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Ministry for Primary Industries
Manatū Ahu Matua



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Kahutara, Oaro (extension) and Tūtaeputaputa mātaītai reserve applications, Kaikōura

Purpose:

This briefing paper provides you with the Ministry's advice on three freshwater mātaītai reserves proposed by Te Rūnanga o Kaikōura.

Minister	Action Required:	Minister's Deadline
Minister of Fisheries	Note the contents of this brief. Agree to declare two new mātaītai reserves, and agree to the boundary of an existing mātaītai reserve being extended.	When convenient.

Contact for telephone discussion (if required)

	Name	Position	Work	After Hours
Responsible Director	Stuart Anderson	Director, Fisheries Management	s 9(2)(a)	s 9(2)(a)
Responsible Manager	s 9(2)(a)	Manager, Customary Fisheries and Spatial Allocations	s 9(2)(a)	s 9(2)(a)
Principal Author	s 9(2)(a)	Senior Analyst, Spatial Allocations	s 9(2)(a)	

Key Messages

1. In September 2015, Te Rūnanga o Kaikōura (the Rūnanga) proposed the following three freshwater mātaihai reserves, located south of the Kaikōura Peninsula (Appendices 1 and 2):
 - (a) *Kahutara*: the lower reaches of the Kahutara River, excluding a 0.036km² area set aside for commercial fishing (Map 1 in Schedule 1).
 - (b) *Oaro (extension)*: the lower reaches of the Oaro River, contiguous with the existing Oaro Mātaihai Reserve (Map 2 in Schedule 1).
 - (c) *Tūtaeputaputa*: the lower reaches of the Conway River (Map 3 in Schedule 1).
2. Mātaihai reserves recognise and provide for non-commercial customary food gathering and the special relationship between tangata whenua and places of importance for customary food gathering.
3. Before lodging the applications, the Rūnanga discussed the boundaries of the proposed areas with the South Island Eel Industry Association. Consequently, the Rūnanga received a letter of support from commercial eel fishers operating in the proposed areas (Appendix 3).
4. The Ministry for Primary Industries (MPI) has consulted with the local community and fishing interests on all three applications. Three submissions were received during consultation, all supporting the applications (Appendix 3). The Kaikōura Coastal Marine Guardians (Te Korowai) did not make a submission, but also support the applications. MPI and the Rūnanga jointly held a public meeting. Only one local community representative attended the public meeting, and no issues were raised.
5. MPI has assessed the applications against the relevant criteria for declaring mātaihai reserves. This briefing assists you in determining whether or not you are satisfied that each application meets the relevant criteria. You are required to make an independent decision on each application. After considering the relevant information available, including submissions, MPI considers all three applications meet the relevant criteria.
6. MPI therefore recommends that you:
 - (a) declare the proposed Kahutara and Tūtaeputaputa mātaihai reserves and appoint the nominated Tangata Tiaki/Kaitiaki for those reserves; and
 - (b) declare an extension to the boundary of the existing Oaro Mātaihai Reserve, and note that the responsibilities of the existing Tangata Tiaki/Kaitiaki will cover the extended reserve area.

7. If you agree to declare the proposed areas as mātaihai reserves, MPI will prepare the relevant *New Zealand Gazette* notices and letters for your signature. If you have any concerns, you may direct officials to seek further information regarding any aspect of the applications and provide you with further advice. If you consider that any of the applications do not meet one or more of the relevant criteria, and that no further discussions are necessary, you must decline that application and notify the Rūnanga of your reasons. In this case, MPI will prepare appropriate documentation.

Released under the Official Information Act 1982

Recommendations

8. The Ministry for Primary Industries recommends that you:

- a) **Note** the contents of this brief;

Noted

- b) **Note** that the prerequisites for declaring a mātaihai reserve (including notification and consultation) have been complied with for all three proposed mātaihai reserves;

Noted

- c) **Agree** that you are satisfied that the Kahutara mātaihai reserve application meets all of the criteria set out in regulation 20(1) of the Fisheries (South Island Customary Fishing) Regulations 1999;

Agreed / Not Agreed

- d) **Agree** to declare the proposed Kahutara mātaihai reserve under regulation 20(1) of the Regulations;

Agreed / Not Agreed

- e) **Agree** that you are satisfied that the Oaro (extension) mātaihai reserve application meets all of the criteria set out in regulation 20(1) of the Regulations;

Agreed / Not Agreed

- f) **Agree** that the existing Oaro Mātaihai Reserve be extended to include the lower reaches of the Oaro River under regulation 20(1) of the Regulations;

Agreed / Not Agreed

- g) **Agree** that you are satisfied that the Tūtaepuaputa mātaihai reserve application meets all of the criteria set out in regulation 20(1) of the Regulations; and

Agreed / Not Agreed

- h) **Agree** to declare the proposed Tūtaepuaputa mātaihai reserve under regulation 20(1) of the Regulations.

Agreed / Not Agreed

9. If you agree to declare the proposed areas as mātaihai reserves:

- a) **Note** that MPI will provide you with *New Zealand Gazette* notices for your signature that declare the mātaihai reserves;

Noted

- b) **Note** that MPI will provide you with letters for your signature that appoint the nominated Tangata Tiaki/Kaitiaki for the Kahutara and Tūtaeputaputa mātaihai reserves;

Noted

- c) **Note** that MPI will provide you with letters for your signature notifying the Tangata Tiaki/Kaitiaki for the existing Oaro Mātaihai Reserve that the boundary of the reserve has been extended; and

Noted

- d) **Note** that MPI will provide you with letters for your signature to advise Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu of your decisions.

Noted

Dan Bolger
Deputy Director-General
Marine
for the Director-General

Hon Stuart Nash
Minister of Fisheries

/ / 2018

Background

Mātaaitai reserves

10. As part of the settlement of Māori claims to fisheries resources, regulations were promulgated that allow the Minister of Fisheries (the Minister) to declare areas to be mātaaitai reserves. Mātaaitai reserves recognise and provide for non-commercial customary food gathering and the special relationship between tangata whenua, and places of importance for customary food gathering.
11. When a mātaaitai reserve is established:
 - (a) All commercial fishing within a mātaaitai reserve is prohibited. However, Tangata Tiaki/Kaitiaki for a reserve can request the Minister recommend the making of regulations to allow commercial fishing of specified species by quantity or time period. To date, this has not occurred in any reserve.
 - (b) There is no change to recreational fishing rules within a mātaaitai reserve unless the Minister approves any proposed bylaws. The appointed Tangata Tiaki/Kaitiaki for a reserve can propose bylaws to restrict or prohibit fishing that they consider necessary for the sustainable utilisation or management of the fisheries resources in the reserve. To date, only 10 of 42 mātaaitai reserves have bylaws that restrict or prohibit fishing.
 - (c) Mātaaitai reserves do not prevent access to any reserve, beach or river, or change existing arrangements for access to private land.
12. MPI provided you with an overview of mātaaitai reserves, the application process and key issues regarding mātaaitai reserves, before making your decision on this application (B17-0651).

History of the applications

13. The Ngāi Tahu Customary Fisheries Protection Areas Project 2003-2008 identified the Kahutara, Oaro and Conway Rivers as some of the most significant food gathering areas to be protected within the Rūnanga's rohe (area) and prioritised them for consideration as mātaaitai reserves.¹
14. In their initial Kaikōura Marine Strategy 2012, Te Korowai also identified the Kahutara, Oaro and Conway Rivers as potential mātaaitai reserves.² Te Korowai later considered these three areas as outside their core remit and excluded them from the final Strategy implemented by Government.

¹ The project identified significant customary fisheries areas in the Ngāi Tahu takiwā (tribal territory), prioritised the key areas to be protected, and listed by what mechanism that protection might be achieved. Ngāi Tahu conducted extensive background research, including in the tribal archives and relevant Ngāi Tahu policy documents. The areas were largely identified from evidence put before the Waitangi Tribunal.

² In 2005, the Rūnanga, in association with the Department of Conservation, gathered interested parties together and established Te Korowai, with the goal of providing leadership on the use and protection of the Kaikōura marine environment. In 2012, a number of Te Korowai's proposed management measures were implemented by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014. A copy of the Strategy is available online at: http://www.teamkorowai.org.nz/docs/Kaikoura_Marine_Strategy_lo_res.pdf

15. Instead, Te Korowai agreed that the Rūnanga would apply for three freshwater mātaihai after discussing the areas with commercial eel fishers. Te Korowai support the Rūnanga's aspirations for the areas and consider them to be complementary to the integrated planning of the Kaikōura marine environment.
16. Accordingly, the Rūnanga and the South Island Eel Industry Association (SIEIA) discussed the proposed areas. Commercial fishing is prohibited in a mātaihai reserve. Eels are the main species that might be caught commercially in the proposed areas. The Rūnanga excluded an area important for commercial eel fishers in the proposed Kahutara mātaihai reserve. Consequently, the Rūnanga received a letter of support from commercial eel fishers who operate in the general area of the proposed reserves (Appendix 3).
16. The Rūnanga lodged the mātaihai reserve applications for the lower reaches of the Kahutara, Oaro and Conway Rivers in September 2015.
 - (a) The proposed Kahutara reserve excludes a 0.036km² area set aside for commercial fishers.
 - (b) The proposed Oaro reserve is an extension to the Oaro Mātaihai Reserve (encompassing coastal area at the mouth of the Oaro River) declared under the Kaikōura (Te Tai o Marokura) Marine Management Act 2014.
17. Draft descriptions of the proposed areas are outlined in Schedule 1. The proposed reserves are located within the area/rohe moana of the Rūnanga.³
18. The November 2016 Kaikōura earthquakes did not cause any changes that would affect the boundaries of the proposed mātaihai reserves or the excluded area in the proposed Kahutara reserve.
19. If you declare an area a mātaihai reserve, you are required to appoint the nominated Tangata Tiaki/Kaitiaki for the reserve. Mā-rea Clayton, Brett Cowan, Nukuroa Tirikatene-Nash, Sir Mark Solomon, Gina Solomon, Keepa Te Rangihiwini Timms (Major), Debbie Walford, Jeff Reardon and Taukiri Manawatu are nominated as Tangata Tiaki/Kaitiaki for the proposed Kahutara and Tūtaeputaputa mātaihai reserves. No appointments are required for the proposed Oaro mātaihai reserve, because the Tangata Tiaki/Kaitiaki for the existing Oaro Mātaihai Reserve will cover the extended reserve area.

³ The takiwā of the Rūnanga centres on Takahanga (Kaikōura) and extends from Te Parinui o Whiti (White Bluffs) in the north to the Hurunui River in the south and inland to the Main Divide. Te Runanga o Ngai Tahu (Declaration of Membership) Order 2001.

Legal Considerations

20. As part of the settlement of Māori claims to fisheries resources, mātaihai reserves may be established under the Fisheries (South Island Customary Fishing) Regulations 1999 (the Regulations). The purpose of the Regulations are to:
- (a) Enable tangata whenua to administer the activity of customary food gathering to the extent that the food gathering is not commercial in any way; and
 - (b) Recognise and provide for the special relationship between tangata whenua and important customary fishing grounds.
21. Mātaihai reserves are not the only mechanism to provide for customary food gathering. The provision for and management of customary fishing is a part of, and inextricably linked to, the wider fisheries management system. This is accomplished by setting a customary fishing allowance and ensuring, when doing so, that both the quantum and the ability to take the allowance is considered and provided for.
22. The process and criteria for determining whether to declare an area a mātaihai reserve, and appointing the Tangata Tiaki/Kaitiaki for the reserve, are set out in the Regulations. Following receipt of an application, consultation must occur with the local community and persons who take fish, aquatic life, or seaweed or own quota, and whose ability to take such fish, aquatic life, or seaweed or whose ownership interest in quota may be affected by the proposed reserve.

The criteria for establishing a mātaihai reserve

23. Regulation 20(1) requires you, as the responsible Minister, to declare an area to be a mātaihai reserve if you are satisfied that:
- (a) There is a special relationship between the tangata whenua and the proposed mātaihai reserve;
 - (b) The general aims of management in the application are consistent with sustainable management of the fishery to which the application relates;
 - (c) The proposed reserve is an identified traditional fishing ground and is of a size appropriate to effective management by the tangata whenua;
 - (d) You are able to agree with the tangata whenua any conditions required for the proposed reserve (being conditions that you consider necessary to address issues raised by submissions);
 - (e) The proposed reserve will not:
 - i. Unreasonably affect the ability of the local community to take fish, aquatic life, or seaweed for non-commercial purposes;
 - ii. Prevent persons with a commercial interest in a species taking their quota entitlements or annual catch entitlements (ACE) within the quota management area (QMA) for that species; or
 - iii. Prevent persons with a commercial fishing permit for a non-quota management species taking fish, aquatic life, or seaweed under their permit; and

- (f) The proposed reserve is not a marine reserve under the Marine Reserves Act 1971.
- 24. If you are satisfied all of the regulatory criteria are met, you must declare the area a mātaihai reserve by notice in the *New Zealand Gazette*, and appoint the nominated Tangata Tiaki/Kaitiaki for the reserve.
- 25. If you consider one or more criteria are not met, you must decline the application, notify the applicant in writing, and state your reasons for declining.

Consultation

- 26. Before lodging the applications, the Rūnanga discussed with the SIEIA the boundaries of the proposed areas, and then excluded an area in the proposed Kahutara reserve that is important to commercial eel fishers. Consequently, the Rūnanga received a letter of support from five eel quota holders.⁴
- 27. MPI and the Rūnanga have met all of the consultation requirements set out in r 19 of the Regulations.
 - (a) In October/November 2015, MPI placed public notices in the *Marlborough Express* and *Kaikōura Star* newspapers calling for written submissions by December 2015 from the local community, and notifying a public meeting to discuss the application. MPI also placed consultation details on its website.
 - (b) The Rūnanga invited representatives from Te Korowai and the Kaikoura Zone Committee⁵ to attend the public meeting.
 - (c) In November 2015, MPI and the Rūnanga jointly held a public meeting at the Takahanga Marae in Kaikōura.
 - (d) In February 2016, MPI placed a public notice in the *Marlborough Express* and *Kaikōura Star* newspapers calling for written submissions by April 2016 from those persons with a fishing interest in the proposed mātaihai reserves.
 - (e) Again, consultation details were placed on MPI's website. MPI also informed the relevant commercial fishing representative organisations of the consultation.

