural significance and biodiversity, and the freshwater fisheries kaupapa focuses on waterways and riparian zones, monitoring, exotic species, and iwi participation in survey, recovery and transfer projects for native fish.

Te Ātiawa o Te Waka-a-Māui – Iwi Environmental Management Plan 2014

This Plan is focused initially on the Marlborough region, but also encompasses wider values and principles for Te Ātiawa:

This IEMP canvasses those generic principles common to all Te Ātiawa, no matter where they live, in Marlborough or in the Tasman and Golden Bays, or elsewhere. It focuses on those resource management kaupapa specific to Te Ātiawa in Marlborough. It is hoped once the environmental plan for the Tasman and Golden Bay rohe has been developed it can then be added to this current IEMP. Meanwhile, those cultural concepts outlined in the plan will continue to apply to all of Te Tau Ihu.¹⁴¹

¹³⁸ Ngāti Tama Plan 2018, p 25.

¹³⁹ Ngāti Tama Plan 2018, pp 41-43.

¹⁴⁰ Ngāti Koata, Ngāti Rārua, Ngāti Tama ki Te Tai Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, sections 158 – 164.

¹⁴¹ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, 2014, p 1.

The Plan was developed to redress the imbalance in resource management and planning where Māori systems of environmental management have seldom been recognised. The Plan takes a holistic approach, comprising:

... the big picture... the natural world at large [including] water, soil, air and indigenous and non-indigenous biodiversity, along with human communities.¹⁴²

Te Ātiawa make it clear that they are seeking high environmental standards for the integrated sustainable management of the natural and physical resources of the rohe and for matters of specific importance to the iwi. The approach must include:

... appropriate, regular and transparent monitoring, using robust and meaningful cultural and scientific indicators with regular reporting, and effective and considered enforcement in response to breaches of regulations.¹⁴³

The matters of particular strategic importance to Te Ātiawa are identified as: tino rangatiratanga; sustainable management of wāhi tapu, wāhi taonga, whenua, te wai Māori and moana; sustainable resource use opportunities for iwi, hapū and whānau, and the role of kaitiaki:¹⁴⁴

In contemporary times the kaitiaki role of iwi has been diminished. Divergent interests of different communities and contemporary practices and interests have marginalised the opportunity for kaitiaki to undertake their responsibilities. This has not diminished their inherited responsibilities however, and it is important that all opportunities to restore the function and application of kaitiakitanga, to ensure the benefits accrued from the natural world, will be available to future generations.¹⁴⁵

The Plan highlights the importance of the Marlborough Sounds' numerous streams and freshwater wetlands. The streams are often highly vulnerable, their health being inextricably linked to the terrestrial and coastal marine ecology of the rohe, and:

Freshwater wetlands also play a vital role in maintaining the mauri of fresh water through filtration processes and unique habitat characteristics. The valuable contribution these wetlands make has been historically undervalued.¹⁴⁶

Freshwater management concerns include:

- Discharge of contaminants into water, including fertilisers, agrichemicals, herbicides, agricultural run-off, stock access to waterways, septic tank overflows, and stormwater;
- Drainage of freshwater wetlands, resulting in the loss of significant ecosystems important as spawning areas for native fish, as sediment traps, and as areas rich in food and nutrients for bird and plant life.¹⁴⁷

Section 7.7 of the Plan addresses the sustainable management of te wai Māori, focusing on water quality and quantity, habitat integrity, and provision for customary practices including access. The headline objective is:

¹⁴² Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 15.

¹⁴³ Ibid.

¹⁴⁴ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 16.

¹⁴⁵ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 19.

¹⁴⁶ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 22.

¹⁴⁷ Ibid.

The mauri of wai will be maintained as a resource management priority throughout the rohe, and the traditional and contemporary relationship between Te Ātiawa iwi and fresh water resources sustained.¹⁴⁸

Four objectives flow from this, each with a suite of practical policies to address each priority area:

- *Objective 1:* The quality of fresh water throughout the rohe will be a priority outcome for the community and for all of the managers of the rohe.
- *Objective 2:* The sustainable flow of all fresh water water-courses will be a priority outcome for managers.
- *Objective 3:* The integrity of in-stream and riparian habitats, which forms the ecosystem of waterways and of terrestrial wetlands, will be maintained throughout the rohe.
- *Objective 4:* Te Ātiawa iwi will be able to freely participate in both traditional and contemporary cultural practices, in engaging the fresh water resources of the rohe.¹⁴⁹

The Plan outlines threats to the mauri of the freshwater resources of the rohe, including physical impacts such as discharges, damming and diversion, nitrogen and phosphorus, exotic species, and an intangible but highly significant threat: the application of economic value to water.¹⁵⁰

Management methods are identified to support Te Ātiawa in advancing the objectives of this Plan:

- Leadership and strategic planning;
- Relationships with management agencies and organisations;
- Participation in the freshwater work of the Marlborough District Council and Department of Conservation, including monitoring specific freshwater indicators and research partnerships;
- Capacity-building, including a mātauranga database, and wānanga;
- Advocacy to managing agencies and central government.¹⁵¹

Nelson Iwi Resource Management Advisory Komiti – Tangata whenua indicators for wai 2005

In September 2002 the Nelson Iwi Resource Management Advisory Komiti initiated a programme of work with Nelson City Council to develop tangata whenua environmental indicators for ngā taonga tuku iho ki Whakatū. The purpose of the indicators was to:

- Guide the management of taonga within the rohe according to tangata whenua customs and traditions;
- Apply local tikanga and mātauranga in the management of these taonga; and
- Work towards increasing the indigenous biodiversity of Nelson in a manner which is consistent with tangata whenua values and aspirations.

The intention was that the information generated through tangata whenua monitoring would assist the Council in its State of the Environment reporting.¹⁵²

The first stage – development of a tangata whenua world view statement – evolved to become integrated into *Ngā Taonga Tuku Iho ki Whakatū Management Plan 2004* (discussed below). Work

¹⁴⁸ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 47.

¹⁴⁹ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, pp 47-48.

¹⁵⁰ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, p 49.

¹⁵¹ Te Ātiawa o Te Waka-a-Māui, *Iwi Environmental Management Plan*, pp 49-51.

