

**BEFORE THE HEARING PANEL**

IN THE MATTER of the Resource Management Act 1991

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IN THE MATTER of a submission by Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society on the Proposed Natural Resources Plan for the Wellington Region pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

A N D

IN THE MATTER of Hearing Stream Three – Water Allocation and Natural Form and Function

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**STATEMENT OF EVIDENCE OF JASON REUBEN WARENA KEREHI  
ON BEHALF OF RANGITĀNE TŪ MAI RĀ TRUST AND RANGITĀNE O WAIRARAPA**

**Dated 23 August 2017**

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## **1.0 INTRODUCTION**

- 1.1 My full name is Jason Reuben Warena Kerehi. I am the youngest son of Te Raako Warena Kerehi (Muaupoko me Ngāti Kuia) and Mere Rehutai Paku (Rangitāne o Wairarapa me Ngāti Kahungunu).
- 1.2 This is the Second Statement of Evidence that I have provided in support of a submission by Rangitāne Tū Mai Rā Trust (“the Trust”) and Rangitāne o Wairarapa Incorporated Society (“the Rūnanga”) on the Proposed Natural Resources Plan (“the Plan”) for the Wellington Region (“the submissions”).<sup>1</sup> The purpose of my evidence is to support the submissions in providing the Hearing Panel with a cultural Rangitāne perspective relative to the Hearing Stream Three topics.
- 1.3 Information regarding my whakapapa, background, education, involvement with the Greater Wellington Regional Council (“GWRC”), other relevant experiences and mahi and current roles is set out in my first Statement of Evidence dated 9 May 2017<sup>2</sup> (“first Statement of Evidence”) and will not be repeated here. However, I wish to mention that I was born in Masterton in 1967 and attended local schools through to the seventh form at Wairarapa College.
- 1.4 Through much of my upbringing I had a close relationship with the land and waterways that surround Masterton. We swam in all the rivers, fished for eel in the creeks and gathered kai for hakari. I would accompany my Dad, who was a keen diver, on the many trips to the Coast where he would provide kai, not just for our Wairarapa whānau but also for his whānau back in Horowhenua.
- 1.5 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it subject to the proviso outlined below. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise. For the purposes of transparency, I confirm that whilst I have read and understood the code, I confirm that I am a member of Rangitāne and have a whakapapa connection to those who represent the Rūnanga in

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<sup>1</sup> Statement of Evidence of Jason Reuben Warena Kerehi on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017.

<sup>2</sup> Statement of Evidence of Jason Reuben Warena Kerehi on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017, at paras 1.2-1.25.

bringing this submission to the Panel. Given my connection and the fact that I have given evidence on matters relating to my own iwi, it is not appropriate for me to be speaking in the third person.

## **Overview of the Evidence**

1.6 Although Rangitāne interests extend north of the Greater Wellington boundary at Pukaha, also known as Mount Bruce, this evidence is focussed on the Wairarapa district and the various taonga and resources contained therein. I also note that the primary relationship with GWRC is through Rangitāne o Wairarapa (the Rūnanga).

1.7 In summary, my evidence will cover the following:

- (a) Rangitāne values;
- (b) Water allocation; and
- (c) Natural form and function.

1.8 This evidence is based on my own knowledge of the Wairarapa and our takiwā in particular. I refer extensively to the whakapapa and historical research led by our rangatira and tohunga – James Rimene. I also acknowledge the work and research undertaken by our tribal experts Mike Kawana (tikanga, historical research, and te reo); Horipo Rimene (Te Taiao Māori) and Joseph Potangaroa (historical research, education and the environment). Finally, I reference the reports/evidence prepared in relation to our historical Treaty of Waitangi claims in the Waitangi Tribunal space.

## **2.0 RANGITĀNE VALUES**

2.1 Information regarding Rangitāne values and principles relative to our natural resources is set out in the first Statement of Evidence of Mike Kawana at paragraphs 4.1-4.30.<sup>3</sup>

2.2 In summary, as mentioned in Caleb Royals Cultural Values Report,<sup>4</sup> ‘Māori values associated to a particular place, river or community are most commonly

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<sup>3</sup> Statement of Evidence of Michael Ian Joseph Kawana on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017.

generated through occupation of an area, and the cultural requirement to behave in a manner consistent with kaupapa' and tikanga Māori.<sup>5</sup>