⁴ Mossburn Enterprises Ltd; Aotearoa Quota Brokers Ltd; Pullan Enterprises Ltd; Jagz Charters Ltd; and s 9(2)(a).

⁵ The Kaikoura Zone Committee is a joint committee of Environment Canterbury and the Kaikoura District Council, established under the Canterbury Water Management Strategy. The committee is tasked with developing effective water management implementation programmes in consultation with the local community.

28. MPI received three submissions, all of which support one or more of the applications.⁶ The three submissions are in addition to the letter of support the Rūnanga received from the eel quota holders. Only one local community member attended the public meeting and no issues were raised (Appendix 4).⁷

Assessment of the Applications

29. MPI has assessed each application against the criteria set out in r 20(1) of the Regulations for declaring mātaihai reserves, including the proposed extension to the existing Oaro Mātaihai Reserve. MPI's analysis of each criteria covers all three applications. Where there is additional information for a particular application, this is stated.

Special Relationship

30. To declare a proposed area a mātaihai reserve you must be satisfied, on the information available, that there is a special relationship between the tangata whenua making the application and the proposed mātaihai reserve (r 20(1)(a)).
31. The Regulations do not define what constitutes a "special relationship"; it is a question of fact in each situation. Applicants must provide information to demonstrate that their relationship with the proposed area is more significant than with other parts of their area/rohe moana. This includes a clear description of the boundaries of the proposed reserve and an explanation of why their relationship with that area is "special".
32. MPI considers the available evidence supports the view that there is a special relationship between the Rūnanga and all three proposed mātaihai reserves. The key points of evidence are set out below.
33. The Rūnanga provided an account of the history and traditions associated with the Kahutara, Oaro and Conway Rivers and the Kaikōura area. The Rūnanga provided an extensive background on the nature of their relationship with the three rivers, and confirmed that the historic locations of permanent settlements were often determined by their proximity to food gathering places.
34. The Rūnanga identified a number of locations in and around the three river catchments that they consider are of special significance to Ngāi Tahu. The sites include: food gathering places (mahinga kai); permanent settlements (kāinga); battle sites; burial sites (urupa); occupation and pā sites; and other sites (Marae, Māori land reserves and Māori place names).

⁶ The Kina Industry Council and the Kaikoura Boating Club support all three applications. The Kaikoura District Council support the Kahutara and Oaro applications. The Tūtaeputaputa application is outside of the Council's jurisdiction.

⁷ Ted Howard attended the meeting. Mr Howard was involved with Te Korowai; is the Chair of the Kaikoura Zone Committee; and president of the Kaikoura Boating Club.

35. The Rūnanga states:

- (a) “Kaikōura” is short for “Te Ahi Kaikōura a Tama ki Te Rangi” - the fires where Tama Ki Te Rangi ate crayfish. Tama Ki Te Rangi was an early Māori explorer of the South Island.⁸ Battle sites, urupa and landscape features in the general area bear the names of tūpuna (ancestors). For example, Lake Rotorua in the Kahutara River catchment is also known as “Ngā Puna Wai Karikari o Rākaihautū,” meaning the dug up lakes of Rākaihautū.
- (b) Abundant food supplies supported numerous kāinga and pā along the coast. Prominent headlands, in particular, were favoured for their defensive qualities. Māori land reserves were allocated near the three rivers through the Kaikōura Deed of Purchase.⁹ There are 14 registered pā along the coast, but there have been 38 pā at different times. The pā in the three proposed areas are linked socially.
- (c) The coastal areas were first occupied by Rapuwai, then Waitaha, Ngāti Māmoe, and Ngāi Tahu. Through conflict and alliance, Waitaha, Ngāti Māmoe and Ngāi Tahu merged in the whakapapa (genealogy) of Ngāi Tahu Whānui, resulting in a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast. An intricate network of mahinga kai rights and networks relied on coastal and freshwater resources.¹⁰
- (d) The pre-European Takahanga Marae was a staging post for Ngāi Tahu migrations further south. Kai from the three river catchments supports the Marae, cultural functions, hapū, and other significant kāinga areas such as at Mangamaunu, Peketa and Oaro.

36. The Takahanga Marae is the “standing place” for Ngāti Kuri hapū. The Marae overlooks the Kaikoura township and was built in the mid-1980’s on the same site as the original Marae, built by Ngāti Māmoe approximately 450 years ago.¹¹

37. MPI notes other documented evidence makes general references to Ngāi Tahu’s association with the three rivers and the wider Kaikōura area, for example the government Rahui Areas Programme in the mid-1980s documents Ngāi Tahu’s association with the lower Kahutara and Oaro Rivers.¹²

⁸ Ngāi Tahu Claims Settlement Act 1998. Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.464

⁹ The Kaikoura Deed of Purchase records the transactions of territory sold from local Māori to the Crown.

¹⁰ Ngāi Tahu Claims Settlement Act 1998. Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.465

¹¹ Source: <http://ngaitahu.iwi.nz/te-runanga-o-ngai-tahu>

¹² MAFFish Evidence on Local Control and Management of Coastal Fisheries by Maori. Robert Cooper: Document 26, in the matter of claims to the Waitangi Tribunal by Henare Rikihia Tau and Ngāi Tahu Trust Board (WAI 27).

38. The Waitangi Tribunal identifies the Kahutara River, the Oaro River and lagoon, and the Conway River as areas requiring protection.¹³ The Tribunal also refers to the Māori land and reserves between the Kahutara and Conway Rivers, and fishing in lagoons, river mouths and estuaries in the areas.¹⁴

General Aims of Management

39. To declare a proposed area a mātaihai reserve, you must be satisfied that the general aims of management specified in the application are consistent with the sustainable management of the fishery to which the application relates (r 20(1)(b)).
40. While “sustainable management” is not defined in the Regulations, the Act defines “ensuring sustainability” as “maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations” and “avoiding, remedying or mitigating any adverse effects of fishing on the aquatic environment.”
41. The general aims of management specified in the applications are:
- (a) To further recognise Ngāi Tahu Whānui mānawhenua [territorial rights] over these fishing grounds;
 - (b) To ensure Ngāi Tahu Whānui are able to exercise their customary use and management rights; and
 - (c) To ensure the protection of fisheries resources so that an abundant supply of mahinga kai is available to Ngāi Tahu Whānui.
42. The Rūnanga states that together with the Tangata Tiaki/Kaitiaki, it will develop a management plan that uses fisheries in a conservative, sustainable manner. The Rūnanga intends to manage the reserves with the local community.
43. The aims of management for the mātaihai reserves are general in nature. MPI considers the general aims of management specified in the applications, particularly the protection of fisheries resources, are consistent with the sustainable management of those resources within the proposed reserves.
44. The Regulations do not require there to be any threats to any species in a proposed mātaihai reserve, or that there are any sustainability issues under existing management measures, for a reserve to be established.
45. The Regulations provide various tools for managing a mātaihai reserve, in line with customary use and management. These tools include the power to:
- (a) Issue and monitor customary fishing authorisations;
 - (b) Recommend bylaws that restrict or prohibit the taking of fisheries resources; and

¹³ The Ngāi Tahu Customary Fisheries Protection Areas Project 2003-2008.

¹⁴ The Ngāi Tahu Land Report 1991; The Ngāi Tahu Sea Fisheries Report 1992; The Ngāi Tahu Ancillary Claims Report 1995.

- (c) Recommend regulations to reinstate limited commercial fishing (limited by species, quantity or time period).
46. Because the stated management aims are general only, any assessment of a particular management measure is done during the analysis of recommended bylaws or regulations (if any). The Regulations contain a highly prescriptive procedure for developing bylaws for a mātaihai reserve. Any proposed bylaws will be assessed on whether they are necessary for “the sustainable management of the fish, aquatic life, or seaweed in that mātaihai reserve.”

Traditional Fishing Ground

47. To declare a proposed area a mātaihai reserve, you must be satisfied that the proposed area is an identified traditional fishing ground (r 20(1)(c)). The applicant must provide information to establish that the area is a traditional fishing ground. This is something to be established on the facts of the application.
48. MPI considers the proposed mātaihai reserves are traditional fishing grounds for Ngāi Tahu and its hapū Ngāti Kuri. The key points of evidence that support this view are set out below. The Rūnanga states:
- (a) The ability for Ngāi Tahu and Ngāti Kuri to maintain ahi kaa (permanent residence) has always been dependent on mahinga kai. The number of important pā sites on the Kaikōura peninsula is testament to the abundance and availability of kai from the lower reaches of the three river catchments and inland lakes.
 - (b) Ngāti Kuri would travel from various kāinga along the Kaikōura coast to gather kai from the lower reaches of the three river catchments. The rivers provided abundant tuna (eels), but also whitebait from the Kahutara and Oaro Rivers, and pātiki (flounder) from the Oaro and Conway Rivers. A number of other species were also gathered traditionally from the three rivers and surrounding areas.¹⁵
 - (c) The three rivers were reasonably accessible and different parts were fished at different times of the year to spread catch throughout the various pockets of resident tuna along the rivers or in the lakes. Traditional fishing methods were used, such as not taking eels during a full moon.
 - (d) At times, tuna were unavailable in the Oaro River due to dry weather conditions or the population was being rested. On these occasions, the Kahutara or Conway Rivers would be fished instead, where tuna were almost always available.
 - (e) Today, the main mahinga kai gathered from the three rivers is eels, along with whitebait from the Kahutara River. The mahinga kai values is one of the main reasons Ngāi Tahu used its settlement to designate statutory acknowledgements over Lake Rotorua in the proposed Kahutara mātaihai reserve area, and the Conway River.¹⁶

¹⁵ Deer, pigs, goats, trout, duck and other waterfowl, seagull eggs, and a variety of plant resources (watercress, puha, konini berries, harakeke, ferns, ti root).

¹⁶ Ngāi Tahu Claims Settlement Act 1998, schedules 25 and 65, respectively.

49. As part of the Ngāi Tahu Customary Fisheries Protection Areas Project 2003-2008, Ngāi Tahu identified the Kahutara, Oaro and Conway Rivers as some of the most significant food gathering areas within the Rūnanga's rohe and prioritised them for consideration as mātaihai reserves.
50. In the mid-1980s, the Ministry of Agriculture and Fisheries (MAF) undertook the Rāhui Areas Programme. The Programme entailed MAF assisting kaumātua (elders) in the South Island to identify Rāhui Areas that were traditionally fished by local tangata whenua, and needed long-term protection. The Programme identified approximately 170 Rāhui Areas which were listed in the 'Cooper Report'.¹⁷
51. The Cooper Report identified the Kahutara and Oaro Rivers as Rāhui Areas. The findings of the Cooper report are consistent with those two applications. The Cooper Report identified that these areas needed to be "closed to all commercial fishing including eels."
52. The Kaikoura Marine Strategy notes that the Kahutara River, the Oaro River, lagoon and coastal area; and the Conway River and coastal area are "key spot[s]" for customary harvesting.¹⁸ In addition, Te Korowai Strategy notes that the same areas are significant traditional fishing areas for Ngāti Kuri.¹⁹
53. The Ngāi Tahu Sea Fisheries Report 1992 refers to fishing in lagoons, river mouths and estuaries, and states that "marine resources formed a significant part of the diet of Ngāi Tahu communities, and some hapū, such as Ngāti Kuri at Kaikoura, were heavily dependent on the resources of Tangaroa."²⁰

Size Appropriate of Effective Management by Tangata Whenua

54. To declare a proposed area a mātaihai reserve, you must be satisfied that the proposed area is of a size appropriate to effective management by the tangata whenua (r 20(1)(c)).
55. There is no specified size limit for a mātaihai reserve. However, you must consider whether you are satisfied that it is of a size appropriate to effective management by the tangata whenua. Together with the requirements that the area be an identified traditional fishing ground that tangata whenua have a special relationship with, and that the area will not prevent other fishers exercising their rights, this criterion limits the size of a mātaihai reserve.

¹⁷ MAFFish Evidence on Local Control and Management of Coastal Fisheries by Maori. Robert Cooper: Document 26, in the matter of claims to the Waitangi Tribunal by Henare Rikihia Tau and Ngāi Tahu Trust Board (WAI 27).

¹⁸ Kaikoura Marine Strategy: Sustaining our sea. Te Korowai o Te Tai o Marokura (Kaikoura Coastal Marine Guardians) (2012).

¹⁹ Sourced from Anderson (1998), Brailsford (1997), Cooper (1989), Environment Canterbury (2005), Higgins and Goomes (1988), Solomon and Howse (1988), Te Rūnanga o Kaikōura (2005), Trotter and McCulloch (1998).

²⁰ The Ngāi Tahu Sea Fisheries Report 1992 (Wai 27).