¹⁵² Nelson Iwi Resource Management Advisory Komiti, *Tangata whenua indicators for wai*, August 2005, p 40.

continued focusing specifically on tangata whenua environmental indicators for wai Māori, with funding support from the Pacific Development Conservation Trust.¹⁵³

The process to develop wai indicators included choosing a river – the Mahitahi/Maitai – to use as a case study, gathering background material, and considering management issues for wai. Test sites were selected from the upper, middle and lower reaches of the awa, and a tributary site identified as a comparison. Site visits were conducted in spring, summer and early winter to take account of seasonal fluctuations and other factors influencing the health of the river.¹⁵⁴

The project working group held hui to identify the characteristics of a healthy waterway environment:

Tohu (indicators) are important for determining both the health of ngā atua kaitiaki and the health of a waterway and its surrounding environment. The presence and / or abundance of tohu are signs of the ability of a waterway to support life.¹⁵⁵

A comprehensive list of elements was compiled as tohu of a healthy waterway, including indigenous plants, birds, fish and insects, geckos and skinks, flowing water, water temperature, and life on and under rocks. These elements provided the context for determining a suite of indicators for wai:

- Shape and form of river; Riverbank condition;
- Sediment in water / water clarity; Sediment on riverbed;
- Water flow; Water temperature;
- Insect and lizard life (abundance and diversity); Fish life (abundance and diversity); Riparian vegetation; Bird life (abundance and diversity);
- Mahinga kai or rongoā species present; Mahinga kai species are safe to eat;
- Wāhi tapu exist and remain intact; “Feeling in your puku”;
- Access; Use of the river; Use of river margin; Surrounding land use;
- Water is safe to drink; and Smell.¹⁵⁶

These indicators were trialled and assessed in comparison with the conventional Western science based indicators used in the council’s monitoring programme, to identify gaps and synergies.¹⁵⁷ The Komiti’s report concludes with recommendations indicating the direction tangata whenua wished to take to improve knowledge and awareness of wai in the Nelson rohe, including: assessments and surveys of fish, vegetation and harvesting; a tangata whenua database of values associated with the river; determining the condition of the aquifer associated with the river; information about storm water discharges; a whitebait management plan; and restoration and enhancement work.¹⁵⁸

Ngā Taonga Tuku Iho ki Whakatū – Management Plan 2004

This comprehensive Plan was prepared for five iwi: Ngāti Rārua Iwi Trust, Te Rūnanga o Toa Rangatira, Te Ātiawa Manawhenua ki Te Tau Ihu Trust, Ngāti Koata no Rangitoto ki Te Tonga Trust, and Ngāti Tama Manawhenua ki Te Tau Ihu Trust. The Plan opens with a world-view statement, an explanation of the beliefs and values of tangata whenua, with the aims:

- To address the lack of understanding within local authorities and communities;

¹⁵³ Nelson Iwi Resource Management Advisory Komiti, p 4.

¹⁵⁴ Nelson Iwi Resource Management Advisory Komiti, pp 28 and 32.

¹⁵⁵ Nelson Iwi Resource Management Advisory Komiti, p 29.

¹⁵⁶ Nelson Iwi Resource Management Advisory Komiti, p 32.

¹⁵⁷ Nelson Iwi Resource Management Advisory Komiti, pp 40-41.

¹⁵⁸ Nelson Iwi Resource Management Advisory Komiti, p 42.

- To raise awareness of the holistic way in which tangata whenua view the natural environment;
- To share information;
- To provide a foundation for development of tangata whenua environmental indicators;
- To guide development of policies, plans, protocols and agreements; and
- To assist with cultural impact assessments.¹⁵⁹

The Plan focuses on freshwater and water bodies as taonga within the realm of Tangaroa, and on water creatures under Tutewehiwehi, grandson of Tangaroa.¹⁶⁰ The key objectives are:

Water bodies are healthy and sustained to a level sufficient to:

- Preserve the mauri (life force) of the water body;
- Provide for tangata whenua cultural and spiritual values and customs and traditions;
- Provide sustenance for present and future generations; and
- Increase opportunities for tangata whenua to practice customs and traditions associated with the uri (descendants) of Tangaroa.¹⁶¹

These objectives are to be achieved through a range of policies, including several for the Nelson City Council. Other policies focus on restoration and enhancement, plant and animal pests, and discharges, biological controls and poisons. Policies focusing on iwi aspirations address the practice of customs and traditions, wāhi tapu, retention of intellectual property, and priority for customary use of ngā taonga tuku iho associated with Tangaroa.¹⁶²

The Plan sets out actions to implement these policies. The first action is a crucial step to align the various policy, regulatory and planning frameworks – to ensure that customary fishing regulations, eel management plans and iwi environmental management plans are integral to Nelson City Council’s plans, policies and regulations. Earlier, the Plan notes that various agencies with responsibilities for water management each have their own statutory objectives and obligations, different stakeholders and timelines. Tangata whenua are concerned at the potential for issues to fall in between agency jurisdictions.¹⁶³

Other actions call for prioritisation of restoration and enhancement work, environmental indicators and monitoring, mapping, measures to protect waterways from grazing animals, a whitebait management plan, and a heritage protection policy for wāhi tapu associated with water.¹⁶⁴

The kaupapa for mahinga kai are set out within the realms of the atua Rongomātāne and Haumietiketike.¹⁶⁵ The key objectives for these realms are:

- Mahinga kai populations and associated habitats are healthy and able to provide sustenance to tangata whenua; and
- Tangata whenua have access to culturally important mahinga kai.¹⁶⁶

¹⁵⁹ Ursula Passl, Ngā Taonga Tuku Iho ki Whakatu Management Plan, June 2004, p 4.

¹⁶⁰ Passl, p 62.

¹⁶¹ Passl, p 67.

¹⁶² Passl, pp 67-68.

¹⁶³ Passl, p 62.

¹⁶⁴ Passl, pp 68-69.

¹⁶⁵ Passl, p 71. Both these atua are responsible for peace and manaakitanga, including hospitality and generosity, with Rongomatane the guardian of cultivated foods, and Haumietiketike the guardian of uncultivated or wild foods.

¹⁶⁶ Passl, p 74.