- 2.3 This is supported by the model of 'te whare tapa whā,' the underpinning theme of the Cultural Values Report, which is the concept relating to ones wairua (spiritual), tinana (physical body), hinengaro (mental wellbeing), and whānau (family/identity), being the 'four walls' that keeps one supported. At the core of this concept is the idea that if you allow one of these walls to weaken or suffer, then you will find yourself completely caved in as all four walls are necessary and connected.
- 2.4 This is reinforced by our value of interconnectedness, *ki uta ki tai*. *Ki uta ki tai* talks about the interconnectedness from the mountains to the sea. What happens upstream affects those downstream. What happens inland affects the marine space. Every action has a consequence. In other words, there must be a manifestation of balance across all aspects in Te Ao Māori in order for that 'whole' to be functional.
- 2.5 Water or wai is referred to in our korero as the lifeblood of Papatūānuku. The rivers and streams are the blood vessels and capillaries of mother earth. The unimpeded flow of freshwater cleanses the land and waterways. Wai is revered in tikanga Māori as having qualities to cleanse us spiritually. It is also a medium to convey spirits.
- 2.6 Mauri is the life force central to all things both living and inanimate. In tikanga Māori mauri is everywhere, it is in living things such as trees and water bodies, it is in inanimate objects such as maunga. It is in the wind, the weather and courses across the universe. It reminds us that all things are connected.
- 2.7 Our natural resources are all infused with mauri, and as such it is our duty as kaitiaki to care for it and protect it. This has been our role in our takiwā since our ancestors first arrived here some 30 plus generations ago. We are still bound by this duty and whilst the role and responsibility of regulation sits with the regional council and other authorities, we have the opportunity through our Treaty

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<sup>4</sup> Caleb Royal, *Cultural Values for Wairarapa Waterways Report* (November 2011).

<sup>5</sup> Caleb Royal, *Cultural Values for Wairarapa Waterways Report* (November 2011), at page 6.

relationship to influence those decisions to ensure that the natural landscape is preserved.

### **3.0 WATER ALLOCATION**

#### *Rangitāne view of water allocation*

- 3.1 Water allocation in the context of the Plan is the process to determine how much water can be allocated out of a water way and when that should occur, or not. It connects the water to land and land use. For Rangitāne, we see water management in a similar way, although our primary concern is the waterway itself rather than focussing on the ‘use’ component.
- 3.2 The view of Rangitāne is that the first priority of water management should be to the waterway itself, and in that, the volume and flow of water should sufficiently sustain the biodiversity and health qualities of the waterway. In doing so, it provides for the mauri of the waterway.
- 3.3 Rangitāne would use their own form of control and regulation such as ‘rāhui’. Rāhui would be imposed on the use of natural resources to ensure the resource would last and that there would be enough for all or for future use. I will illustrate some of these practices later on.

#### *Mahinga kai values*

- 3.4 As Mike Kawana has already shared, Ngāti Hāmua is the paramount hapū of Rangitāne o Wairarapa.<sup>6</sup> Traditionally speaking, Ngāti Hāmua was a large grouping with kāinga, mahinga kai and other interests throughout Wairarapa and Tamaki Nui-ā-Rua.<sup>7</sup> The rivers have always been important to Rangitāne, not only as a means of mahinga kai, but also as transport and for cultural identity.<sup>8</sup>
- 3.5 We know that our tūpuna lived alongside these important waterways because water was life. If we look at our maps that show our wāhi tapu and New Zealand

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<sup>6</sup> Statement of Evidence of Michael Ian Joseph Kawana on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017, at para 2.8

<sup>7</sup> Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-Ā-Rua and the Trustees of the Rangitāne Tū Mai Rā Settlement Trust and the Crown, *Deed of Settlement of Historical Claims* (6 August 2016), at Cl. [1.21].

<sup>8</sup> Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-Ā-Rua and the Trustees of the Rangitāne Tū Mai Rā Settlement Trust and the Crown, *Deed of Settlement of Historical Claims – Schedules – Documents* (6 August 2016), at page 4.

Archaeological sites, you can see that most habitation was along the rivers in the Ruamahanga valley, particularly at the confluences and along the coastline. The rivers provided freshwater, food, and was often the main mode of transport up and down the valley. Even along the coastline, the main settlements were near fresh water sources.

- 3.6 The customary practices that were once exercised on the whenua were also exercised in relation to the coastal area and the foreshore and seabed.<sup>9</sup>
- 3.7 There is an inherent degree of respect that our tūpuna had for the awa and moana of our takiwā. We sometimes forget how dangerous water can be and so we must respect it or else bad things will happen. Just as one would respect his or her elder, Māori respected the awa and moana in the same way.<sup>10</sup>
- 3.8 As mentioned earlier, 'rāhui' was the practice of enacting a temporary ritual of prohibition or banning. Rāhui would be used on many occasions but the two main reasons were to limit the use of a particular resource to ensure it was sustainable and secondly, when someone had passed away in a particular place, people were banned from collecting food or undertaking recreational purposes. We were also taught upon catching kaimoana to refrain from eating it on the beach or river, so we would take it away to show respect for the moana and to ensure a plentiful supply for the future.
- 3.9 As a young person we would go out to the Coast to collect kaimoana with our parents. Back in those days it was a long journey and an adventure for us young boys. Our Dad's knew the lore of the sea and once karakia were said, the divers would go and do their thing. It was our job to collect the kai moana and to bring it back to the cars. Our job didn't end there as we then had to shuck the paua, cook the crayfish etc. The final job was to share the kai with whānau. These are things we still try to do today.
- 3.10 Around Masterton we would hunt and gather as whānau whether that was eeling at night, collecting puha or watercress or if the conditions were right, searching the paddocks for mushrooms (with the permission of the farmers).