56. MPI considers the proposed mātaihai reserve areas are of an appropriate size to effective management by the tangata whenua. MPI considers there are a number of factors relevant to your decision on this criteria, including:
- (a) Management functions that the Tangata Tiaki/Kaitiaki are empowered to undertake; and
 - (b) The delineation of its boundaries and its accessibility.
57. A mātaihai reserve is managed by the Tangata Tiaki/Kaitiaki appointed specifically for that reserve. Management measures available to the Tangata Tiaki/Kaitiaki may include:
- (a) recommending bylaws to restrict or prohibit the taking of fish or aquatic life;
 - (b) requesting regulations be made to allow limited commercial fishing;²¹ and
 - (c) issuing and monitoring customary fishing authorisations.
58. Information provided in the applications and during discussions with MPI officials demonstrates the Rūnanga has a good knowledge of the proposed areas and associated resources. This will enhance their ability to make informed and effective fisheries management decisions within the areas.
59. The Rūnanga's knowledge of the areas contributed to Te Rūnanga o Kaikoura Environmental Management plan 2007. The plan states the values and policies regarding the natural resources and environmental management of the Rūnanga's takiwā.²²
60. MPI considers the boundaries of the proposed mātaihai reserves are clearly defined. The boundaries have been agreed through Te Korowai's processes and discussions with commercial eel fishers. The inland boundaries of the proposed Kahutara and Tūtaeputaputa reserves are defined by roads. The proposed Tūtaeputaputa and Oaro (extension) reserves include named rivers and streams; and a lagoon, creek and brook.
61. Prior to the November 2016 Kaikoura earthquake, the proposed reserves were accessible via SH1 and public roads which border or cross the proposed reserve areas. The streams and rivers within the catchments were also accessible via the rivers themselves. After the earthquake, vehicle access became limited due to landslides and damaged roads, however the areas have become increasingly accessible as clearance work continues.
62. MPI's view, should you decide to establish the proposed mātaihai reserves, is that sufficient resources and support are available to the Rūnanga to enable them to effectively manage the reserves, particularly from Ngāi Tahu. As required, MPI would continue to advise and assist the Rūnanga to address any fisheries management issues. MPI will also continue to undertake compliance and enforcement functions.

²¹ Limited by species, quantity or time period.

²² Te Rūnanga o Kaikoura Environmental Management Plan. March 2007. ISBN: 0-476-01351-8.

63. The establishment of a mātaihai reserve does not affect land titles to private land adjoining or within the boundaries of a proposed reserve, or change existing arrangements for access to private or public land.

Suitable Conditions

64. To declare a proposed area a mātaihai reserve, you must be satisfied that you and the tangata whenua are able to agree on suitable conditions (if any) for the proposed mātaihai reserve (r 20(1)(d)).
65. Regulation 19(6) requires you to advise the tangata whenua of the submissions received and discuss with them any conditions relating to the mātaihai reserve that you consider may be necessary to address issues raised by submissions. This function is delegated to MPI officials.
66. MPI considers the submissions did not raise any issues that would require conditions for any of the three proposed reserves.

Local Community

67. To declare a proposed area a mātaihai reserve, you must be satisfied that doing so will not unreasonably affect the ability of the local community to take fish, aquatic life, or seaweed for non-commercial purposes (r 20(1)(e)(i)).
68. The Regulations define local community as those persons:
- (a) Who own any land in the proximity of a proposed mātaihai reserve; or
 - (b) Who have a place of residence in the proximity of a proposed mātaihai reserve, and have been in occupation for a cumulative period of no less than three months in the three consecutive years immediately preceding the date of the application for that mātaihai reserve.
69. The Kahutara River mouth is very popular for recreational activities, such as whitebaiting.²³ Whitebaiting also occurs in the Oaro River. However, mātaihai reserves only apply to fisheries resources managed under the Act, which does not include whitebait. Should you declare the proposed areas as mātaihai reserves, whitebaiting will not therefore be affected.
70. The Rūnanga state sporadic recreational fishing for flatfish occurs in the proposed areas. Non-commercial fishing is not restricted or prohibited in a mātaihai reserve unless bylaws, affecting all fishers in the reserve, are put in place. Unless bylaws are approved, non-commercial fishing continues subject to the Fisheries (Amateur Fishing) Regulations 2013. The Rūnanga have not proposed any bylaws.
71. MPI considers that establishing the three proposed mātaihai reserves will not unreasonably affect the ability of the local community to take fish, aquatic life or seaweed for non-commercial purposes.

²³ Kaikoura Coastal Marine Values and Uses: A Characterisation Report. Te Korowai o Te Tai o Marokura (Kaikoura Coastal Marine Guardians). Revised second edition May 2008.

Quota Management System (QMS) Fisheries

72. To declare a proposed area a mātaihai reserve, you must be satisfied that the proposed mātaihai reserve will not prevent persons with a commercial interest in a species taking their quota entitlements or ACE within the QMA for that species (r 20(1)(e)(ii)).
73. Prevent is a high threshold – mere restriction on, or increased difficulties in, taking the entitlement is not sufficient to breach the criterion. Fishers may be considered to be prevented from taking their quota or ACE if the total allowable commercial catch (TACC) cannot be taken in the remainder of the relevant QMA.
74. MPI considers that establishing the three proposed mātaihai reserves will not prevent persons with a commercial interest in a species taking their quota entitlement or ACE (where applicable) within the QMA for that species.
75. Eels are the main QMS species that are taken by commercial fishers within the proposed reserves. The proposed reserves are all located within freshwater eel QMAs LFE12 (longfin eel) and SFE12 (shortfin eel), with TACCs set at 1 tonne and 20 tonne, respectively. The terrestrial portion of LFE12 and SFE12 extends from south east of Blenheim to Ashburton (excluding Lake Ellesmere) and covers a large number of rivers and lakes.
76. There are seven LFE12/SFE12 commercial quota holders, with holdings ranging in size from approximately 0.002 to 0.339 tonne for LFE12 and from 0.034 to 6.770 tonne for SFE12. MPI did not receive any submissions from these quota holders during the consultation process. Before lodging the applications however, the Runanga held discussions with the SIEIA,²⁴ and subsequently the mātaihai reserve applications were accompanied by a letter of support from a number of eel quota holders, who together hold approximately 76% of the LFE12/SFE12 quota.
77. MPI understands that the proposed reserves are not important areas for commercial eel fishing and little (if any) commercial eel fishing occurs in the proposed reserves. MPI notes that the proposed Kahutara reserve excludes an area within its external boundaries. The excluded area was negotiated with the SIEIA on behalf of the commercial eel fishers because of its importance to them. In addition, there are other eel fishing grounds outside of the proposed reserves that could absorb any displaced eel fishing effort.

Non-QMS Fisheries

78. To declare a proposed area a mātaihai reserve, you must be satisfied that the proposed mātaihai reserve will not prevent persons with a commercial fishing permit for a non-QMS species taking fish, aquatic life, or seaweed under their permit within the area for which that permit has been issued (r 20(1)(e)(iii)).

²⁴ The South Island Eel Industry Association represents the majority of the commercial eel fishers in the South Island.

79. There is no evidence that the proposed mātaimai reserve areas will prevent persons with a commercial fishing permit for non-QMS species taking fish, aquatic life, or seaweed under their permit within the area for which that permit has been issued. MPI is not aware of any non-QMS species taken under a commercial fishing permit within any of the three proposed mātaimai reserves.

Marine Reserve

80. To declare a proposed area a mātaimai reserve, you must be satisfied that the proposed mātaimai reserve is not a marine reserve under the Marine Reserves Act 1971 (r 20(1)(f)). The three proposed mātaimai reserve areas are not marine reserves, and there are no applications for marine reserves in the areas.

Conclusions

81. MPI has considered the applications and all of the relevant information available, including any supporting information supplied by the Rūnanga and submissions. MPI has assessed each application against the criteria set out in the Regulations for declaring mātaimai reserves.
82. MPI considers all three of the applications meet all of the criteria and recommends you approve the applications. It is, however, open to you to decide whether or not you are satisfied the criteria provided by the Regulations have been met.
83. If you have any concerns, or require any additional information, MPI recommends you direct officials to discuss the applications with the Rūnanga and provide you with further advice following discussions.

Declaration and Notification

84. If you decide to declare the proposed areas as mātaimai reserves under r 20(1) of the Regulations, r 20(4) requires you to publish notices in the *New Zealand Gazette* as soon as practicable. MPI will arrange for the preparation of *New Zealand Gazette* notices for your signature, if required.
85. If you decide to declare the proposed areas as mātaimai reserves, r 21(1) requires you to appoint Tangata Tiaki/Kaitiaki for the reserves as nominated under r 17(2) of the Regulations. Tangata Tiaki/Kaitiaki may be appointed for up to five years.
86. You are required to appoint the nominated Tangata Tiaki/Kaitiaki for the proposed reserves. Mā-rea Clayton, Brett Cowan, Nukuroa Tirikatene-Nash, Sir Mark Solomon, Gina Solomon, Keepa Te Rangihwinui Timms (Major), Debbie Walford, Jeff Reardon and Taukiri Manawatu are nominated as Tangata Tiaki/Kaitiaki for the proposed Kahutara and Tūtaeputaputa mātaimai reserves. MPI is not aware of any reason why the nominated Tangata Tiaki/Kaitiaki should not be appointed for the full five-year term. MPI did not receive any objections or concerns regarding these nominations.

87. The Tangata Tiaki/Kaitiaki for the existing Oaro Mātaitai Reserve will become Tangata Tiaki/Kaitiaki for the proposed extension to that mātaitai reserve. They are not required to be appointed again.
88. If you decide to declare the proposed areas as mātaitai reserves, MPI will prepare letters for your signature to appoint Tangata Tiaki/Kaitiaki for the Kahutara and Tūtaeputaputa mātaitai reserves, inform the Tangata Tiaki/Kaitiaki for the existing Oaro Mātaitai Reserve that the boundaries of the reserve have been extended, and to inform Te Rūnanga o Kaikoura and Te Rūnanga o Ngāi Tahu of your decisions.
89. As soon as practicable, and in any case no later than 20 working days, after the appointment of Tangata Tiaki/Kaitiaki for a mātaitai reserve, r 22 requires the Director-General of MPI to publish a notice in a newspaper circulating in the locality of the mātaitai reserve and in the *New Zealand Gazette* stating that the mātaitai reserve has been declared under r 20, describing the boundaries of the reserve, and naming the Tangata Tiaki/Kaitiaki.
90. Should you declare the mātaitai reserves and appoint Tangata Tiaki/Kaitiaki, MPI will publish the required notices in the *New Zealand Gazette* and a local newspaper.

Released under the Official Information Act 1982

Schedule One, Draft descriptions of proposed mātaihai reserves

1. The below draft descriptions and maps are indicative only and are subject to final technical review and adjustment by the Parliamentary Counsel Office, during the *New Zealand Gazette* Notice drafting process, should you decide to declare the reserves.

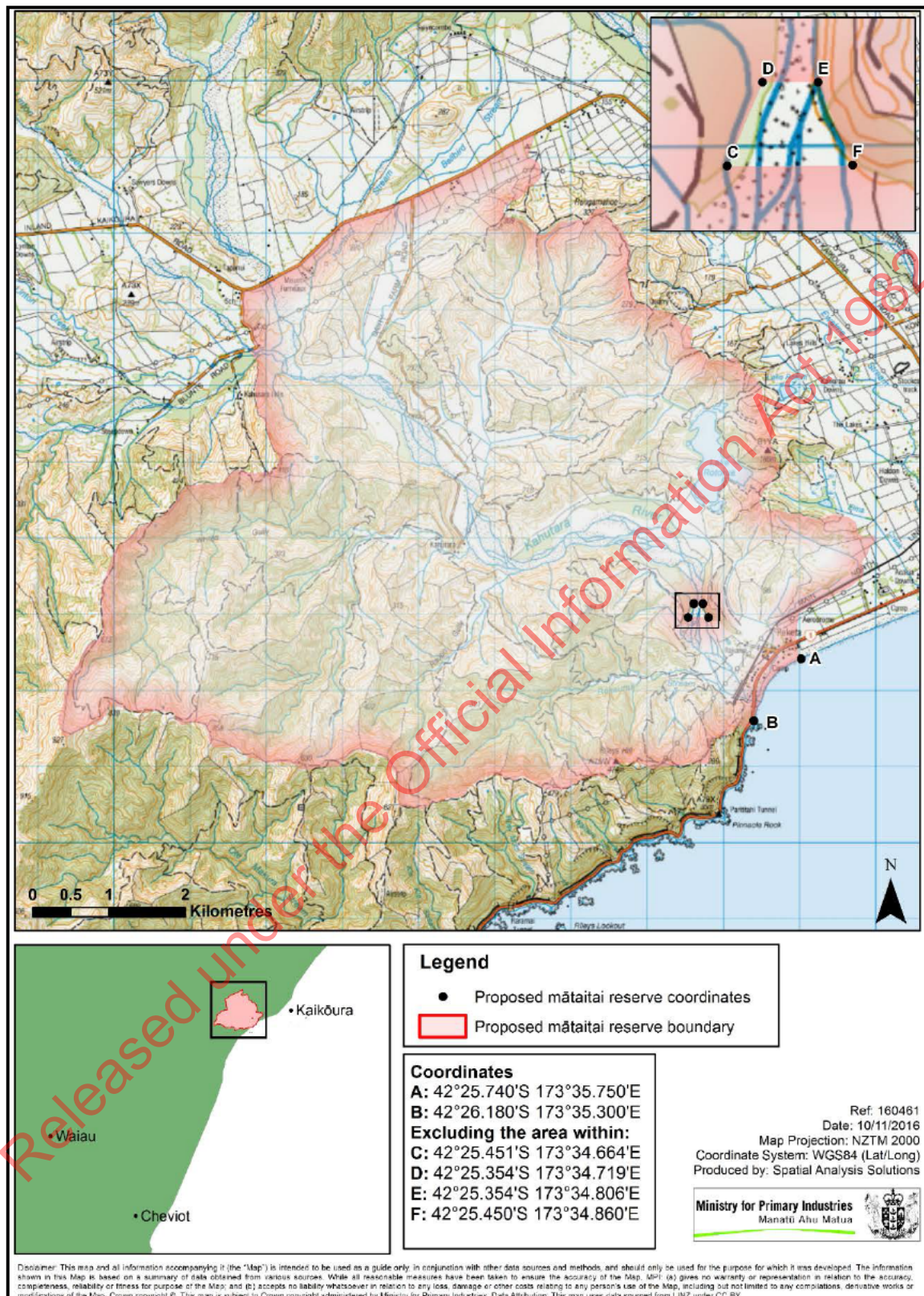
Proposed Kahutara mātaihai reserve

2. The area of the proposed Kahutara mātaihai reserve is the area of South Island fisheries waters within the following lines, but excluding the area described by paragraphs 93(a) to (e):
 - (a) from the starting point at 42°25.740'S and 173°35.750'E (on the mean high-water mark); then
 - (b) by a line in a generally north-westerly direction along the north-eastern boundary of the Kahutara River catchment until it intersects with the Inland Kaikoura Road; then
 - (c) by a line in a generally south-westerly direction along the Inland Kaikoura Road until the Inland Kaikoura Road intersects with Blunts Road; then
 - (d) by a line in a generally southerly direction along Blunts Road until Blunts Road intersects with the boundary of the Kahutara River catchment; then
 - (e) by a line in generally southerly, then south-westerly, then easterly direction along the western and southern boundaries of the Kahutara River catchment to a point at 42°26.180'S and 173°35.300'E (on the mean high-water mark); then
 - (f) by a line in a generally northerly direction along the mean high-water mark to the starting point.