A comprehensive range of policies are outlined to support these objectives, including establishing reserves as a storehouse for indigenous plants and creatures, and identifying new areas for customary use. Further policies focus on access, customary harvesting, and raising awareness of the kaitiaki role of tangata whenua. Actions to achieve these outcomes include developing indicators to monitor the health and wellbeing of ngā taonga of Rongomatane and Haumietiketike.¹⁶⁷

The Plan also provides detailed guidelines for consultation, including advice on kanohi ki te kanohi or face to face meetings, scale and timing of consultation, information flows, and cost recovery.¹⁶⁸ The Plan is clear on the need for appropriate resourcing to support participation by tangata whenua:

Participation in resource management processes is a cost to tangata whenua. Although current legislation contains provision for tangata whenua involvement, no national provision has been made to finance this participation. Therefore, tangata whenua face considerable financial constraints and rely upon cost recovery to function.¹⁶⁹

Ngāti Koata No Rangitoto Ki Te Tonga Trust – Iwi Management Plan, 2002170

The Plan opens with a clear statement of Ngāti Koata expectations of local authorities and government agencies:

It is important to note that the Crown delegated its Treaty responsibilities to Regional and District Authorities without the consent of the other Treaty partner, in this case Ngāti Koata. Ngāti Koata must stress that if true partnership is to flourish then Iwi need to be involved at the decision-making level.¹⁷¹

The context setting for this Plan also includes recognition of the mauri of all living things, and the customs and lore developed by Ngāti Koata to conserve, manage and protect water and other taonga. Kawa such as tapu, rāhui, mana, kaitiakitanga and mauri ensured that resources were managed sustainably, and hold the same validity today. The Plan notes that:

The Ngāti Koata approach to environmental management incorporates the needs and values of people and recognises the interrelated nature of the natural world. Hence, individual chapters of this Plan cannot be read in isolation from the others.¹⁷²

The Plan identifies three major issues for freshwater management: the discharge of contaminants, in particular sewage; allocation of water resources and the effects of over-allocation; and management of groundwater resources, and the demands of viticulture and other rural users. These issues are addressed under two objectives:

1. Maintenance and enhancement of freshwater aquatic ecosystems and the management of the effects of activities on water quality in wetlands, lakes, rivers, groundwater and receiving coastal waters that enables:
 - a. Contact water recreation;

¹⁶⁷ Passl, pp 74-75.

¹⁶⁸ Passl, pp 76-80.

¹⁶⁹ Passl, p 80.

¹⁷⁰ Ngāti Koata No Rangitoto Ki Te Tonga Trust, *Iwi Management Plan*, 10 June 2002, pp 6 and 36. This Plan incorporates updates to the Ngāti Koata Coastal Plan presented to Marlborough District Council and other government agencies in 1993, and the iwi management plan prepared by Te Rūnanganui o te Waka a Māui Inc and provided to local authorities and government agencies in 1994. The Plan also cross-references to Marlborough District Council planning documents including the Regional Policy Statement.

¹⁷¹ Ngāti Koata Plan, p 6.

¹⁷² As above.

- b. Food gathering;
 - c. Cultural integrity; and
 - d. Biological / ecological life supporting capacity;
2. That the natural functioning and life supporting capacity of ecosystems is not disrupted by discharges into, the taking, use, damming and diversion of fresh surface water or groundwater.¹⁷³

The Plan sets out clear policies to achieve these objectives, providing for Ngāti Koata involvement in decision-making processes, and for a precautionary approach towards water allocation. Ngāti Koata set out a process for consideration of requests to take water:

1. Recognition of the Treaty of Waitangi;
2. Waterway to have been measured to allow calculation of the available flow;
3. Consultation over the amount of water to be taken;
4. When the calculated flow reaches 35% level of take, that consultation with Ngāti Koata be full and proper, with an agreement to be reached with Ngāti Koata if any proposed take exceeds the 35% flow.

Methods established under the Plan include prohibition of discharges of untreated human sewage into freshwater, and rules and standards relating to discharges to land which affect water quality. The Plan encourages Marlborough District Council to establish alternative systems (rain water storage, efficient use and water conservation) to reduce reliance on groundwater abstraction during periods of low seasonal flow. The Plan includes an emphasis on monitoring flows and levels of freshwater bodies, using a range of environmental indicators. Monitoring native fish populations and the presence and wellbeing of native birds is identified as particularly relevant for mahinga kai and for determining mauri.¹⁷⁴

Te Ātiawa Manawhenua Ki Te Tau Ihu Trust – Environmental Management Plan 2001

This earlier Environmental Management Plan of Te Ātiawa was developed across the rohe from Motueka to Waikawa. It includes discussion of the principles and values underpinning tikanga Māori. The Plan recognises that each whānau of Te Ātiawa has their own views on their relationship with the natural environment: 'Ultimately it is the whānau who decide what their values are and how each value applies in their particular context.'¹⁷⁵

The Plan explains the significance of water to tangata whenua, and the fundamental importance of maintaining mauri through customary lore and tikanga.¹⁷⁶ Te Ātiawa hold that Article II of the Treaty of Waitangi provides them with undisturbed possession of fresh water resources, but the Crown has assumed possession of waterways and wetlands, undermining the mana of Te Ātiawa as rangatira and kaitiaki. The losses post 1840 are acknowledged:

Changes in land use resulted in the eventual depletion and destruction of many traditional mahinga kai... Throughout the region, taonga and wāhi tapu or sacred places have been destroyed, depleted or desecrated without reference to Te Ātiawa... Draining swamps for farms and using streams for flour and flax mills have modified many smaller inland waterways. Timber milling and gold mining have destroyed the habitat of many birds, plants and fish, with

¹⁷³ Ngāti Koata Plan, p 32.

¹⁷⁴ Ngāti Koata Plan, pp 32-35.

¹⁷⁵ Te Ātiawa Manawhenua Ki Te Tau Ihu, *Environmental Management Plan*, December 2001, p 10.