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<sup>9</sup> Rangitāne Claims Collated Material, Volume 5, *Affidavit of James Rimene on Foreshore and Seabed issues* [9 December 2003], at page 1781.

<sup>10</sup> Rangitāne Claims Collated Material, Volume 5, *Affidavit of James Rimene on Foreshore and Seabed issues* [9 December 2003], at page 1781.

### *Mahinga kai and the Resource Management Act 1991*

- 3.11 There is no legislation that recognises the philosophical or theological nature of the world, particularly according to Māori lore. No legislation has ever recognised the imperative of our tino rangatiratanga over resources within our takiwā. No legislation has recognised the value of mauri or the effective expression of kaitiakitanga within its own cultural and traditional context.
- 3.12 In the words of the Waitangi Tribunal, 'the legislation exposes iwi to the politics and actions of local government but does not hold councils to account if they fail to provide opportunities for Māori to participate in decision-making or do not actively protect environmental taonga. In other words, the Crown has delegated responsibility to local councils but no equivalent level of accountability.'<sup>11</sup>
- 3.13 To that end, it is of paramount importance to Rangitāne that the Plan not only recognises the importance of mahinga kai to our people, but does its upmost best to protect and enhance mahinga kai so that the present and future generations of Rangitāne are able to enjoy these taonga that Ranginui and Papatuānuku, and all those in between, gifted us.

### *Mahinga kai vs ecosystem health*

- 3.14 Undoubtedly, there are differences in the way in which Rangitāne chooses to use and protect our natural environment compared to others. Our customary practices are unique and deeply engrained, but it is inherent to acknowledge the difficulties we have faced to hold fast to our practices throughout our history, as illustrated through the many processes such as land alienation and deforestation. The impact on how we perceived our relationship with the environment can only be surmised.<sup>12</sup>
- 3.15 Traditionally, ahi kā roa would extend from land to sea and was inseparable, which is consistent with our world view of everything being connected and interrelated. It is evident today that that view is not recognised as essentially, the Crown has delegated the power to control water flows to local authorities. We are not represented on local councils and boards, nor have our thoughts or views

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<sup>11</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 893.

<sup>12</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 824.

been heeded. We recognise that this is slowly changing with recognition of the Treaty partnership occurring more often. In the eyes of the Waitangi Tribunal, the exclusion has stemmed from this sense of allegiance the boards and councils owed to the pākehā farmers and townspeople who were the main ratepayers at the time.<sup>13</sup>

#### *Mahinga kai species*

- 3.16 The Ruamāhanga catchment is not only a tribal icon but was also vital to the existence of Rangitāne communities. It once provided fresh water for drinking, plentiful kai, was a means of transport and was well known for the quality of its eels and fresh water koura.<sup>14</sup>
- 3.17 Wairarapa Moana, comprising Lake Wairarapa, Lake Ōnoke and their associated waterways and wetlands, was a significant resource to Rangitāne hapū and whānau over many centuries. The lakes were a great provider of fish such as tuna (eel), patiki (flounder), inanga (white-bait), and kokopu (native trout). Wairarapa Moana was a major nesting place for numerous species of bird and some of these were taken for kai.
- 3.18 Wairarapa Moana was well-known throughout the motu (New Zealand) for its plentiful kai. There are known migratory routes that connect Wairarapa Moana to te Whanganui o Tara (Wellington) and Otaki and beyond. Hapū that lived in the upper Ruamāhanga catchment would travel down to the Lakes seasonally to hunt and gather kai for their return home.
- 3.19 Rangitāne whānau were blessed with a coastline that was rich in kai moana. Our tūpuna would collect shellfish, koura, seaweed, sea rookeries, seabirds and even beached whales when the use of noa or sacred chants were uttered from wāhi tapu in high points overlooking the ocean.<sup>15</sup>
- 3.20 Not surprisingly, archaeological evidence shows that the most favoured sites for camps and settlements before 1840 were those that were most hospitable along

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<sup>13</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 846.

<sup>14</sup> Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-Ā-Rua and the Trustees of the Rangitāne Tū Mai Rā Settlement Trust and the Crown, *Deed of Settlement of Historical Claims – Schedules – Documents* (6 August 2016), at page 12.

<sup>15</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 839.

the otherwise rugged and exposed coast. These included areas such as Castlepoint, Riversdale, Flat Point, Te Kopi and the Palliser Bay area.<sup>16</sup>

- 3.21 The moana was our pataka kai (food basket). It was also a provider of rongoā or Māori medicines. It provided our tūpuna with medicine, waitai and other resources used to enhance wellbeing both physically and spiritually.

#### *Threats to mahinga kai*

- 3.22 We see the lack of recognition to our cultural values as the biggest risk to the values, traditional practices of Rangitāne and mahinga kai species discussed above. We believe so on the basis that this lack of recognition has influenced and allowed change, in grave opposition to Rangitāne's values. A number of processes such as the degradation of rivers and lakes over time, the felling of native forests and the draining of wetlands for settlement and agricultural purposes outweigh our cultural practices and values.