Area excluded

3. The excluded area (approx. 0.036km²) is the area within the following lines:
 - (a) from the starting point at 42°25.451'S and 173°34.664'E; then
 - (b) by a straight line in a north-easterly direction to 42°25.354'S and 173°34.719'E; then
 - (c) by a straight line due east to 42°25.354'S and 173°34.806'E; then
 - (d) by a straight line in a south-easterly direction to 42°25.450'S and 173°34.860'E; then
 - (e) by a straight line in a westerly direction to the starting point.

Map 1: Proposed Kahutara mātaihai reserve

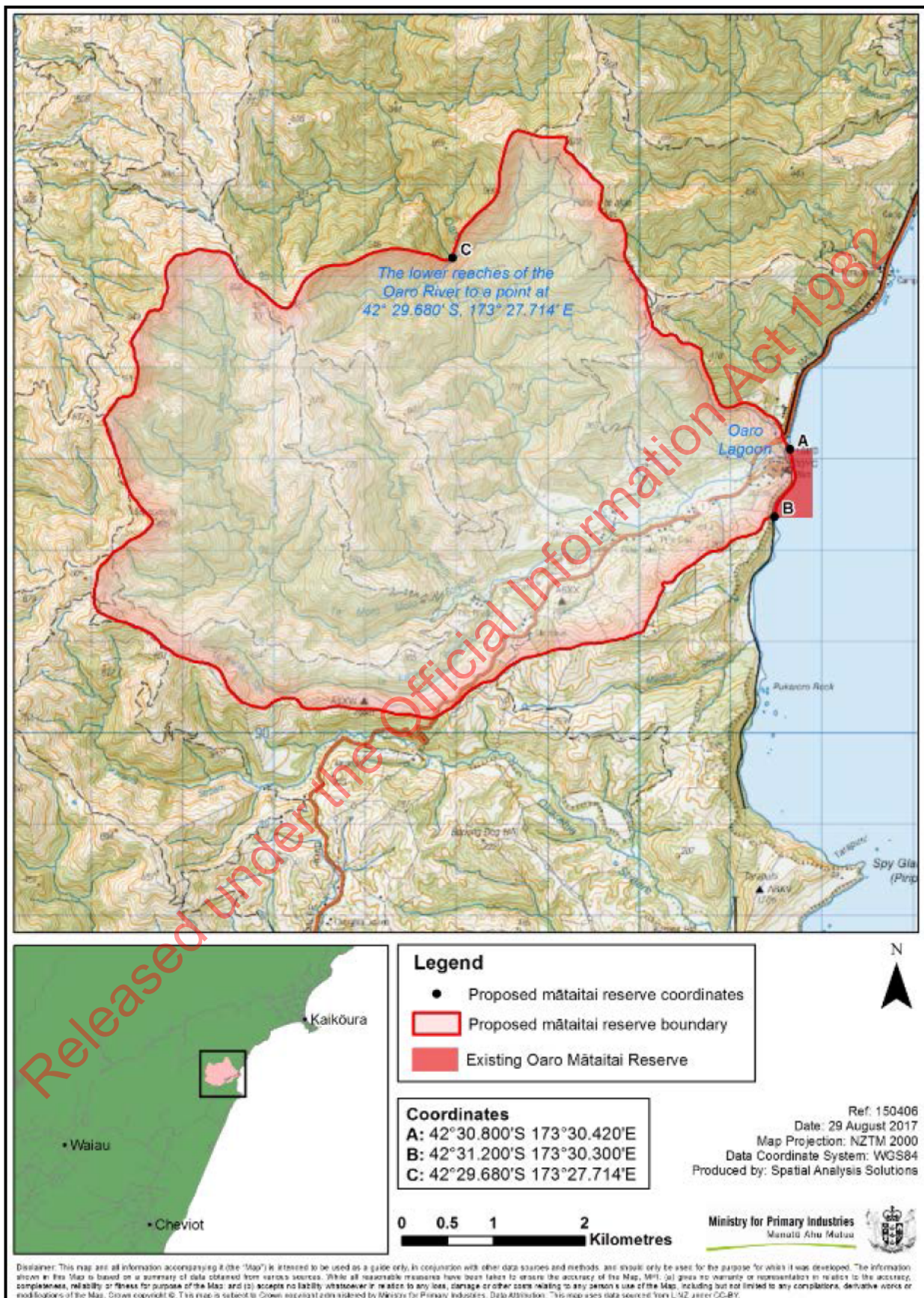


Proposed Oaro (extension) mātaimai reserve

4. The area of the proposed extension to the existing Oaro Mātaimai Reserve is the area of South Island fisheries waters extending inland from 42°30.800'S and 173°30.420'E (the north-western boundary of the Oaro Mātaimai Reserve) and 42°31.200'S and 173°30.300'E (the south-western boundary of the Oaro Mātaimai Reserve), to include the fisheries waters of:
 - (a) The Oaro Lagoon;
 - (b) The Kaka Mutu, Te Moto Moto and Te Kahika Streams; and
 - (c) The lower reaches of the Oaro River to 42°29.680'S and 173°27.714'E.
5. Subject to approval by Parliamentary Counsel Office, the *Gazette* notice declaring the extension to the existing Oaro Mātaimai Reserve, as defined by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014, will redefine the the existing Oaro Mātaimai Reserve to include the boundary extension.

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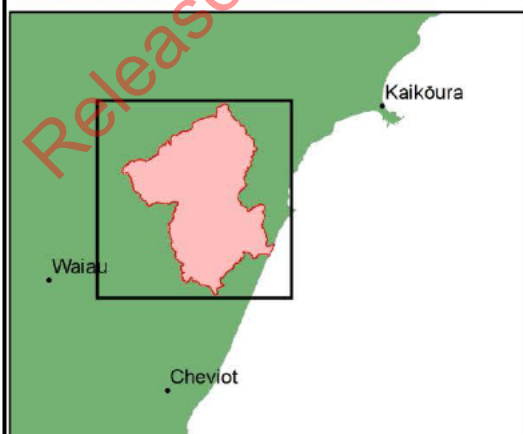
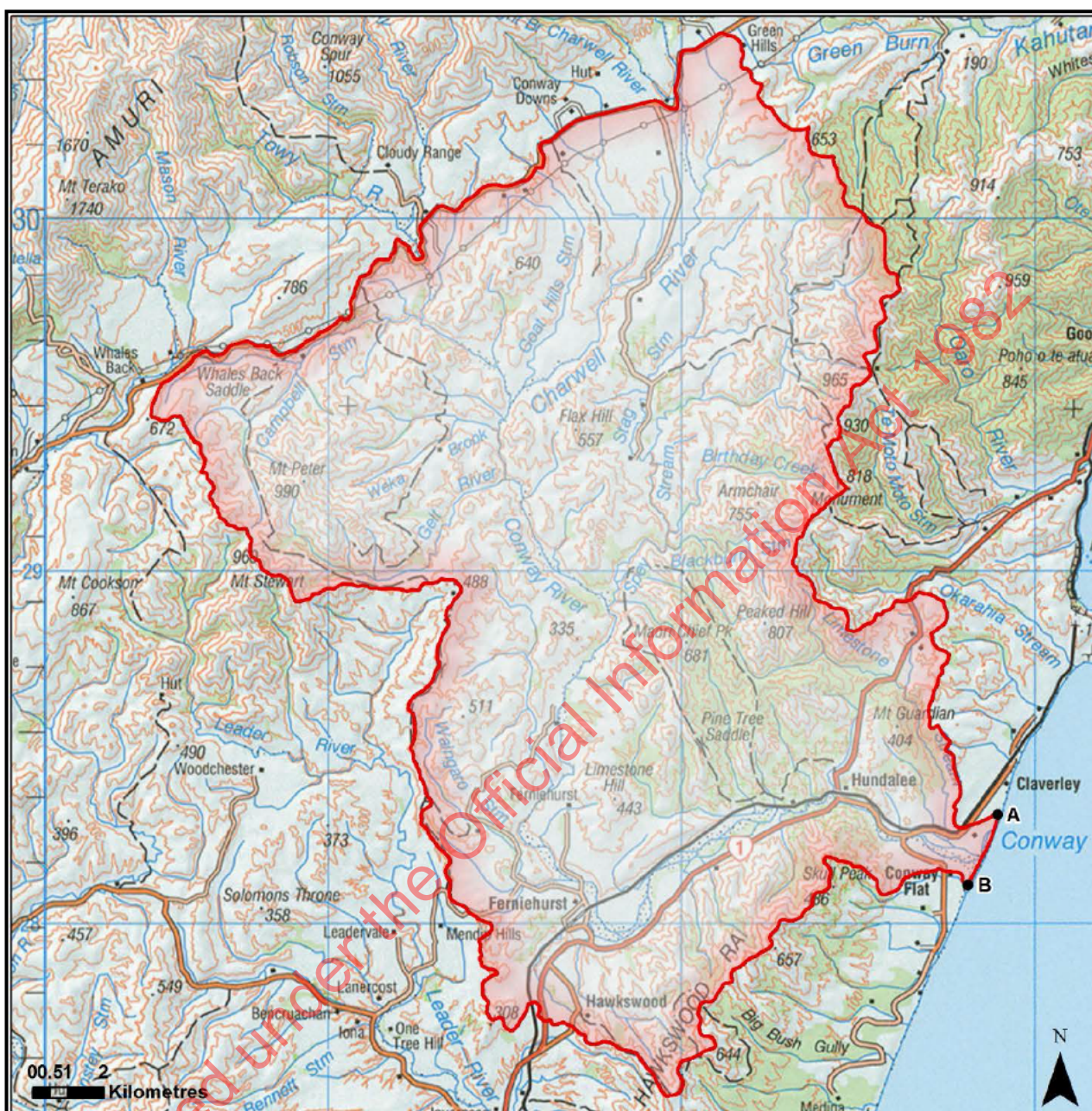
Map 2: Proposed Oaro (extension) mātaimai reserve



Proposed Tūtaeputaputa mātaimai reserve

6. The area of the proposed Tūtaeputaputa mātaimai reserve is the area of South Island fisheries waters within the following lines:
 - (a) from the starting point at 42°36.240'S and 173°28.500'E (on the mean high-water mark); then
 - (b) by a line in a generally north-westerly direction along the eastern boundary of the Conway River catchment until it intersects with the Inland Kaikoura Road; then
 - (c) by a line in a generally south-westerly direction along the Inland Kaikoura Road until it intersects with the boundary of the Conway River catchment; then
 - (d) by a line in a generally south-easterly then north-easterly direction along the western and south-eastern boundaries of the Conway River catchment to a point at 42°37.320'S and 173°27.900'E (on the mean high-water mark); then
 - (e) by a line in a generally northerly direction along the mean high-water mark to the starting point.
7. Within the area described by paragraphs 97(a) to (e), the proposed Tūtaeputaputa mātaimai reserve includes:
 - (a) Conway River and its tributaries;
 - (b) Charwell and Gelt Rivers;
 - (c) Limestone, Spey, Blackburn, Stag, Goat Hills, Campbell and Waingaro Streams;
 - (d) Birthday Creek; and
 - (e) Weka Brook.

Map 3: Proposed Tūtaeputaputa mātaihai reserve



Legend

- Proposed mātaihai reserve coordinates
- Proposed mātaihai reserve boundary

Coordinates

A: 42°36.240'S 173°28.500'E
B: 42°37.320'S 173°27.900'E

Ref: 150407
Date: 9 November 2015
Map Projection: NZTM 2000
Coordinate System: WGS84 (Lat/Long)
Produced by: Spatial Analysis Services

Ministry for Primary Industries
Manatū Ahu Matua



Disclaimer: This map and all information accompanying it (the 'Map') is intended to be used as a guide only, in conjunction with other data sources and methods, and should only be used for the purpose for which it was developed. The information shown in this Map is based on a summary of data obtained from various sources. While all reasonable measures have been taken to ensure the accuracy of the Map, MPI, (a) gives no warranty or representation in relation to the accuracy, completeness, reliability or fitness for purpose of the Map, and (b) accepts no liability whatsoever in relation to any loss, damage or other costs relating to any person's use of the Map, including but not limited to any compilations, derivative works or modifications of the Map. Crown copyright ©. This map is subject to Crown copyright administered by Ministry for Primary Industries. Data Attribution: This map uses data sourced from LINZ under CC-BY.

Appendix One: Three proposed mātaītai reserves



**Appendix Two: Applications for the Kahutara, Oaro (extension) and
Tūtaeputaputa mātaihai reserves**

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Te Rūnanga o Kaikōura Inc

Te Rūnanga o Kaikōura Inc
PO Box 39
KAIKŌURA

11 September 2015

Hon. Nathan Guy
Minister for Primary Industries
c/- PO Box 1020
Wellington

Tēnā koe e te Rangatira,

Please find attached our application for a Mātaitai for the lower reaches of the Kahutara River catchment, including Lake Rotorua. The Mātaitai is to be known as the Kahutara Mātaitai. This area is an amalgamation of many traditional fishing grounds that are still of special significance to us today in terms of customary food gathering and kaitiakitanga.