¹⁷⁶ Te Ātiawa Plan 2001, p 16.

the extensive modification of lowland forests and associated waterways. Debris from mills and human waste has polluted the waterways. Restrictions have been imposed on hunting and fishing, and acclimatisation societies have introduced exotic species which compete with indigenous fish for habitat. The creation of reserves and the application of riparian rights made no allowance for Te Ātiawa interests, such as continued kaitiaki rights over mahinga kai and continued customary use of associated shellfish beds or eel fisheries.¹⁷⁷

Te Ātiawa noted that before the time of writing of this Plan in 2001, they were excluded from resource management processes. They noted that a shift was occurring at that time, where agencies were required to take more account of iwi interests in planning, policies and resource management, but the Plan acknowledges that there remain 'serious impediments to the ability of Te Ātiawa to fully participate in such processes.'¹⁷⁸

Chapter 8 of the 2001 Te Ātiawa Plan sets out key issues and matters of concern. The objectives and methods are intended to assist Crown agencies and local councils to fulfil their statutory responsibilities, although the Plan relies on the willingness of these agencies to act with integrity and good faith and to realise their Treaty responsibilities when managing natural resources in the rohe.

Key areas and issues of concern relating to water are identified:¹⁷⁹

- *Water body management:* The Plan highlights the lack of recognition and acceptance of Te Ātiawa's rangatira and kaitiaki role in relation to freshwater resources, the lack of their involvement in management, and the lack of integrated management.
- *Water quantity and quality:* Water levels need to be sufficient to ensure protection of the mauri and mana of the water and its associated ecology, and to allow practice of customs and traditions. Te Ātiawa record their concern about the discharge of contaminants into water with impacts on mahinga kai.
- *Viticulture:* Increased viticulture in Marlborough has brought a rise in water permit applications. The iwi question whether the Wairau aquifer can sustain this over the long term.
- *Draining, damming and diverting water:* Issues include fish migration, introduced species, altering natural sedimentation processes, cross mixing of waters, and wetland draining.
- *Vegetation changes:* Issues include reductions in the natural shading and filtering capacities of riparian areas, removal of weeds from waterways, and replanting with willow and other exotic species.
- *River works – gravel and sand extraction:* These works have caused the loss of mahinga kai resources, siltation and discolouration of the water, and impacted the beds of rivers. Gravel extraction can lead to channelling and realignment, causing riverbank erosion and loss of habitat for native freshwater fish.
- *Introduction of exotic species:* These fish and plants compete with native fish species and impact freshwater habitats.

The Plan's Objectives to address these issues provide for customary practices of kaitiakitanga in management and planning processes, and for management regimes which protect customary fisheries and give effect to kaitiakitanga in river environments. Raising community understanding and

¹⁷⁷ Te Ātiawa Plan 2001, p 37.

¹⁷⁸ As above.

¹⁷⁹ Te Ātiawa Plan 2001, pp 47-49.

awareness of kaitiakitanga and tikanga for water is also important. Methods of implementation include:

- Iwi participation in water management, setting conditions, and monitoring;
- Transfers of powers and functions, delegations of authority, negotiated agreements and / or contracts for service that support iwi to express their responsibilities as kaitiaki;
- Mechanisms and plan provisions to support the use of tikanga practices, customary ecological indicators, and traditional management tools such as rahui and tapu;
- A database of mātauranga to be developed in partnership with Te Ātiawa;
- Research and monitoring programmes to be developed in partnership with Te Ātiawa;
- Upskilling Te Ātiawa knowledge through wānanga and practical experience.¹⁸⁰

Input from ngā iwi to projects of councils and other agencies

While the priority for ngā iwi can be to develop their own positions, plans and policies for freshwater and other taonga, the work and statutory responsibilities of the three unitary authorities of Te Tau Ihu, Department of Conservation and other agencies increasingly impose significant requirements for input from mana whenua. The contributions of whānau, hapū, iwi and Taiao Practitioners to these initiatives and to RMA processes are another source of valuable information for councils and iwi to work together in partnership for the effective implementation of Te Mana o te Wai and the NPS-FM 2020.

Ngāti Kuia, Te Hoiere Project – A case for involvement, 2019

The Kotahitanga mo te Taiao initiative (KMTT) is a collaboration between local government, the Department of Conservation and ngā iwi to strategically prioritise conservation work across the top of the South Island. Ngāti Kuia have been involved as signatories from the programme's inception in July 2019.

The Te Hoiere Project focuses around the KMTT strategic directions and policy for the Mt Richmond area and the wider Marlborough Sounds. Ngāti Kuia were involved in setting the boundaries of the project to align with the iwi's world view and priority kaupapa, including giving priority to Te Hoiere as the tūpuna awa. Ngāti Kuia undertook a careful analysis of the benefits anticipated from the project, including how the project meets Crown Treaty responsibilities and supports iwi objectives.¹⁸¹

The report assesses the project in relation to Ngāti Kuia's strategic plan, noting support from the Board and the project's incorporation in the iwi's annual planning. The project is evaluated as contributing to ongoing commercial development options, including building expertise and skills for whānau 'to gain returns from their whenua through low impact activities with multiple product potential.' The project includes a native plant nursery to support planting of whānau lands, and provides for whānau to exercise kaitiakitanga throughout Te Hoiere catchment.¹⁸²

Actions identified for this project to support the Ngāti Kuia long term strategic plan include:

- Advocacy for Te Mana o te Wai at a council policy level and with the Ministry for the Environment review of the NPS Freshwater Management and RMA policy;
- Develop the meaning of Te Mana o te Wai in the Ngāti Kuia Iwi Management Plan;

¹⁸⁰ Te Ātiawa Plan 2001, pp 49-50.

¹⁸¹ Ngāti Kuia, *Te Hoiere – A case for involvement*, 3 October 2019, p 1.

¹⁸² Ngāti Kuia, *Te Hoiere*, p 3.

- Improved skills, experience and work opportunities for kaitiaki, including cultural health monitoring;
- Cultural footprint mapping and engagement with whānau on Taiao values; and
- Identify community projects for Ngāti Kuia involvement.¹⁸³

Manawhenua ki Mohua – Manawhenua Mātauranga Report for the Tākaka Catchments 2019

Ngāti Tama, Ngāti Rārua and Te Ātiawa, the three manawhenua iwi who whakapapa to Mohua and maintain ahi-ka-roa of this rohe – Manawhenua ki Mohua – were contracted by Tasman District Council to articulate the cultural significance of the Tākaka catchments,¹⁸⁴ and associated iwi expectations for management of ngā taonga within an integrated catchment management approach.¹⁸⁵ The report is an expression of kaitiakitanga, with the purposes to:

- Identify and document Manawhenua ki Mohua values, moemoeā or aspirations, and recommendations for managing ngā taonga tuku iho within the Tākaka catchments;
- Incorporate Manawhenua ki Mohua mātauranga associated with ngā taonga tuku iho within the council management plan for the catchments;
- Build upon the current relationship between Manawhenua ki Mohua and the Council to work towards achieving a greater level of trust, respect, mana and support in the management of ngā taonga tuku iho in the catchments;
- Enable Manawhenua ki Mohua to exercise manawhenua and manamoana over the catchments.¹⁸⁶

Manawhenua ki Mohua intend that the report will be used to achieve positive and meaningful cultural and environmental outcomes. To this end ngā iwi note the importance of manawhenua participation in decision making relating to management of catchment hauora or health.