- 3.23 I will discuss more specific examples of these physical changes when discussing natural form and function below, but note that it is our view that, among others, the introduction of foreign species of fish and fauna, the clearing of bush, the draining of lakes, the extraction of resources, conversion of land to farming, nutrient loading, wastewater disposal and the use of herbicides and pesticides has severely impacted on the way that we are able to practice our traditional mahinga kai practices.

- 3.24 The results appear to be that by the latter part of the nineteenth century, traditional food-gathering was no longer the major means by which Rangitāne obtained a livelihood. Hunting pigs and deer, rather than catching rats and birds, became the motivation for expeditions into the bush which was a result of changing preferences and the decline in bird numbers.<sup>17</sup>

#### *Wāhi tapu*

- 3.25 With regards to wāhi tapu, Māori lost control of these places as the land was acquired by pākehā landowners. Over time pākehā took over those places that were most important to us including our wāhi tapu, our iconic landscapes and our

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<sup>16</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 838.

<sup>17</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 824.

traditional mahinga kai sites. By designing and controlling the legal system, they also controlled the practices that defined Rangitāne existence, such as tribalism and the practices of tohunga.<sup>18</sup>

- 3.26 Mike has discussed the specific wāhi tapu and sites of significance most important to Rangitāne in his first Statement of Evidence.<sup>19</sup> I will not discuss those sites here, but wish to emphasize the importance of these sites to Rangitāne and the significant role they play in the identity, existence and future of Rangitāne.
- 3.27 The Ruamāhanga is the most significant river in the Wairarapa, and arguably in the lower North Island. It's source is found in the upper Tararua mountains north of Mount Bruce and Kiriwhakapapa. The young river runs below the famed sacred lake known to Rangitāne as Hapuakorari. The river makes its way out into the upper valley known as Te Kauru (upper catchment). As it winds down the valley it picks up the main tributaries such as the Kopuaranga, Waipoua, Waingawa, Tauweru, Waiohine, Huangarua and Tauherenikau which joins it at the lake.
- 3.28 For Rangitāne, the river is an ancestral waterway, which many hapū refer to as their awa in their pepeha. For us it is our cultural identifier which connects but also differentiates Rangitāne from other iwi and hapū through history and conquest.
- 3.29 In terms of pepeha, the Ruamāhanga catchment is significant as it passes through or past many of the identified maunga and awa that whānau/hapū use. This includes Tararua Paemaunga, Rangitūmau, Maungaraki, Taratahi and Aoraki maunga. Ngati Hāmua whānau based in Whakaoriori (Masterton) still refer to Wairarapa Moana in their pepeha as being their lake. This is in recognition of the migration those hapū regularly made to the lake to gather kai and the relationship they had with hapū resident at the lake.
- 3.30 Wairarapa Moana was once known as the most vital water terrain wetland adjoining the coast.<sup>20</sup> Lakes Wairarapa and Ōnoke formed an enormous lagoon-like area that was sometimes open to the sea, and together with the short portion

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<sup>18</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3, (Wai 863, 2010), at 817.

<sup>19</sup> Statement of Evidence of Michael Ian Joseph Kawana on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017, at pages 15-34.

<sup>20</sup> Waitangi Tribunal, *Wairarapa ki Tararua*, Volume 3 (Wai 863, 2010), at 840.

of the Ruamāhanga river that connected them, they formed a single system with marked seasonality.

#### **4.0 NATURAL FORM AND FUNCTION**

##### *Rangitāne relationship with the natural environment*

- 4.1 The relationship between Rangitāne people and the natural environment is confirmed through whakapapa, reciprocity, aroha and kaitiakitanga. In Rangitāne kōrero, we whakapapa to Ranginui and Papatūānuku. As mentioned above, these natural features appear in our pepeha and as kaitiaki, we have a responsibility to care for these natural resources (reciprocity – if we look after Papatūānuku she will look after us) and finally, all things are done with aroha.
- 4.2 Our rivers, whenua and moana have been subject to a great deal of modification. Michael King wrote in his book,<sup>21</sup> “what took 2,000 years in Europe and 300 years in America took less than 200 years in New Zealand” referring to the exponential growth and transformation of the natural landscape to the modified landscape we see today. As mentioned earlier, Rangitāne and other iwi were excluded from much of that change process.
- 4.3 Despite the changes and alienation from the land, Rangitāne has maintained a relationship with our natural environment.<sup>22</sup>
- 4.4 Our tūpuna knew the undulating nature of the forest so well that they could tell where the maunga were in relation to the direction they were travelling in. Our tūpuna know our waters so well that they learnt the migration patterns of certain freshwater and ocean fish and therefore knew the optimum times of the year to harvest certain kai from certain places.<sup>23</sup>
- 4.5 The understanding of the natural environment and the respect that was formed from its greatness is the basis of the relationship we share with it. We believe that Papatūānuku is our earth mother and so we naturally share a mother child

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<sup>21</sup> M King *The Penguin History of New Zealand* (July 2003).