The application is made in the name of our Papatipu Rūnanga, the nominating authority for our Tangata Tiaki/Kaitiaki. The takiwā of Te Rūnanga o Kaikōura centres on Takahanga and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

Together with the Tangata Tiaki/Kaitiaki we will develop a management plan for the Mātaitai.

These fisheries will be utilised in a conservative, sustainable manner and it is our intention to manage the Mātaitai with the involvement of the local community.

We look forward to working with you on this application.

Naku noa,

Tā Mark Solomon
Chairman
Te Rūnanga o Kaikōura

Form 4

APPLICATION FOR A MĀTAITAI

Applicant:

Te Rūnanga o Kaikōura Inc
PO Box 39
Kaikōura

Area of Application (Identified Traditional Fishing Ground):

Lower reaches of the Kahutara River catchment – refer to the description and map below.

Location:

Refer to the description and map below.

Relationship of the Applicant with the Fishing Ground:

Traditional and contemporary fishing grounds (see information attached below in the supporting information section).

Aims of management for the Mātaitai:

- ☐ To further recognise Ngāi Tahu Whānui manawhenua over these fishing grounds
- ☐ To ensure Ngāi Tahu Whānui are able to exercise their customary use and management rights
- ☐ To ensure the protection of fisheries resources so that an abundant supply of mahinga kai is available to Ngāi Tahu Whānui

Tangata Tiaki / Kaitiaki nominated for the Mātaitai:

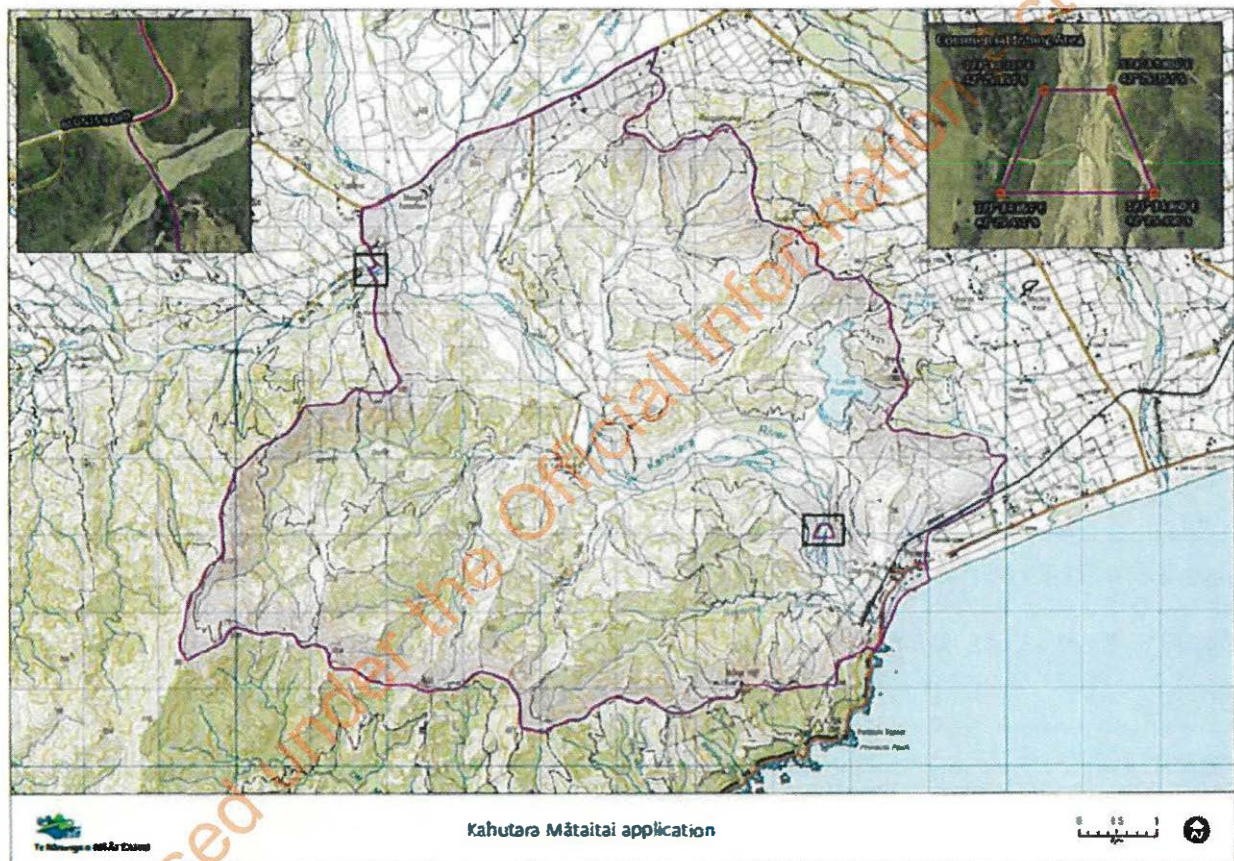
Mā-rea Clayton
Brett Cowan
Darren Kerei Keepa
Nukuroa Nash
Sir Mark Solomon
Gina Solomon
Taikorekore Stirling
Keepa Te Rangihiwini Timms (Major)
Debbie Walford

Supporting Information

Location:

This Mātaitai will encompass all fishing waters of the lower reaches of the Kahutara River catchment from the mouth inland to Blunts Road and the Inland Kaikōura Road, including Lake Rotorua, Rakanui Stream and Humbug Stream but excluding the 'Commercial eel fishing exclusion area' (the area located within the boundaries commencing at 173° 34.664 -42° 25.451 then proceeding due east to a point at 173° 34.860 -42° 25.450 then proceeding in a north northwest direction to a point at 173° 34.806 -42° 25.354 then proceeding due west to a point at 173° 34.719 -42° 25.354 and then proceeding in a south southwest direction to the point of commencement (refer to the map below).

Map of the proposed Mātaitai:



Special relationship between the Tangata Whenua and the traditional fishing grounds:

Whakapapa and ahi kaa (the special relationship with these traditional fishing grounds)

The Ngāi Tahu co-existence with these traditional fishing grounds began with the formation of Te Wai Pounamu. This formation relates to the tradition of Te Waka o Aoraki – it is said that:

"In the beginning there was no Te Wai Pounamu. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed. Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters. Among the celestial visitors were four

sons of Raki who were named Aoraki, Rakiroa, Rakiua, and Rārakiroa. They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiki. Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process."^[1]

The brothers are now intertwined into the landscape in the highest peaks in Kā Tiritiri o Te Moana (the Southern Alps). The fishing peninsulas and coastal areas of Te Wai Pounamu were created by Tūterakiwhānoa, the mokopuna of Raki. Tūterakiwhānoa was sent by his grandfather to enable human occupation of the lands of Te Waka o Aoraki.^[2] Marokura and Kahukura brought fish and plants and animals respectively to assist Tūterakiwhānoa to make Te Wai Pounamu suitable for human occupation. This is why the Kaikōura coastal area is named Te Tai o Marokura (the coastal area of Marokura).

Kaikōura also holds a special place in Ngāi Tahu pakiwaitara. Māui and his deeds are synonymous with the area. Legend has it that Kaikōura is the area which Māui stood (Te Taumanu o Te Waka a Māui) to fish up Te Ika a Māui (the North Island).

The name Kaikōura came from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From this feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi — the fires where Tama Ki Te Rangi ate crayfish.^[3]

Because of its attractiveness (e.g. abundant food supplies) as a place to establish permanent settlements, including pā, this coastal area was visited and occupied by the Rapuwai and then Waitaha. Waitaha came into the area under the leadership of the tūpuna, Te Rakihouia, son of the rangatira Rakaihautu. They arrived in the Kaikōura area on the waka, Uruao. Many areas in Kaikōura are named as testimony to their place as a mahinga kai for the tūpuna of the Uruao waka – for example, Lake Rotorua is also known as "Ngā Puna Wai Karikari o Rakaihautu" (the dug up lakes of Rakaihautu) famed for the abundance of waterfowl and eel.

Ngāti Māmoe were the next to arrive after Waitaha followed by Ngāi Tahu. Through conflict and alliance, Waitaha, Ngāti Māmoe and Ngāi Tahu have merged in the whakapapa of Ngāi Tahu Whānui.

Battle sites, unupa and landscape features bearing the names of tūpuna record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Numerous pā and kāinga were established along the coast including Te Taumanu o Te Waka a Māui (Kaikōura Peninsula), Kahutara, Peketā, Oaro, Pariwhakatau (at the Conway River) and Omihi. Māori land reserves allocated near the Kahutara River, through the Kaikōura Deed of Purchase, included Takahanga E, South Bay F, Kahutara G, Te Kiekie H, Haututu L and Oaro M.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai rights and networks that relied to a large extent on coastal and freshwater resources.^[4]

One of the leading sites in Kaikōura in pre-contact times was Takahanga Marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Maru Kaitiātea took Takahaka Pā for

^[1] Ngāi Tahu Claims Settlement Act 1998. Schedule 14: Statutory Acknowledgement for Aoraki/Mt. Cook p256-257

^[2] Te Rūnanga o Kaikōura (2005). Te Pōhā o Tohu Raumali: Te Rūnanga o Kaikōura Environmental Management Plan.

^[3] Ngāi Tahu Claims Settlement Act 1998. Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.464

^[4] Ngāi Tahu Claims Settlement Act 1998. Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.465

Ngāi Tahu occupation, the site acted as a staging post for Ngāi Tahu migrations further south. Takahanga Marae remains as a focal point for Ngāti Kuri and as such the kai available from the Kahutara River catchment will be required to sustain the many cultural functions of the marae as well as supply the hapū members with an abundant food source for cultural purposes in other significant kāinga areas such as Mangamaunu, Peketa and Oaro.

Mahinga Kai (traditional fishing grounds – maintaining the special relationship)

The special relationship between Ngāi Tahu and the lower reaches of the Kahutara River catchment is simple – the ability for Ngāi Tahu and its hapū Ngāti Kuri to maintain ahi kaa (permanent residence) has always been dependent on mahinga kai. The number of important pā sites based on the peninsula alone is a testament to the abundance and availability of kai from the lower reaches of the Kahutara River catchment. Without areas like these, the reality is that Ngāi Tahu would never have had and continue to have a dominant presence in the area.

Ngāti Kuri would travel from various kāinga along the Kaikōura coast to gather kai from the Kahutara River and inland lakes. The childhood of many Ngāti Kuri was spent doing nothing else but gathering mahinga kai. In recent decades hapū members would usually travel to the river and lakes to gather by car or truck but sometimes by railway jigger as well.

As well as the kōura and pāua for which Kaikōura is famous, freshwater fisheries such as the lower reaches of the Kahutara River catchment offered a bounty of mahinga kai especially tuna and whitebait. Tuna and whitebait were a staple part of the Ngāti Kuri diet – at times it was this or nothing.

When eeling in the Kahutara the men walked in the river in a line holding gaffs. The gaffs were made out of number 8 wire with rope handles. When the men saw an eel they would flick the eel out of the water on the end of the gaff, swing the gaff around their head with the eel still on the end of the gaff, and then smash the eel on top of the water, which would 'stun' the eel. The boys would follow behind the men collecting the eels in sugar bags – they were known as 'bag boys' and they would do that job until they had served their apprenticeship and were promoted to the gaff.

The men were selective in what eels they caught. Eels that were about one metre long or longer were usually taken. Much larger eels were speared. On occasion eels were also taken in larger quantities using hinaki (hinaki was the most common method employed in Lake Rotorua).

The eels were taken home to the various kāinga, and shared amongst the immediate whānau, where they were cleaned by being rolled in the sand. This removed all the slime off the eels. Eels were then cut into small pieces and were usually either fried in butter or grilled. Only the much larger eels were boned and smoked.

Hapū members never went eeling during a full moon and the water had to be clear to spear or gaff the eel so there was no fishing immediately after major storm events. Eeling never occurred when the river was too high also as it was too dangerous.

The Kahutara was reasonably accessible and different parts of the Kahutara were eeled. The same spot on the river or lake was not eeled everytime in order to spread catch throughout the various pockets of resident eels along the river or in the lakes which helped ensure good quantities of eels were gathered each fishing trip (a customary catch per unit effort). Overtime the best eeling spots on the river or in the lake became known.

For Ngāti Kuri families living at Ōaro, Peketa or in the Kaikōura township especially, the Kahutara River catchment was a significant eeling area. Given its size and volume, the Kahutara nearly always provided a feed of eels and hapū members could harvest there at any time, unless the river dried up in the later part of a very dry summer, and the lake could be fished at any time. The men decided which rivers or streams to eel and when.

The Kahutara was the main whitebaiting river for the hapū. For this reason alone the Kahutara was very precious to the hapū.

Duck (pūtangitangi/paradise duck flappers in particular) and other waterfowl were also gathered from the Kahutara and Lake Rotorua in particular during the appropriate seasons and a variety of plant resources including watercress (from the small creeks that ran into the lower reaches of the Kahutara) and puha for 'boil up', harakeke, fern and ti root.

Deer, pigs and goats were also harvested from the Kahutara River catchment.

The main mahinga kai gathered from the Kahutara catchment today is still whitebait and tuna. The mahinga kai values is one of the main reasons the tribe used its settlement to designate a statutory acknowledgement over Lake Rotorua. This mechanism is used to assist Ngāi Tahu input and participation in Resource Management Act (RMA) matters. The main reason why the Rūnanga has been so heavily engaged in RMA processes for the Kaikōura rohe is to ensure that there is water of suitable quality to gather kai and enough water flow to naturally open the river mouths so our native fish can migrate when they need to at particular times of the year to spawn so again our hapū can exercise our traditional fishing use and management practices.