Two principles are identified as underpinning catchment management:

- Te Mana o Te Wai – the first right to wai is to wai itself. For manawhenua, the importance of protecting the intrinsic nature of wai cannot be overstated. Wai is imbued with wairua, mauri and mana, and any change in the flow and energy of wai changes the hauora and personality of a water body. Ngā wai within the Tākaka catchment are life forms in their own right, and have a fundamental nature and identity of their own.
- Ki uta ki tai – the flow of wai from ngā maunga to ngā moana, recognising the Tākaka catchments as an integrated whole. In order to safeguard the integrity of wai, manawhenua consider it is essential that all activities within the catchments are managed in an integrated way.¹⁸⁷

The report covers the values associated with wai and the ancestral relationship, wāhi tapu and wāhi taonga, customary use and kaitiakitanga. These place Te Mana o Te Wai at the centre of decision making, along with reciprocity, which guide the relationship of manawhenua with ngā taonga. A diagram shows the attributes of a catchment with a healthy wairua and mauri: Flowing water,

¹⁸³ Ngāti Kuia, *Te Hoiere*, pp 4-5.

¹⁸⁴ The Tākaka Catchments fall within the Tākaka Freshwater Management Unit (FMU) established under the NPS Freshwater Management 2014.

¹⁸⁵ Manawhenua ki Mohua, *Manawhenua Mātauranga Report for the Tākaka Catchments*, June 2018, p 5.

¹⁸⁶ Manawhenua ki Mohua, *Manawhenua Mātauranga Report*, pp 5-6.

¹⁸⁷ Manawhenua ki Mohua, *Manawhenua Mātauranga Report*, pp 16 and 20.

Indigenous vegetation, Habitats for taonga species, and Cultural relationships with ngā taonga including customary materials, flourishing mahinga kai, and protection of wāhi tapu.¹⁸⁸

Te Ātiawa – Waitohi and Waikawa Streams Characterisation Study 2018

In 2018 Te Ātiawa undertook an assessment of the cultural and historical significance of the Waitohi and Waikawa Streams. The cultural values report was combined with a scientific report on the streams' water quality from Marlborough District Council.¹⁸⁹ The council monitoring included a range of contaminants, turbidity and sediment, heavy metals, fish, eels and macroinvertebrates.

The cultural assessment includes detailed information on the history of the area and its importance to Te Ātiawa, from earliest times through to the arrival of European settlers and the 20th century changes to ngā awa and their surrounding environments:

Post European settlement, and the displacement of Te Ātiawa from Picton, the banks of the Waitohi were developed and its waters polluted by urban and industrial developments...

Over the past 70 years, the Waitohi Lagoon has been progressively filled in, totally changing the character of the lower Waitohi River, with the main reclamation, to enable the development of the rail yards, occurring in 1971. Ultimately, the lower reaches of the Waitohi River have been extensively culverted, with the seaward end discharging into the Picton Harbour adjacent to the Interislander Ferry Terminal.¹⁹⁰

The Streams study is a clear statement of Te Ātiawa's close association with these waterways, and of their commitment as kaitiaki to ensure that the environment is sustainably managed for future generations. The combination of cultural indicators with the scientific monitoring data establishes a baseline as to the state of health of these waterways, and provides a benchmark for the iwi to seek improvements and enhancement work.¹⁹¹

Values and Attributes for Freshwater in Nelson 2017

The Nelson City Council commissioned a report to support development of the Freshwater chapter of the new Nelson combined plan, Whakamāhere Whakatū Nelson Plan, which incorporates the territorial and regional planning provisions of the council's dual responsibilities as a unitary authority.¹⁹² The report, by the Catalyst Group, documents the process of defining freshwater values for the requirements of the NPS Freshwater Management 2014, including values for the five Freshwater Management Units (FMUs) in the council's territory.¹⁹³

The NPS-FM 2014 key requirements for unitary authorities included taking an integrated approach to managing land use, freshwater, and coastal water, and involving iwi and hapū in decision making and management of freshwater. The report acknowledges that:

¹⁸⁸ Manawhenua ki Mohua, *Manawhenua Mātauranga Report*, p 20.

¹⁸⁹ Te Ātiawa Manawhenua Ki Te Tau Ihu Trust and Marlborough District Council, *Waitohi and Waikawa Streams Characterisation Study*, August 2018.

¹⁹⁰ Te Ātiawa, *Waitohi and Waikawa Streams*, pp 4 and 19.

¹⁹¹ Te Ātiawa, *Waitohi and Waikawa Streams*, p 19.

¹⁹² The draft Nelson Plan was released in October 2020 for public feedback. Another phase of engagement will be undertaken in 2021- <http://www.nelson.govt.nz/environment/nelson-plan/overview/>

¹⁹³ Kate McArthur and Alistair Beveridge, the Catalyst Group, *Values and Attributes for Freshwater in Nelson: Technical report to support the development of the Nelson Plan*, 14 March 2017.