<sup>22</sup> Statement of Evidence of Michael Ian Joseph Kawana on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017, at para 3.2.

<sup>23</sup> Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-Ā-Rua and the Trustees of the Rangitāne Tū Mai Rā Settlement Trust and the Crown, *Deed of Settlement of Historical Claims – Schedules – Documents* (6 August 2016), at page 6.

bond with her. This traverses through to all other things on the whenua and in the moana.

- 4.6 Over the centuries Rangitāne came to know the natural environment well. The people knew where to go, when to go and why. They planted karaka groves along migration routes out to the coast, they knew that when these were in seed that kai was ready to harvest at the coast. They would send advance parties out to their summer camps on the coast to plant kai that would supplement their kai over the months when they were gathering fish and shellfish.

*The importance of allowing natural processes*

- 4.7 From a Rangitāne perspective, the importance of allowing our natural resources to do the things that it naturally needs to do, particularly in relation to our waterways, cannot be stressed enough. We see ourselves as the kaitiaki of our resources which does not, on any level, provide the right to change, modify or dictate our natural resources and its natural processes. Rather it imposes an obligation to support, protect and encourage the enhancement of them in its most natural form and function.
- 4.8 Before colonisation, the land that stretched from south of Masterton (south of the Waingawa River) all the way to the lake was largely swampy Kahikatea forest. This was cleared over time and converted to farmland. More significantly, water was diverted from these areas and the Kahikatea died. There are some vestiges of this forest left, Carters Reserve and Lowes Bush and it is fortunate that they are close enough to water to be re-diverted back into them.
- 4.9 On the coast south of Riversdale is a coastal podocarp reserve called Okautete Reserve. This is one of the very last remnants of Kahikatea forest along the entire east coast. Water has been diverted away from the tall Kahikatea and whilst they have adapted somewhat to the drier conditions, they are all slowly dying. These trees are 700 years old. This is evidence that modification affects the mauri of our taonga.
- 4.10 The modification of the course of the Ruamāhanga river and the opening of the Wairarapa Moana outlet at Lake Ōnoke, coupled with the introduction of exotic fish species, has also adversely impacted on natural processes. Seasonal fishing

resources have diminished and streams and creeks which were once full have begun to run dry. These changes have detrimentally affected the relationship of Rangitāne communities to many of our sacred sites, including urupā.<sup>24</sup>

4.11 The native species that inhabit the awa and moana of Rangitāne rely on the connection to the sea. When the water could run freely the river was high and the lakes were full, but now that there has been so much, there is insufficient water to support the migration movements of these native species.

4.12 Without this connection, the mauri of our water-bodies is compromised.

#### *The battle of the stop-banks*

4.13 In its natural state, Wairarapa Moana was an impressive water-body. The lake would flood in the late summer of every year, causing the natural sandbank or spit at Lake Ōnoke to form, resulting in eel pooling in masses. This was an annual expedition of mahinga kai and our tūpuna would rely on this source until the next flood happened the following year.

4.14 In earlier times, the issue for the settlers was that the flat land surrounding the lakes would become inundated with water, which made the establishment of pastoral farming and agriculture difficult to achieve.

4.15 Resultantly, the early twentieth century saw ongoing conflicts between Wairarapa Māori and farmers over flood protection – also known as ‘the battle of the stopbanks’. The natural sandbank which formed at the opening of Lake Ōnoke was opened after requests from pākehā settlers occupying and farming the surrounding lands of the lake. They saw no value in our traditional mahinga kai practices or the food that we relied on for many years, and wished to drain the lakes to reduce flooding so that they could establish their agricultural endeavours. The interests of the pākehā settlers were favoured over my tūpuna.

4.16 However, not all went to plan as the settlers quickly found that their efforts to change the natural form of Wairarapa Moana for their own benefit was unsuccessful as big floods still occurred. Farmers started to build major stop

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<sup>24</sup> Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-Ā-Rua and the Trustees of the Rangitāne Tū Mai Rā Settlement Trust and the Crown, *Deed of Settlement of Historical Claims* (6 August 2016), at Cl. [2.165].

banks in the Ruamāhanga flood plain to protect their land which affected wetlands that Rangitāne wanted preserved for the gathering of kai.<sup>25</sup>

- 4.17 From this example we beg the question ‘when will we learn?’ Our natural resources are powerful and mighty in their existence, and we cannot continue to modify and dictate their natural forms.