The Kaikōura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast and adjacent freshwater areas. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua and, post-contact, whale boats plying the waters continuously. Hence there were tauranga waka up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga and fishing grounds. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as taonga.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and documents the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The above statements and sentiments are reinforced in the following whakataukī,

"Ahakoa kia pā te upoko o Te moana-Tāpokopoko-a-Tāwhaki ki
ngaa takutai o Te Waka-o-Aoraki, Engari, i tākekea te kupenga a
Tahu kia oioi i roto i te nekeneke o te tai"

"Although the shores of Te Waipounamu may be buffeted by the
turbulent currents of the great waves of the southern oceans, the
fishing net of Tahu has been made flexible so as to move at one
with the tides."^[11]

^[11] *The Ngāi Tahu Sea Fisheries Report. (1992) (Wai 27) at p. 8*

Discussions with the representative body for ANG 12 quota holders:

We have discussed this application with the South Island Eel Industry Association (SIEIA) and we have received a letter of support from a number of ANG 12 quota holders (the letter is attached for your reference).



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MOSSBURN ENTERPRISES LTD

EXPORTERS OF WAITUNA BRAND EELS AND FISH PRODUCTS

VICTOR THOMPSON Managing Director
LINDA THOMPSON Director

To Whom it may concern,

Tutaeputaputa Mataitai application

Proposed Kahutara, Oaro and Conway river catchments'

The following quota holders of ANG 12 eel stocks give their support to the proposed Mataitai,

Mosburn Enterprises Ltd

Aotearoa Quota Brokers Ltd

Pullan Enterprises Ltd

Jagz Charters Ltd

s 9(2)(a)

Regards

Vic Thompson

Released under the Official Information Act 1982



Te Rūnanga o Kaikōura Inc
PO Box 39
KAIKŌURA

11 September 2015

Hon. Nathan Guy
Minister for Primary Industries
c/- PO Box 1020
Wellington

Tēnā koe e te Rangatira,

Please find attached our application for an extension of the Oaro Mātaitai encompassing the lower reaches of the Oaro River catchment. The Mātaitai is to continue to be known as the Oaro Mātaitai. This area (the lower reaches of the Oaro River) is a traditional fishing ground that is still of special significance to us today in terms of customary food gathering and kaitiakitanga.

The application is made in the name of our Papatipu Rūnanga, the nominating authority for our Tangata Tiaki/Kaitiaki. The takiwā of Te Rūnanga o Kaikōura centres on Takahanga and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

Together with the Tangata Tiaki/Kaitiaki we will develop a management plan for the Mātaitai.

The fishery will be utilised in a conservative, sustainable manner and it is our intention to manage the Mātaitai with the involvement of the local community.

We look forward to working with you on this application.

Naku noa,

A handwritten signature in blue ink, appearing to read 'Mw Solomon', is located above the printed name of the Chairman.

Tā Mark Solomon
Chairman
Te Rūnanga o Kaikōura

Form 4

APPLICATION FOR A MĀTAITAI

Applicant:

Te Rūnanga o Kaikōura Inc
PO Box 39
Kaikōura

Area of Application (Identified Traditional Fishing Ground):

Lower reaches of the Oaro River catchment – refer to the description and map below.

Location:

Refer to the description and map below.

Relationship of the Applicant with the Fishing Ground:

Traditional and contemporary fishing ground (see information attached below in the supporting information section).

Aims of management for the Mātaimai:

- ☐ To further recognise Ngāi Tahu Whānui manawhenua over these fishing grounds
- ☐ To ensure Ngāi Tahu Whānui are able to exercise their customary use and management rights
- ☐ To ensure the protection of fisheries resources so that an abundant supply of mahinga kai is available to Ngāi Tahu Whānui

Tangata Tiaki / Kaitiaki nominated for the Mātaimai:

Mā-rea Clayton
Brett Cowan
Darren Kerei Keepa
Nukuroa Nash
Sir Mark Solomon
Gina Solomon
Taikorekore Stirling
Keepa Te Rangihwinui Timms (Major)
Debbie Walford

Supporting Information

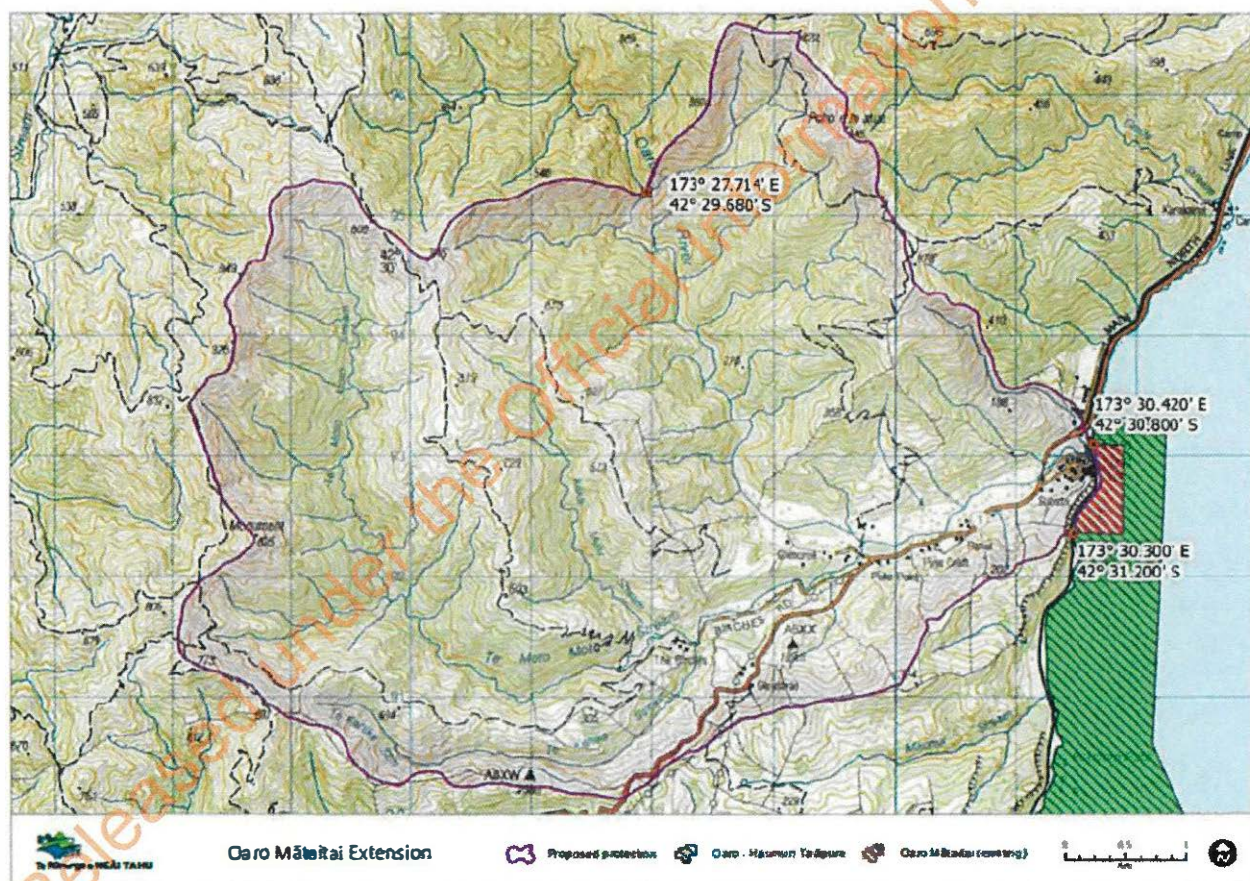
Location:

This Mātaitai extension will commence at the north western boundary of the existing Oaro Mātaitai at 173° 30.420 -42° 30.800 and proceeding inland to encompass all fishing waters of:

- (a) The Oaro lagoon
- (b) The lower reaches of the Oaro River to a point at 173° 27.714 -42° 29.680
- (c) Kaka Mutu Stream
- (d) Te Moto Moto Stream and
- (e) Te Kahika Stream

To then connect with the south western boundary of the existing Oaro Mātaitai at 173° 30.300 -42° 31.200 and then proceeding north following the mean high water mark to the point of commencement (refer to the map below).

Map of the proposed Mātaitai:



Special relationship between the Tangata Whenua and the traditional fishing ground:

Whakapapa and ahi kaa (the special relationship with this traditional fishing ground)

The Ngāi Tahu co-existence with this traditional fishing ground began with the formation of Te Wai Pounamu. This formation relates to the tradition of Te Waka o Aoraki – it is said that:

"In the beginning there was no Te Wai Pounamu. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed. Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters. Among the celestial visitors were four sons of Raki who were named Aoraki, Rakiroa, Rakirua, and Rārakiroa. They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiki. Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process."^[1]

The brothers are now intertwined into the landscape in the highest peaks in Kā Tiritiri o Te Moana (the Southern Alps). The fishing peninsulas and coastal areas of Te Wai Pounamu were created by Tūterakiwhānoa, the mokopuna of Raki. Tūterakiwhānoa was sent by his grandfather to enable human occupation of the lands of Te Waka o Aoraki.^[2] Marokura and Kahukura brought fish and plants and animals respectively to assist Tūterakiwhānoa to make Te Wai Pounamu suitable for human occupation. This is why the Kaikōura coastal area is named Te Tai o Marokura (the coastal area of Marokura).

Kaikōura also holds a special place in Ngāi Tahu pakiwaitara. Māui and his deeds are synonymous with the area. Legend has it that Kaikōura is the area which Māui stood (Te Taumanu o Te Waka a Māui) to fish up Te Ika a Māui (the North Island).

The name Kaikōura came from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From this feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi — the fires where Tama Ki Te Rangi ate crayfish.^[3]

Because of its attractiveness (e.g. abundant food supplies) as a place to establish permanent settlements, including pā, this coastal area was visited and occupied by the Rapuwai and then Waitaha. Waitaha came into the area under the leadership of the tūpuna, Te Rakihouia, son of the rangatira Rakaihautu. They arrived in the Kaikōura area on the waka, Uruao. The cliffs around Kaikōura are named as testimony to their place as a mahinga kai for the tūpuna of the Uruao waka. One area is called Te Whata-kai-o-Rakihouia (the food store of Rakihouia) famed for the abundance of seabirds in the vicinity.

Ngāti Māmoe were the next to arrive after Waitaha followed by Ngāi Tahu. Through conflict and alliance, Waitaha, Ngāti Māmoe and Ngāi Tahu have merged in the whakapapa of Ngāi Tahu Whānui.

Battle sites, urupa and landscape features bearing the names of tūpuna record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Numerous pā and kāinga were established along the coast including Te Taumanu o Te Waka ā Māui (Kaikōura Peninsula), Kahutara, Peketā, Oaro, Pariwhakatau (at the Conway River) and Omihi. Māori land reserves allocated near the Oaro River, through the Kaikōura Deed of Purchase, included Te Kiekie H, Haututu L, Oaro M and Mikonui N.

^[1] Ngāi Tahu Claims Settlement Act 1998. Schedule 14: Statutory Acknowledgement for Aoraki/Mt. Cook p.256-257

^[2] Te Rūnanga o Kaikōura (2005). Te Pūhā o Tohu Raumati: Te Rūnanga o Kaikōura Environmental Management Plan.

^[3] Ngāi Tahu Claims Settlement Act 1998. Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.464

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai rights and networks that relied to a large extent on coastal and freshwater resources.¹⁴

One of the leading sites in Kaikōura in pre-contact times was Takahanga Marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Maru Kaitātea took Takahaka Pā for Ngāi Tahu occupation, the site acted as a staging post for Ngāi Tahu migrations further south. Takahanga Marae remains as a focal point for Ngāti Kuri and as such the kai available from the Oaro River catchment will be required to sustain the many cultural functions of the marae as well as supply the hapū members with an abundant food source for cultural purposes in other significant kāinga areas such as Oaro, Peketa and Mangamaunu.

Mahinga Kai (traditional fishing grounds – maintaining the special relationship)

The special relationship between Ngāi Tahu and the lower reaches of the Oaro River catchment is simple – the ability for Ngāi Tahu and its hapū Ngāti Kuri to maintain ahi kaa (permanent residence) has always been dependent on mahinga kai. The number of important pā sites and kāinga based on the peninsula, at Kahutara, Peketā, Oaro and Tūtaeputaputa are a testament to the abundance and availability of kaiawa from the lower reaches of the Oaro River catchment. Without areas like the lower reaches of the Oaro River catchment, the reality is that Ngāi Tahu would never have had and continue to have a dominant presence in the area.

Ngāti Kuri would travel from various kāinga along the Kaikōura coast to gather kai from the Oaro River but it was mainly utilised by the residents of Oaro M. The childhood of many Ngāti Kuri was spent doing nothing else but gathering mahinga kai. In recent decades hapū members would usually travel to the Oaro to gather by car or truck or on foot but sometimes by railway jigger as well.

As well as the kōura and pāua for which Kaikōura is famous, freshwater fisheries such as the lower reaches of the Oaro River catchment offered a bounty of mahinga kai especially tuna, pātiki and whitebait. Tuna and pātiki from fishing grounds like the Oaro River were a staple part of the Ngāti Kuri diet – at times it was this or nothing.

When eeling in the mid reaches of the Oaro the men walked in the river in a line holding gaffs. The gaffs were made out of number 8 wire with rope handles. When the men saw an eel they would flick the eel out of the water on the end of the gaff, swing the gaff around their head with the eel still on the end of the gaff, and then smash the eel on top of the water, which would 'stun' the eel. The boys would follow behind the men collecting the eels in sugar bags – they were known as 'bag boys' and they would do that job until they had served their apprenticeship and were promoted to the gaff.

The men were selective in what eels they caught. Eels that were about one metre long were usually taken. Occasionally a few larger eels were taken and these much larger eels were speared. Fishing expeditions usually occurred for a few hours and usually anywhere between 30 50 eels were taken home. On occasion eels were also taken in larger quantities using hinaki.

The eels were taken home to the various kāinga (usually Oaro though), and shared amongst the immediate whānau, where they were cleaned by being rolled in the sand. This removed all the slime off the eels. Eels were then cut into small pieces and were usually either fried in butter or grilled. Only the much larger eels were boned and smoked.