While Nelson City Council are the final decision-makers with respect to implementation of the NPS-FM through the Nelson Plan process, any decisions made must include tangata whenua partners.¹⁹⁴

A collaborative process was undertaken with considerable input from tangata whenua and the community, to develop understanding of the values¹⁹⁵ and attributes of each FMU and the objectives and limits for freshwater management in each. Ngā iwi engagement was through an iwi working group and participation in the FMU groups. The iwi working group provided a definition for Te Mana o te Wai for tangata whenua o Te Tau Ihu o te Waka-a-Māui:

Mana is an inward flowing force. For wai to have mana, people have to recognise and value the water – it has to be embraced and acknowledged. For example, the Whanganui River settlement provides the river with the protection of a person, as a recognised entity it has mana. Once the wai had been degraded the true mana o te wai will be realised (people don't know what they have until it's gone). Wai has common whakapapa to us all, we are all made of it. Wai unites all living things.¹⁹⁶

The iwi working group developed tangata whenua values for Whakatū Nelson, and worked to reflect the characteristics of each value using local tikanga, kawa and mātauranga, discussing how the values could be brought to life in the Plan, and could influence council processes and relationships with iwi beyond the Plan. Integration of regional values with the nationally-defined values set in the NPS raised some concern that the values of ngā iwi may not be accurately reflected, and the local identity of people and place could be lost.¹⁹⁷ The process eventually produced a range of values for the whole Nelson area, including 11 new values beyond the options on the national NPS list, and 5 new tangata whenua values with 19 sub-values.¹⁹⁸

- New Nelson-wide values: Kaitiakitanga; Mauri; Wairua; Mana; Threatened species habitat; Īnanga spawning; Natural state; Wai Māori; Aesthetics; Public access; Existing infrastructure; Flood control and drainage;
- Nelson-wide tangata whenua values:
 - Kaitiakitanga – overarching freshwater value linked to all other values;
 - Kaitiakitanga, Mauri, Wairua and Mana – with supporting values identified for Pakohe; Taonga; Kaitiaki species, Tohu species, Taonga species, Iconic species, Kai species and Taniwha; Whakapapa – freshwater with land and coast; Fish passage; Tūpuna awa; and Mahinga kai;
 - Mauri – with supporting values identified for Natural character and capital; Ecosystem health; Recreation; Swimming, washing and cleansing; and Wai Māori;
 - Wairua – with supporting values identified for Karaka and wairuatanga; Sensory and aesthetic values; History and heritage; and Rongoā and healing properties;
 - Mana – with supporting values identified for Access; He ara haere – navigation; and Manaakitanga.

¹⁹⁴ Nelson Plan report, p 5.

¹⁹⁵ The NPS-FM 2014 included compulsory national values and a list of further national values including mahinga kai, fishing, wai tapu and transport and tauranga waka. Regions could add any other locally identified values or uses of freshwater into their plans.

¹⁹⁶ Nelson Plan report, p 7.

¹⁹⁷ Nelson Plan report, pp 12-13.

¹⁹⁸ Nelson Plan report, pp 15-26.

The report acknowledges that further work is needed to integrate information from Statutory Acknowledgements, Deeds of Settlement and Iwi Management Plans, and to continue discussions with ngā iwi to provide meaningful outcomes for the tangata whenua values identified.

Mahinga kai values apply across all waterways of Nelson, with some species identified in particular rivers, such as tuna in the Mahitahi / Maitai). The iwi working group also identified a linkage between the mauri of a place and its suitability for mahinga kai:

Sustainability of native fish is of particular concern to tangata whenua and there is a clear recognition ... that good ecological health is needed to enable mahinga kai practices.¹⁹⁹

Wai Māori is defined by the iwi working group as drinkable water that encompasses the aspirations of tangata whenua and the wider community to drink natural water directly from the source (river or stream). This is linked to the values of mahinga kai, manaakitanga, wairuatanga and tika:

Wai Māori is a value more holistic than just the potability of water. It encompasses aspects of fresh water that include naturalness, intact mauri and the relationship between tangata whenua and their ancestral waters... Treated municipal drinking water may be potable, but it is not necessarily Wai Māori.²⁰⁰

Integrated Catchment Management Research Programme 2000-2011

This suite of research projects was led by Landcare Research,²⁰¹ and addressed a wide range of issues including allocation of water resources, groundwater dynamics, water use economics, land uses, impacts on river and coastal ecosystems, gravel extraction, freshwater fish impacts, collaborative learning and community action.

The programme researchers worked with Motueka iwi Te Ātiawa, Ngāti Rārua and Ngāti Tama through Tiakina Te Taiao to develop guidelines for iwi consultation and GIS information systems. The three iwi identified issues with collecting information for Iwi Management Plans, defining processes for Cultural Impact Assessments, input to resource consent decisions, and management of contaminated sites.

Researchers from the Cawthron Institute working on new indicators of river ecosystem health led to comparative work between scientific indicators and cultural indicators determined by local iwi in the Motueka and Riuwaka catchments. The two systems of monitoring and assessment were found to provide complementary understandings of freshwater ecosystems.²⁰²

Tiakina te Taiao – Cultural Impact Assessment: Managing waterways in the Tasman District 2011

This cultural impact assessment (CIA) was undertaken for Ngāti Koata, Ngāti Rārua, Ngāti Tama and Te Ātiawa, to provide the Tasman District Council with an appraisal of key effects on manawhenua cultural values of activities proposed in its global river works resource consent.²⁰³ The proposed river works would directly impact on manawhenua values associated with wai. The CIA provides an

¹⁹⁹ Nelson Plan report, pp 39-40.

²⁰⁰ Nelson Plan report, pp 42-43.

²⁰¹ Andrew Fenemor, Landcare Research, Integrated Catchment Management for the Motueka River: A Summary of Outcomes and selected formal publications from the Integrated Catchment Management (ICM) research programme, 2013.

²⁰² Fenemor, pp 11-12.

²⁰³ Tiakina te Taiao, A cultural impact assessment: Managing waterways in the Tasman District, April 2011..

overview of the manawhenua values associated with wai, identifying both spiritual and physical elements.

The CIA is framed within the interconnected nature of water catchments, in contrast to the council river works approach which was concerned solely with minimising and preventing damage by floods and erosion. The river works objectives and activities reflected a '1940s ideology':

Key activities relate to maintaining sections of waterways – stop banks, fairways, berms, willow bank and rock bank protection, and drainage... This approach to river management was introduced in the 1940s... Many of the capital works, such as the stop bank schemes which are still being maintained by the Council, were introduced in the 1950s and 1960s. The widespread use of willows to stabilise river banks and minimise soil erosion also became an entrenched practice from this time onwards.²⁰⁴

This engineering mindset was evident through the council's river erosion protection and flood mitigation operations, with no apparent alignment or links with other council programmes for improving water quality, protecting indigenous vegetation, and managing riparian margins and habitats. The CIA notes that widely available information on integrated catchment management was 'not apparent' in council river management practices.