*Perceptive elements*

- 4.18 Our natural environment has been modified beyond repair. As a result, our cultural practices have been severely impacted, we no-longer cherish these once precious waterways now that they are paru, we have all but stopped swimming in their waters given the season onset of algae bloom and warnings from the regional council not to swim in them. We still carry out mahinga kai practices in certain areas where we know pollution is low, but unlike before we are suspicious as to its quality. Despite this we will continue to hold fast to our customary practices.
- 4.19 Like I said in earlier submissions, I grew up in a generation that spent the entire summer in and by the rivers. We played, swam, connected with and enjoyed them. When I met my father in law for the first time we were standing in the sea at a bay near Picton. He asked me, are you going for a swim? I said “no, I’m a fresh water boy.” That is how I feel, I come from a town surrounded by three rivers, that defined who I was.
- 4.20 Today my relationship with the awa is a mere fraction of what it was, I think the last time I went swimming in the river was six years ago. I still admire them, I still relate to them but it is wholly different now. Every year there are warnings about algae bloom and stories of dogs dying from entering the water. I won’t even take my children there now. They have no relationship with the rivers preferring to return to the Marlborough Sounds to swim and I don’t begrudge them. It is not often that you see whānau swimming in rivers. We don’t trust the rivers now. They are not safe. We don’t trust how they are being looked after, how they are being treated or what the impact of land use will have on the future of our water ways. It is much like we have lost a dear family member.

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<sup>25</sup> Waitangi Tribunal, *Wairarapa Ki Tararua*, Volume 2 (Wai 863, 2010), at 688.

## 5.0 CONCLUDING COMMENTS

### *Minimum flows*

- 5.1 Much of the reason why we are struggling to hold onto our traditional mahinga kai practices is due to the amount of water that is left behind once the majority has been taken, used and/or polluted into.
- 5.2 The Cultural Values Report found that, ‘Maori values attributed to the rivers and streams throughout the Wairarapa Valley are consistently being compromised through low flows and poor water quality.’ The report continues in saying that, ‘there is a distinct difference between minimum flow values determined from a GWRC perspective and a iwi Māori perspective’.<sup>26</sup>
- 5.3 I agree with those statements, support the recommendations set out at page 23 of the Cultural Values Report,<sup>27</sup> and ask that the minimum flows be increased to allow for the waterways to begin to be rejuvenated first and foremost. Make the first allocation of water to the waterway itself. Our people need to be incorporated into this process of rejuvenation because without us our view and perspective will continue to be blatantly ignored, as history has already shown us.
- 5.4 Mike Thompson in his s42A Report agrees with this position in his consideration of the Waiohine River where he states that, ‘the adoption of the higher minimum flow (2,750L/s) would be more consistent with the principle of safe guarding the life supporting capacity.’<sup>28</sup>

### *Policy P122*

- 5.5 I now turn to consider Policy P122 of the Plan which I understand to be about flow variability in rivers. This is necessary for a whole range of reasons but it is critical, not only for Rangitāne values, but also for habitat values and the natural flushing out of the river systems periodically.
- 5.6 This is important to Rangitāne as the flowing water reassures us that the river is healthy. Like the blood flowing through our veins, the water flows through the

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<sup>26</sup> Caleb Royal, *Cultural Values for Wairarapa Waterways Report* (November 2011), at 7.

<sup>27</sup> Caleb Royal, *Cultural Values for Wairarapa Waterways Report* (November 2011), at 23.

<sup>28</sup> S42A, *Statement of Evidence of Mike Thompson on behalf of Wellington Regional Council, Technical-Water Allocation: Minimum Flows and Allocation* (7 August 2017), at 13.

entire river system carrying nutrients from one place to the next while flushing pollutants out of effected areas and into the ocean. It is the flow of the river that carries mauri and without a healthy and varying flow, mauri cannot reach every bend, stretch and turn of the river.

- 5.7 In the submissions, Rangitāne discussed how Policy P122 should expand the purposes for variable river flows being maintained, including to maintain and enhance mahinga kai and natural character.<sup>29</sup> We sought to amend the policy and associated rules so that it is consistent with achieving the objectives, including providing for safeguarding lifesupporting capacity, mahinga kai, preserving natural character and providing for natural processes, including ecosystem processes. Maintaining variable flows within river is also important for sustaining mauri.<sup>30</sup>
- 5.8 We still support the submissions made and only emphasise the absolute importance of the relationship between rivers and the land. I will use the example of natural flooding's again because this process brought sustenance from the rivers to the land, and vice versa. These floods were a part of the natural river system that would allow fish and eel to become trapped for mahinga kai. The floods watered the dry lands, bringing life to flora and fauna and the land acted as a natural filter for the rivers waters to run through.
- 5.9 I believe that the flow variability of the river has changed drastically. Floods no longer occur here and the water barely reaches the edges of the river banks at some parts of the river. There is a visual disconnection between the river and the land and pollution has become so bad that the river is struggling to rid itself of pollutants on its own.

#### *Ngā Matapono ki te Wai*

- 5.10 I refer to the Ngā Matapono ki te Wai Framework provided by the Iwi Chairs Forum because I believe it underpins similar values and objectives to Rangitāne **(attached and annexed 'A')**.

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<sup>29</sup> Submission by Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc (31 July 2015), at 80.

<sup>30</sup> Submission by Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc (31 July 2015), at 80, 81.