Hapū members never went eeling during a full moon and the water had to be clear to spear or gaff the eel and flatfish so there was no fishing immediately after major storm events. Eeling never occurred when the river was too high also as it was too dangerous. Low tide was best to spear flounder in the lagoon.

¹⁴ Ngāi Tahu Claims Settlement Act 1998, Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.465

The Oaro was reasonably accessible and different parts of the river were eeled depending on the time of year. The same spot was not eeled everytime in order to spread catch throughout the various pockets of resident eels along the river which helped ensure good quantities of eels were gathered each fishing trip (a customary catch per unit effort). Overtime the best eeling spots on the Oaro became known.

For Ngāti Kuri families living at Ōaro, the Ōaro River, was their main eeling river because it was right on their back doorstep (and the eels were believed by many to be the best tasting). The Conway and Kahutara was usually only eeled after the Ōaro had dried up in later summer, or when the eels in the Ōaro had thinned out, which provided a chance for the eels in the Ōaro river to replenish. The men decided which rivers to eel and when.

As stated above, the other main food source from the Oaro was pātiki. Pātiki were mainly speared in the lagoon area (where they were most abundant and where the pātiki were believed to taste the best) during low tide, although sometimes flounders were also speared in pools or ponded areas upstream. Usually the men walked in a line across the lagoon spearing flounders but they would only walk across once because the water would get stirred up, which made it much harder to see. Spears were made by putting a 6 or 8 inch nail at one of the ends of a broom handle. Flounders were also gathered by swimming around the lagoon and stabbing them as they swam past. Often too the men would start eeling further up the Oaro and work their way down the river to flounder in the lagoon.

It was easy enough to get about a dozen flounders. Flounders were a good size, usually about the size of a frying pan, and were quite meaty. The main method of cooking flounders was by rolling them in flour and frying them in butter.

Inaka (although the Kahutara was the main whitebaiting river), trout, duck (pūtangitangi/paradise duck flappers in particular) and seagull eggs were also gathered from the Oaro during the appropriate seasons and a variety of plant resources including watercress (from the small creeks that ran into the lower reaches of the Oaro) and puha for 'boil up', harakeke, fern and ti root.

Deer, pigs and goats were also harvested from the Oaro River catchment.

The main mahinga kai gathered from the Oaro today is tuna, although given the state of the river (water quality and quantity) this is not a common event. The mahinga kai values is one of the main reasons for the tribe using its infrastructure to assist Ngāi Tahu input and participation in Resource Management Act (RMA) matters. The main reason why the Rūnanga has been so heavily engaged ECan on the Oaro is to ensure that there is water of suitable quality to gather kai and enough water flow to naturally open the river mouth so our native fish can migrate when they need to at particular times of the year to spawn so again our hapū can exercise our traditional fishing use and management practices.

The Kaikōura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast and adjacent freshwater areas. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua and, post-contact, whale boats plying the waters continuously. Hence there were tauranga waka up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga and fishing grounds. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as taonga.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and documents the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The above statements and sentiments are reinforced in the following whakataukī,

"Ahakoa kia pā te upoko o Te moana-Tāpokopoko-a-Tāwhaki ki ngā takutai o Te Waka-o-Aoraki, Engari, i tākekea te kupenga a Tahu kia oioi i roto i te nekeneke o te tai"

"Although the shores of Te Waipounamu may be buffeted by the turbulent currents of the great waves of the southern oceans, the fishing net of Tahu has been made flexible so as to move at one with the tides."^[11]

^[11] *The Ngāi Tahu Sea Fisheries Report*. (1992) (Wai 27) at p. 8

Discussions with the representative body for ANG 12 quota holders:

We have discussed this application with the South Island Eel Industry Association (SIEIA) and we have received a letter of support from a number of ANG 12 quota holders (the letter is attached for your reference).

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MOSSBURN ENTERPRISES LTD

EXPORTERS OF WAITUNA BRAND EELS AND FISH PRODUCTS

VICTOR THOMPSON Managing Director

LINDA THOMPSON Director

To Whom it may concern,

Tutaeputaputa Mataitai application

Proposed Kahutara, Oaro and Conway river catchments'

The following quota holders of ANG 12 eel stocks give their support to the proposed Mataitai,

Mossburn Enterprises Ltd

Aotearoa Quota Brokers Ltd

Pullan Enterprises Ltd

Jagz Charters Ltd

s 9(2)(a)

Regards

Vic Thompson

Released under the Official Information Act 1982



Te Rūnanga o Kaikōura Inc
POBox39
KAIKŌURA

11 September 2015

Hon. Nathan Guy
Minister for Primary Industries
c/- PO Box 1020
Wellington

Tēnā koe e te Rangatira,

Please find attached our application for a Mātaitai for the lower reaches of the Conway (Tūtaeputaputa) River catchment. The Mātaitai is to be known as the Tūtaeputaputa Mātaitai. This area is a traditional fishing ground that is still of special significance to us today in terms of customary food gathering and kaitiakitanga.

The application is made in the name of our Papatipu Rūnanga, the nominating authority for our Tangata Tiaki/Kaitiaki. The takiwā of Te Rūnanga o Kaikōura centres on Takahanga and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

Together with the Tangata Tiaki/Kaitiaki we will develop a management plan for the Mātaitai.

The fishery will be utilised in a conservative, sustainable manner and it is our intention to manage the Mātaitai with the involvement of the local community.

We look forward to working with you on this application.

Naku noa,

Tā Mark Solomon
Chairman
Te Rūnanga o Kaikōura

Form 4

APPLICATION FOR A MĀTAITAI

Applicant:

Te Rūnanga o Kaikōura Inc
PO Box 39
Kaikōura

Area of Application (Identified Traditional Fishing Ground):

Lower reaches of the Tūtaeputaputa River catchment – refer to the description and map below.

Location:

Refer to the description and map below.

Relationship of the Applicant with the Fishing Ground:

Traditional and contemporary fishing ground (see information attached below in the supporting information section).

Aims of management for the Mātaimai:

- ☐ To further recognise Ngāi Tahu Whānui manawhenua over these fishing grounds
- ☐ To ensure Ngāi Tahu Whānui are able to exercise their customary use and management rights
- ☐ To ensure the protection of fisheries resources so that an abundant supply of mahinga kai is available to Ngāi Tahu Whānui

Tangata Tiaki / Kaitiaki nominated for the Mātaimai:

Mā-rea Clayton
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Darren Kerei Keepa
Nukuroa Nash
Sir Mark Solomon
Gina Solomon
Taikorekore Stirling
Keepa Te Rangihīwinui Timms (Major)
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Supporting Information

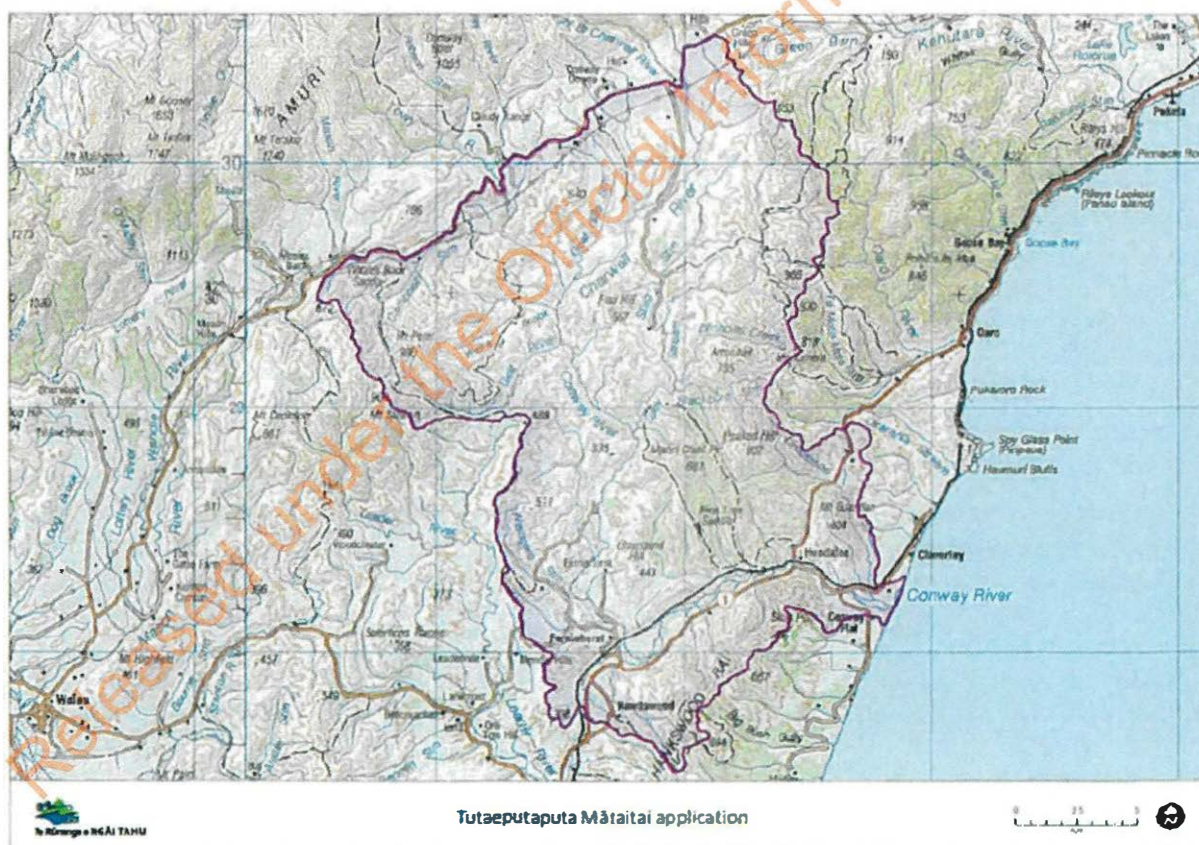
Location:

This Mātaitai will encompass all fishing waters of the lower reaches of the Conway River catchment from the mouth inland to the Inland Kaikōura Road, including:

- (a) The Conway River and tributaries
- (b) Limestone Stream
- (c) Spey Stream
- (d) Blackburn Stream
- (e) Birthday Creek
- (f) Stag Stream
- (g) Charwell River
- (h) Goat Hills Stream
- (i) Campbell Stream
- (j) Weka Brook
- (k) Gelt River and
- (l) Waingaro Stream

Refer to the map below.

Map of the proposed Mātaitai:



Special relationship between the Tangata Whenua and the traditional fishing ground:

Whakapapa and ahi kaa (the special relationship with this traditional fishing ground)

The Ngāi Tahu co-existence with this traditional fishing ground began with the formation of Te Wai Pounamu. This formation relates to the tradition of Te Waka o Aoraki – it is said that:

"In the beginning there was no Te Wai Pounamu. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed. Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters. Among the celestial visitors were four sons of Raki who were named Aoraki, Rakiroa, Rakirua, and Rārakiroa. They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiki. Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process."^[1]

The brothers are now intertwined into the landscape in the highest peaks in Kā Tiritiri o Te Moana (the Southern Alps). The fishing peninsulas and coastal areas of Te Wai Pounamu were created by Tūterakiwhānoa, the mokopuna of Raki. Tūterakiwhānoa was sent by his grandfather to enable human occupation of the lands of Te Waka o Aoraki.^[2] Marokura and Kahukura brought fish and plants and animals respectively to assist Tūterakiwhānoa to make Te Wai Pounamu suitable for human occupation. This is why the Kaikōura coastal area is named Te Tai o Marokura (the coastal area of Marokura).

Kaikōura also holds a special place in Ngāi Tahu pakiwaitara. Māui and his deeds are synonymous with the area. Legend has it that Kaikōura is the area which Māui stood (Te Taumanu o Te Waka a Māui) to fish up Te Ika a Māui (the North Island).

The name Kaikōura came from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From this feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi — the fires where Tama Ki Te Rangi ate crayfish.^[3]

Because of its attractiveness (e.g. abundant food supplies) as a place to establish permanent settlements, including pā, this coastal area was visited and occupied by the Rapuwai and then Waitaha. Waitaha came into the area under the leadership of the tūpuna, Te Rakihouia, son of the rangatira Rakaihautu. They arrived in the Kaikōura area on the waka, Uruao. The cliffs around Kaikōura are named as testimony to their place as a mahinga kai for the tūpuna of the Uruao waka. One area is called Te Whata-kai-o-Rakihouia (the food store of Rakihouia) famed for the abundance of seabirds in the vicinity.

Ngāti Māmoe were the next to arrive after Waitaha followed by Ngāi Tahu. Through conflict and alliance, Waitaha, Ngāti Māmoe and Ngāi Tahu have merged in the whakapapa of Ngāi Tahu Whānui.

Battle sites, urupa and landscape features bearing the names of tūpuna record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Numerous pā and kāinga were established along the coast including Te Taumanu o Te Waka ā Māui (Kaikōura Peninsula), Peketā, Oaro, Pariwhakatau (at the Conway River) and Omihī. Māori land reserves allocated near the Conway River, through the Kaikōura Deed of Purchase, included Haututu L, Oaro M and Mikonui N.

^[1] Ngāi Tahu Claims Settlement Act 1998, Schedule 14: Statutory Acknowledgement for Aoraki/Mt. Cook p.256-257

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The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai rights and networks that relied to a large extent on coastal and freshwater resources.¹⁴

One of the leading sites in Kaikōura in pre-contact times was Takahanga Marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Marukaitātea took Takahaka Pā for Ngāi Tahu occupation, the site acted as a staging post for Ngāi Tahu migrations further south. Takahanga Marae remains as a focal point for Ngāti Kuri and as such the kai available from the Tūtaeputaputa River catchment will be required to sustain the many cultural functions of the marae as well as supply the hapū members with an abundant food source for cultural purposes in other significant kāinga areas such as Oaro, Peketa and Mangamaunu.