The CIA goes on to assess council performance in relation to mana whenua, finding that for many years, work on the waterways of the district has been carried out 'with little or no consideration of manawhenua iwi values or concerns.'²⁰⁵ Wāhi tapu associated with wai have been destroyed or damaged, with the loss of mātauranga associated with those places. The mauri and wairua of wai have been directly impacted by heavy machinery, sediment discharge and weed control methods. Highly productive ecosystems and wetlands have been lost due to changing land use and decades of river management works focused on stop banks and rock walls.²⁰⁶

The CIA acknowledges that information flows and involvement of manawhenua iwi have improved. However, ngā iwi were not at the decision-making table, and were not able to contribute to key council processes such as the River Activity Management Plan 2009. Information provided by the council was irregular and not comprehensive enough to gauge the impacts on manawhenua iwi values. There has been a lack of council awareness and understanding, and the iwi are concerned that the methods of managing water are contrary to their expectations and aspirations.²⁰⁷

The CIA refers to the Crown's Treaty of Waitangi responsibilities including the principle of partnership:

This principle applies to the Tasman District Council with the delegated responsibility of coordinating the management of natural resources such as water on behalf of the Crown. Consultation with manawhenua iwi on matters within their mana (authority) and participation at the decision-making table is central to achieving recognition of tino rangatiratanga... Māori have a unique relationship with government. The Treaty obliges government to ensure that Māori are involved in making decisions on matters that affect them. It also means that government must take positive steps to ensure that Māori interests are protected.²⁰⁸

²⁰⁴ Tasman CIA, pp 4 and 10.

²⁰⁵ Tasman CIA, p 13.

²⁰⁶ Tasman CIA, pp 14-16.

²⁰⁷ Tasman CIA, pp 13-14.

²⁰⁸ Tasman CIA, p 13.

The CIA provides recommendations to address these issues, acknowledging the council's legal obligation to take positive steps to ensure that manawhenua iwi interests are protected, and highlighting opportunities for benefits if the council works together with ngā iwi. The recommendations focus on ways for manawhenua to participate in waterway management including: policy and planning processes, practical methods such as regular hui, regular reviews of resource consent conditions, workshops, site visits, cultural health monitoring, and protocols for wāhi tapu. The CIA highlights the importance of integrated catchment management to improve the protection of manawhenua iwi values.²⁰⁹

Tiakina te Taiao – Motueka River Cultural Values Report 2010

This report was prepared in response to Tasman District Council's proposals for control works for the Motueka floodplain, and concern from the community and mana whenua at the possible options including a replacement stop bank (\$24 million) or gravel extraction.²¹⁰ Tiakina te Taiao was commissioned to identify the key areas of risk from a cultural values perspective.

The report includes an overview of cultural values and areas of significance across the whole catchment ki uta ki tai, on the principle that what happens in the catchment affects what happens on the floodplain. The approach is holistic and focuses on the connections as well as the parts; it is a systems approach which looks at natural resources in an integrated way.²¹¹

Like the Tasman CIA above, this report references the Treaty of Waitangi and the guarantee under Article II of tangata whenua rights in natural resources. For the Motueka River the right to issue water rights and gravel extraction permits has been assumed by local authorities. This does not align with the values of ngā iwi who hold to a reciprocity principle where what one takes from the river one gives back to a similar or greater level, to maintain and enhance the productive mauri and spiritual wairua. The council's approach to river management is within a narrowly extractive, single dimensional framework, creating problems with allocation and over allocation of water and impacts on coastal and groundwater processes. The report advises that a more holistic approach would address such negative outcomes and allow realisation of greater enhancement and economic opportunities.²¹²

The Tiakina working party concludes that over time there has been a gradual, cumulative loss in the cultural values of the river:

The wairua of the Motueka can be described as the spiritual connection between the people and the river (and the land it travels through). This connection has been severed... It still exists but in a degraded state.²¹³

The report offers recommendations to support future management of the river, including any development of flood control measures, within a holistic and multi-dimensional way of thinking. Recommendations provide for:

- A joint monitoring programme using cultural health indices developed by Tiakina alongside council scientists to give a fuller view of the health of the river;
- Joint management of the Motueka River under the Treaty guarantee;

²⁰⁹ Tasman CIA, pp 19-23.

²¹⁰ Dean Walker and Wayne Bunt, Kawatiri Resource Management for Tiakina te Taiao, *Motueka River Cultural Values Report*, 9 July 2010, pp 4-5.

²¹¹ Walker and Bunt, pp 5 and 8.

²¹² Walker and Bunt, pp 21-22.

²¹³ Walker and Bunt, p 30.

- Development of an integrated Motueka Catchment Management Plan;
- A cultural impact assessment of any proposed flood control plan;
- Adoption of sites for restoration to something towards the pre-European ecosystem;
- A review of the royalties system for water and gravel extraction from the river;
- Iwi monitors to be present during earthworks and river works, to deal properly with any discoveries of artefacts and taonga.²¹⁴

Other legal mechanisms taken by iwi to protect manawhenua values in wai

Two further initiatives are briefly noted as examples where ngā iwi have utilised statutory and governmental processes to address their concerns about management of water and water bodies in the rohe.

Te Waikoropupū Springs Water Conservation Order 2020-2021

In 2017 an application was lodged by Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill for a Water Conservation Order (WCO) for Te Waikoropupū Springs and associated water bodies including the aquifers, Tākaka River and tributaries. A Special Tribunal was convened to consider the application. Evidence provided by iwi representatives included statements of the immense significance of Te Waikoropupū to mana whenua, and assertions of the ahi-kā-roa and kaitiakitanga of Ngāti Tama, acknowledging the 2005 designation of Te Waikoropupū Springs as a Wāhi Tapu by the NZ Historic Places Trust, the only Wāhi Tapu with this formal recognition in Te Taihū.²¹⁵

In March 2020 the Environmental Protection Authority, which has responsibility for assessing WCOs, released the report of the Special Tribunal.²¹⁶ The Tribunal recommended that the WCO be granted over the Arthur Marble aquifer and Te Waikoropupū Springs, and also the headwaters of the Tākaka River and its surface water tributaries including the Waingaro River. The draft WCO provided controls on water abstraction and discharges to protect aquifer pressure and water quality.