- 5.11 I hope that it is inherent in my evidence that one of our main objectives is to improve overall water quality. I think that keeping minimum flows to appropriate levels, allowing the river to flow in its natural course and incorporating Rangitāne values into the way that our water bodies are managed are all ways to achieve this.
- 5.12 We understand that there is value tied to our water outside of our cultural views and acknowledge its economic benefits, but we do not want to see this completely commercialise the river.
- 5.13 Rangitāne representatives need a direct role in the governance and decision-making processes for fresh water. This is crucial to recognising and providing for Rangitāne rights and interests. We must be involved in both central government decision making and regional/local government to ensure flexibility to meet regional/local circumstances and fresh thinking regarding local government structures.
- 5.14 Our rights should be recognised and this could be achieved through a national framework for allocation that is consistent with regional/local governance and Rangitāne values. Iwi allocation recognises residual iwi rights and interests in water common to all iwi. Some iwi may be able to claim/prove additional rights and interests depending on particular situations.
- 5.15 We understand that this transition will not be an easy one and needs to be done in a way where existing water users and rights holders are not unfairly prejudiced. We should take a collaborative approach to this to incorporate everyone's views with equal rights to the use of water.
- 5.16 I urge you to listen to our voices, we have learned from our past mistakes and we as a people, as a nation, cannot afford to make those mistakes again. We ask that you include tangata whenua in the role as kaitiaki and uphold our cultural values so that we can provide a better future for our children.
- 5.17 Tenei te mihi nui ki a koutou katoa.

"A"

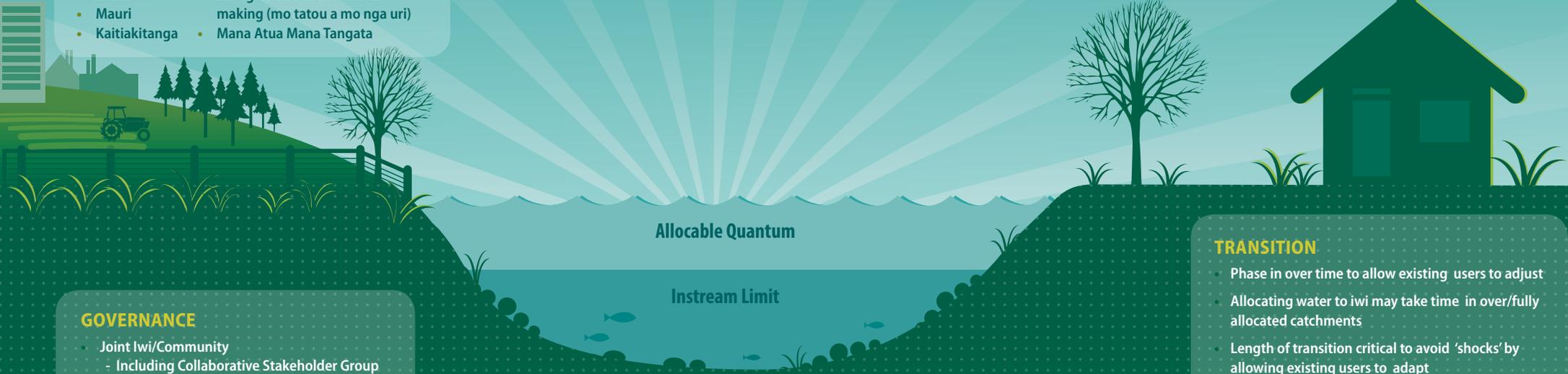
# NGA MATAPONO KI TE WAI

## OBJECTIVES

- Improved Water Quality – Mana o Te Wai
- Realise value of water resources (including economic)
- Enduring future iwi relationship with water bodies

## VALUES

- Ki uta ki tai
- Mana
- Mauri
- Kaitiakitanga
- Wairua
- Intergenerational decision making (mo tatou a mo nga uri)
- Mana Atua Mana Tangata



Allocable Quantum

Instream Limit

## GOVERNANCE

- Joint Iwi/Community
  - Including Collaborative Stakeholder Group
  - Direct iwi involvement in decision making
- Central
  - NPS
  - NES
  - EPA
- Local flexibility
- Local/regional governance
  - Planning
  - Limits
  - Allocation
  - Monitoring
  - Enforcement
  - Restoration
  - Rentals/Rating
- Build on existing Treaty Settlements

## LIMITS

- Gives effect to Mana Atua Mana Tangata
- Balance instream values with economic use
- Mana Tangata
  - Ceremonial
  - Drinking
  - Transportation
  - Economic
  - Recreation
  - Food Gathering
- Quantity
- Quality
- Providing for instream values and uses

## ALLOCATION

- National framework
- Increased certainty for all users via better defined rights
- Move to highest value use over time
- Iwi allocation (economic development)
  - Proportional
  - Allocated to iwi within catchment
  - Perpetual
  - Subject to environmental controls
  - Inalienable
  - Transferable
  - Right to access water (not ownership)
- Additional interests may exist outside of this framework

## TRANSITION

- Phase in over time to allow existing users to adjust
- Allocating water to iwi may take time in over/fully allocated catchments
- Length of transition critical to avoid 'shocks' by allowing existing users to adapt
- Create certainty for existing users on new regime
- Community/iwi determine allocation objectives via planning regime
- Limit setting process