However, ten parties have since lodged appeals with the Environment Court, including NZ King Salmon, Federated Farmers, Upper Tākaka Irrigators, Tasman District Council and the applicants, necessitating an inquiry.²¹⁷

Two WCOs have been established for rivers in Te Tau Ihu – the Buller River (2001) and the Motueka River (2004). The Motueka WCO includes provisions that the quality, quantity, level and rate of flow of identified waters are to be retained in their natural state and protective controls on damming, alterations of river flows and form, and fish passage.²¹⁸

²¹⁴ Walker and Bunt, pp 31-33.

²¹⁵ Statement of evidence of Margaret Little on behalf of Ngāti Tama Ki Te Waipounamu Trust and Andrew Yuill, 28 March 2018, p 2.

²¹⁶ <https://www.epa.govt.nz/public-consultations/decided/te-waikoropupu-springs/special-tribunals-recommendation-report/>

²¹⁷ <https://www.epa.govt.nz/public-consultations/decided/te-waikoropupu-springs/documents-lodged-with-the-environment-court/>

²¹⁸ <https://www.legislation.govt.nz/regulation/public/2004/0258/latest/DLM280920.html>

Te Tau Ihu Mahi Tuna – Eel Management Area Plan 1999

This Plan was prepared by the Eel Management Committee of Te Tau Ihu,²¹⁹ with the purpose to ensure the sustainability of the eel fishery through good management, which provides for a customary, recreational and commercial harvest.²²⁰

The Plan sets out extensive evidence of the importance of tuna as mahinga kai for ngā tūpuna and for whānau, hapū and iwi in modern times. The information focuses on customary rights and practices, and references the Treaty of Waitangi and the guarantee of rights under Article II:

The words “their fisheries” in the Treaty refers to the right to fish, places where the fish are caught, the activity and business of fishing, and includes the fish that was caught (Waitangi Tribunal 1988). Waitangi Tribunal reports and rulings of the Courts found that Māori fishing rights have endured through to the present day.²²¹

The Plan includes specific recommendations for the committee’s participation in local authority consent applications pertaining to eel sustainability and habitat, recreational fishers, government agencies, wetlands, weed clearing, channelling and flood protection works, gravel and sand removal, dams and weirs, and pump stations and control gates.²²²

The overall summary of the recommendations focuses on:

- Education on the life cycle and habitat of tuna, and the customary rights of mana whenua;
- Remedial action to remove obstacles to eel movements;
- Research into the eel itself and the effects on eel habitat of pastoral practices, upstream forestry, agrichemicals, pollution and aquaculture;
- Retention and protection of habitats, especially the few remaining wetlands, through legislation;
- Monitoring and remedial action for riparian and in-stream work; and
- Enforcement of regulations, permits and limits.

²¹⁹ This section follows the spelling: Te Tau Ihu, as used in the original report.

²²⁰ Te Tau Ihu Mahi Tuna Eel Management Committee, *Eel Management Area Plan*, 1999, p ii.

²²¹ Eel Plan, p 8.

²²² Eel Plan, pp 19, 22-23, 36-46.

APPENDIX THREE: FACT SHEET TE TAUHU TE MANA O TE WAI PROJECT

Te Tau Ihu Iwi Collaborative Project

Giving effect to Te Mana o te Wai

Why are we working on this project?

The protection and enhancement of the mauri of freshwater is one of the highest priorities for all Te Tau Ihu Iwi

New national directions from Government include requirements that councils:

- Manage freshwater in a way that gives effect to Te Mana o te Wai, and
- actively involve tangata whenua in freshwater management

This presents a significant opportunity for iwi to work collectively and proactively to co-design with councils how the Te Mana o te Wai provisions in the new national directions will be given effect to in Te Tau Ihu.

What are the new national directions (the 'NPS-FM')?

The 'NPS-FM' is the National Policy Statement for Freshwater Management 2020. It contains mandatory Government requirements for councils on how to manage freshwater under the RMA.

The NPS-FM contains a hierarchy for freshwater management:

- First, protection of the health and well-being of water bodies and freshwater ecosystems
- Second, the health needs of people (such as drinking water)
- Third, the ability of people to provide for the social, economic and cultural well-being, now and in the future.

Te Mana o te Wai is a fundamental concept in the NPS-FM.

How will this project support giving effect to Te Mana o te Wai in Te Tau Ihu?

Stage One of this project involves the development of an Iwi 'current state' report, which will:

- introduce the Iwi of Te Tau Ihu
- Contain a summary of existing relationships of Iwi with their waters and Iwi understandings of Te Mana o te Wai
- Discuss the Iwi perspective of the current relationships with councils in relation to freshwater management; including: what is working well, current challenges and gaps
- Identify the current capacity and capability of Iwi to participate in freshwater management

The Project Team will also encourage councils to analyse their perspectives of Te Mana o te Wai and how this fits into their current freshwater management framework.

During Stage Two the project team will work with councils to:

- o Define a planning framework for Te Mana o te Wai
- o Identify the tools, resources, capacity and capability needed to achieve outcomes
- o Oversee the implementation of the framework

Mātauranga-led, catchment focused discussions with whānau and hapū will take place, as needed, to gain a better understanding of perceptions and expectations around Te Mana o Te Wai.

Who is involved?

The Te Tau Ihu Project Team includes:

- Tāiao representatives from Ngāti Tama, Ngāti Rāroua, Te Ātiawa, Ngāti Kūia, Ngāti Koata, Rangitāne and Ngāti Apa ki te Rā Tō
- Project manager Ursula Passi
- Report writer Dr Ronnie Cooper (Stage 1)

We will be working with Council staff from Tasman District Council, Nelson City Council and Marlborough District Council on this project.

Support is being provided to us by the Our Land and Water (OLW) National Science Challenge's working group 'Enacting Te Mana o te Wai through Mātauranga Māori', led by Tina Porou.

We are also grateful for the help of OLW's Te Kaihāpai Māori, Naomi Apero.

Timeframe

Stage One – completed by June 2021
Stage Two – commences July 2021

PROJECT AIMS

Stage One – gathering information

Stage Two – co-design planning framework for Te Mana o te Wai with councils

Outcomes sought

- increased Iwi participation in the management of freshwater
- protection and restoration of the mauri of wai