## PRINCIPLES

- Mana o te Wai
- Te Tiriti o Waitangi te tahuu o te Wai
- Te Mana Motuhake o ia wai o ia iwi ki te wai
- Te kaitiakitanga o nga hapu me nga iwi ki te wai
- Te mana whakahaere o nga iwi me nga hapu ki te wai

## OBJECTIVES

- Improving and maintaining water quality – te mana o te wai – is a first order objective for iwi and all New Zealanders
- Water is a valuable resource and has the potential to deliver significant benefits including economic benefits, for iwi and the community,
  - Maximising the value of water (including social, economic, cultural and environmental benefits) for the community, including government, iwi, and all users, will require better definition of the bundle of rights attached to water
  - This requires recognising iwi rights and interests through:
    - providing for iwi in governance and decision making roles
    - recognising iwi values in the decision making framework and
    - providing iwi with an equitable allocation of water quantity and quality.
- Iwi want to re-establish and maintain an enduring relationship with their ancestral/ traditional water-bodies – mana whakahaere – recognising both their inherent mana and associated kaitiaki responsibilities over these water bodies. This includes being able to share equitably in any development capacity associated with a water body (allocable quantum).

## ALLOCATION

- Allocating water to both consumptive and non-consumptive uses is central to effectively managing water and realizing the highest possible value from the resource
- Increasing certainty to all water users via more defined rights is an important factor in maximizing the value of water
- Enabling water to flow to highest and best use (e.g. transfers)
- Recognising iwi rights and interests through an equitable allocation of allocable quantum
- Allocation to iwi who uphold mana in catchment
- National Framework for allocation
- Characteristics of 'iwi allocation'
  - Proportional
  - Perpetual
  - Transferable
  - Inalienable
  - Subject to standard environmental controls
  - Right to access water (not ownership of water)
- Proportional allocation of allocable quantum within a catchment – equitable allocation does not mean all iwi will receive same quantity of water
- Iwi allocation recognises residual iwi rights and interests in water common to all iwi. Some iwi may be able to claim/prove additional rights and interests depending on particular situations (e.g. Poroti Springs)

## GOVERNANCE

- Providing iwi with a direct role in the governance and decision-making processes for fresh water is crucial to recognising and providing for iwi rights and interests.
- ILG support the recommendations in LAWF report regarding collaborative decision making but need to also go further and ensure iwi sit at decision making table at all levels
- Iwi must be involved in both central government decision-making (e.g. NPS, NES, EPA) and regional/local government.
- This will require flexibility to meet regional/local circumstances and fresh thinking regarding local government structures
- Existing Treaty settlement framework tools are inadequate (joint advisory committees, advisory boards)
- Existing settlement mechanisms may provide a starting point where appropriate but can be enhanced and developed further
- Enduring structures will need to develop over time as capacity and capability develop

## TRANSITIONAL PHASE

- Shifting from the current regime to a new regime with more clearly defined rights including recognition and provision for iwi rights and interests will require a transitional phase to ensure existing water users and rights holders are not unfairly prejudiced
- Ensuring a 'soft landing' for existing users into new regime will be important
- Where unallocated water is available within a catchment this could be directly allocated to iwi
- Where catchments are fully or over-allocated accessing available water for allocation to iwi may take some time. This timeframe may need to be negotiated on a case by case basis (possibly within a national framework?).
- Decisions will be required on how existing rights holders should be transitioned into new regime, e.g.
  - Grandfathering
  - Re-allocation on expiry
  - Recognition of existing investment
  - How to manage re-allocation to iwi
- Transitional limits required in interim until governance arrangements can establish regional/local limits.

## VALUES

- Recognising the values of iwi in the decision-making framework is an important aspect of the iwi connection with their water bodies.
- While these may vary iwi to iwi, recognising a set of common iwi values within the decision-making framework is central to establishing the enduring connection between iwi and their water-bodies.
- Mana Atua
  - Mauri
  - Wairua
  - Natural character
  - Mana
  - Life supporting
  - Ecology
  - Biodiversity
  - Native fish
- Mana Tangata
  - Ceremonial
  - Drinking
  - Transportation
  - Economic
  - Recreation
  - Food Gathering
- These values include:
  - Intergenerational decision making
  - Ki uta ki tai, mountains to the sea integrated land and water management across the whole catchment
  - Mana (both of the water, and iwi exercising mana over it)
  - Mauri (protecting the inherent life supporting capacity of the wai)
  - Kaitiakitanga
  - Wairua

## LIMIT SETTING

- A robust planning regime, including enforceable limits is central to achieving the stated objectives for water management reforms
- Limits are required for both water quality and water quantity
- Enforcing limits will require transitioning to the new regime, particularly in catchments requiring improvements in water quality or where water is over-allocated
- Balance between protecting in-stream values and maximizing the economic value of the allocable quantum – iwi working with wider community to establish a balance via governance mechanisms
- Range of values (including economic e.g. tourism) provided through in-stream values