Mahinga Kai (traditional fishing grounds – maintaining the special relationship)

The special relationship between Ngāi Tahu and the lower reaches of the Tūtaeputaputa River catchment is simple – the ability for Ngāi Tahu and its hapū Ngāti Kuri to maintain ahi kaa (permanent residence) has always been dependent on mahinga kai. The number of important pā sites and kāinga based on the peninsula, Peketa, Oaro and Tūtaeputaputa are a testament to the abundance and availability of kai from the lower reaches of the Tūtaeputaputa River catchment. Without areas like the lower reaches of the Tūtaeputaputa River catchment, the reality is that Ngāi Tahu would never have had and continue to have a dominant presence in the area.

Ngāti Kuri would travel from various kāinga along the Kaikōura coast to gather kai from the Conway River. The childhood of many Ngāti Kuri was spent doing nothing else but gathering mahinga kai. In recent decades hapū members would usually travel to the Conway to gather by car or truck but sometimes by railway jigger as well.

As well as the kōura and pāua for which Kaikōura is famous, freshwater fisheries such as the lower reaches of the Tūtaeputaputa River catchment offered a bounty of mahinga kai especially tuna and pātiki that were harvested using gaffs, spears and transported in the trusty sugar bags. Tuna and pātiki from the Conway River were a staple part of the Ngāti Kuri diet – at times it was this or nothing.

When eeling in the mid reaches of the Conway the men walked in the river in a line holding gaffs. The gaffs were made out of number 8 wire with rope handles. When the men saw an eel they would flick the eel out of the water on the end of the gaff, swing the gaff around their head with the eel still on the end of the gaff, and then smash the eel on top of the water, which would 'stun' the eel. The boys would follow behind the men collecting the eels in sugar bags – they were known as 'bag boys' and they would do that job until they had served their apprenticeship and were promoted to the gaff.

The men were selective in what eels they caught. Eels that were about one metre long were usually taken. Occasionally a few larger eels were taken and these much larger eels were speared. Fishing expeditions usually occurred for a few hours and usually anywhere between 30 - 50 eels were taken home. On occasion eels were also taken in larger quantities using hinaki (sometimes hinaki were made from an improvised bike rim and a sack).

The eels were taken home to the various kāinga, and shared amongst the immediate whānau, where they were cleaned by being rolled in the sand. This removed all the slime off the eels. Eels were then cut into small pieces and were usually either fried in butter or grilled. Only the much larger eels were boned and smoked. Most of the eels caught from the Conway, which were about a metre in length, were never boned and smoked because they were just a bit too small for that method.

Hapū members never went eeling during a full moon and the water had to be clear to spear or gaff the eel and flatfish so there was no fishing immediately after major storm events. Eeling never

¹⁴ Ngāi Tahu Claims Settlement Act 1998, Schedule 100: Statutory Acknowledgement for Te Tai o Marokura p.465

occurred when the river was too high also as it was too dangerous. Low tide was best to spear flounder in the Conway lagoon.

The Conway was reasonably accessible, even all the way up to Ferniehurst. Different parts of the Conway were eeled. The same spot was not eeled everytime in order to spread catch throughout the various pockets of resident eels along the river which helped ensure good quantities of eels were gathered each fishing trip (a customary catch per unit effort). Overtime the best eeling spots on the Conway became known.

For Ngāti Kuri families living at Ōaro, the Ōaro River was their main eeling river because it was right on their back doorstep (and the eels were believed by many to be the best tasting). The Kahutara River was also another significant eeling river for them. However, the Conway was eeled after the Ōaro and Kahutara Rivers had dried up in later summer, or when the eels in the Ōaro had thinned out, which provided a chance for the eels in the Ōaro river to replenish. The men decided which rivers to eel and when.

Despite the importance of the river for gathering during summer (some gatherers stated that the Conway was best to fish in any month that had an 'r' in it), given its size and volume, the Conway always provided a feed of eels, hapū members could harvest there at any time. For this reason the Conway was very precious to the hapū. The Conway was always a sure thing for eels. Hapū members could throw a hook in anywhere and you could catch tuna, even on a line, there were just eels everywhere. It could be called the food house of Ngāti Kuri as far as tuna. There was nowhere in Kaikōura where you could catch bigger quantities of eel.

As stated above, the other main food source from the Conway was pātiki. Pātiki were mainly speared in the lagoon area (where they were most abundant and where the pātiki were believed to taste the best) during low tide, although sometimes flounders were also speared in pools or ponded areas upstream. Usually the men walked in a line across the lagoon spearing flounders but they would only walk across once because the water would get stirred up, which made it much harder to see. Spears were made by putting a 6 or 8 inch nail at one of the ends of a broom handle. Flounders were also gathered by swimming around the lagoon and stabbing them as they swam past. Often too the men would start eeling further up the Conway and work their way down the river to flounder in the lagoon.

It was easy enough to get about a dozen flounders. Flounders were a good size, usually about the size of a frying pan, and were quite meaty. The main method of cooking flounders was by rolling them in flour and frying them in butter.

Inaka (usually after Christmas – although the Kahutara was the main whitebaiting river), trout, duck (pūtangitangi/paradise duck flappers in particular) and seagull eggs were also gathered from the Conway during the appropriate seasons and a variety of plant resources including watercress (from the small creeks that ran into the lower reaches of the Conway) and puha for 'boil up', fruit (such as konini berries), harakeke, fern and ti root.

Trout were usually found at the river mouth laying under logs or in large pools of water along the river where they were taken by either gaffs or spears. Trout were only sporadically taken, primarily because Ngāti Kuri didn't really like the taste. Some believed they were too dry and that they had to add to many things to make it taste nice.

Deer, pigs and goats were also harvested from the Conway River basin.

The main mahinga kai gathered from the Conway today is tuna, particularly with the Ōaro so dry now. The mahinga kai values is one of the main reasons the tribe used its settlement to designate a statutory acknowledgement over the Conway. This mechanism is used to assist Ngāi Tahu input and participation in Resource Management Act (RMA) matters. The main reason why the Rūnanga has been so heavily engaged in RMA processes for the Conway is to ensure that there is water of suitable quality to gather kai and enough water flow to naturally open the river mouth so our native fish can migrate when they need to at particular times of the year to spawn so again our hapū can exercise our traditional fishing use and management practices.

The Kaikōura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast and adjacent freshwater areas. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua and, post-contact, whale boats plying the waters continuously. Hence there were tauranga waka up and down the coast in their hundreds (such as Putikiwaiwai near the Conway River) and wherever a tauranga waka is located there is also likely to be a nohoanga and fishing grounds. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as taonga.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and documents the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The above statements and sentiments are reinforced in the following whakataukī,

"Ahakoa kia pā te upoko o Te moana-Tāpokopoko-a-Tāwhaki ki ngā takutai o Te Waka-o-Aoraki, Engari, i tākekea te kupenga a Tahu kia oioi i roto i te nekeneke o te tai"¹¹¹

"Although the shores of Te Waipounamu may be buffeted by the turbulent currents of the great waves of the southern oceans, the fishing net of Tahu has been made flexible so as to move at one with the tides."¹¹¹

¹¹¹ *The Ngāi Tahu Sea Fisheries Report. (1992) (Wai27) at p. 8*

Discussions with the representative body for ANG 12 quota holders:

We have discussed this application with the South Island Eel Industry Association (SIEIA) and we have received a letter of support from a number of ANG 12 quota holders (the letter is attached for your reference).



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MOSSBURN ENTERPRISES LTD

EXPORTERS OF WAITUNA BRAND EELS AND FISH PRODUCTS

VICTOR THOMPSON Managing Director
LINDA THOMPSON Director

To Whom it may concern,

Tutaeputaputa Mataitai application

Proposed Kahutara, Oaro and Conway river catchments'

The following quota holders of ANG 12 eel stocks give their support to the proposed Mataitai,

Mossburn Enterprises Ltd

Aotearoa Quota Brokers Ltd

Pullan Enterprises Ltd

Jagz Charters Ltd

s 9(2)(a)

Regards

Vic Thompson

Released under the Official Information Act 1982



Office of Hon Nathan Guy

MP for Otaki

Minister for Primary Industries

Minister for Racing

MO12-1619

Tā Mark Solomon
Chairman
Te Rūnanga o Kaikōura
P.O. Box 39
Kaikoura 7340

Dear Tā Mark Solomon

On behalf of Hon Nathan Guy, Minister for Primary Industries, thank you for your letters of 11 September 2015 regarding Mātaitai reserve applications.

As this is an operational issue, your letter has been transferred to the Ministry for Primary Industries for consideration.

Yours sincerely

Pr. Gwenny Schofield
for

Te Puoho Katene
Private Secretary (Fisheries and Aquaculture)

Appendix Three: Submissions, and letter of support from South Island eel quota holders

Summary of submissions and letter of support

No.	Date	Name	Organisation	Interest	support / oppose
1	18 Dec. 2015	Rachel Vaughan	Kaikoura District Council	local	support Kahutara and Oaro (Tūtaeputaputa is not within their District)
2	16 Dec. 2015	Ted Howard	Kaikoura Boating Club	local	support all 3 reserves
3	23 Feb. 2016	Peter Herbert	Kina Industry Council	commercial fishing interest	support all 3 reserves
4	(undated)	Vic Thompson	Mosburn Enterprises Ltd supported by 4 eel quota holders ²⁵	commercial fishing interest	support all 3 reserves

²⁵ Aotearoa Quota Brokers Ltd; Pullan Enterprises Ltd; Jagz Charters Ltd; and s 9(2)(a).

From: Rachel Vaughan [mailto:s 9(2)(a) @kaikoura.govt.nz]
Sent: Friday, 18 December 2015 2:21 p.m.
To: FMSubmissions <FMSubmissions@mpi.govt.nz>
Subject: Proposed Mataitai reserves in the Kaikoura District

Dear Sir/Madam

Kaikoura District Council would like to extend their support to the proposed Kahutara mātaaitai reserve and proposed extension to the Oaro Mātaaitai Reserve. Both of these areas are located within the Kaikoura District. The Kaikoura District Council understand the importance of the areas to Te Runanga o Ngai Tahu and the customary practices these areas once supported.

If you would like any further information in regard to this support, please contact the writer.

Sincerely
Rachel Vaughan
District Planner

Rachel Vaughan
District Planner

Email: s 9(2)(a) @kaikoura.govt.nz
Telephone: s 9(2)(a)
Facsimile: (03) 319 5308
Office address: 34 Esplanade, PO Box 6, Kaikoura.
www.kaikoura.govt.nz



From: Ted Howard [mailto: [REDACTED]@fishnet.co.nz]
Sent: Wednesday, 16 December 2015 5:16 p.m.
To: FMSubmissions <FMSubmissions@mpi.govt.nz>
Subject: The three proposed mātaimai reserves at Kaikoura

The Kaikoura Boating Club was fully engaged in developing the Te Korowai strategy, and fully supports the Mātaimai reserves at Kaikoura developed during that process,

Ted Howard
President - Kaikoura Boating Club
<http://kaikouraboatingclub.org.nz/>
Club: PO. BOX 98, KAIKOURA

President - NZ Recreational Fishing Council
<http://www.recfish.co.nz>

Treasurer: Te Korowai o te tai o Marokura
<http://www.teamkorowai.org.nz/>

[REDACTED]@fishnet.co.nz
Skype - [REDACTED]
Ph [REDACTED] Home/Fax [REDACTED]
Personal Physical/Postal: [REDACTED] Kaikoura, NEW ZEALAND
Location: [REDACTED]

From: Herb [REDACTED]@xtra.co.nz]
Sent: Tuesday, 23 February 2016 8:35 p.m.
To: [REDACTED]@mpi.govt.nz>; [REDACTED]
[REDACTED]@crowehorwath.co.nz [REDACTED]@crowehorwath.co.nz>
Subject: Three proposed freshwater mātaimai reserves at Kaikoura

Kina Industry Council has no objection to three freshwater mātaimai's proposed. Thanks,
Herb
KIC Chair



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EXPORTERS OF WAITUNA BRAND EELS AND FISH PRODUCTS

VICTOR THOMPSON Managing Director
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To Whom it may concern,

Tutaeputaputa Mataitai application

Proposed Kahutara, Oaro and Conway river catchments

The following quota holders of ANG 12 eel stocks give their support to the proposed Mataitai,

Mossburn Enterprises Ltd

Aotearoa Quota Brokers Ltd

Pullan Enterprises Ltd

Jagz Charters Ltd

s 9(2)(a)

Regards

Vic Thompson

Appendix Four: Public meeting minutes

Kahutara, Oaro and Tūtaeputaputa Mātaaitai Reserve Applications

Te Rūnanga o Kaikōura Inc have applied to the Minister for Primary Industries to establish three mātaaitai reserves at Kaikoura. The proposed reserves are described generally below.

Proposed Kahutara mātaaitai reserve

The fisheries waters in the lower reaches of the Kahutara River catchment, from the river mouth inland to Blunts Road and Inland Kaikoura Road, including Lake Rotorua, Rakaunui Stream and Humbug Stream, but excluding approximately 0.036 km² that is approximately 1.5 km from the mouth of the Kahutara River.

Proposed Tūtaeputaputa mātaaitai reserve

The fisheries waters in the lower reaches of the Conway River catchment, from the river mouth inland to the Inland Kaikoura Road, including the Conway River and its tributaries; the Limestone, Spey, Blackburn, Stag, Goat Hills, Campbell and Waingaro Streams; the Charwell and Gelt Rivers; Birthday Creek and Weka Brook.

Proposed extension to the Oaro Mātaaitai Reserve

The fisheries waters in the lower reaches of the Oaro River catchment, commencing at the northwestern and southwestern boundaries of the existing Oaro Mātaaitai Reserve, and proceeding inland to include the Oaro Lagoon; the Kaka Mutu, Te Moto Moto and Te Kahika Streams; and the lower reaches of the Oaro River up to a specified point on the River.

Pursuant to regulation 19(2) of the Fisheries (South Island Customary Fishing) Regulations 1999, a public meeting was held to consult with the local community on the applications.

Public Meeting - Takahanga Marae, Kaikoura 7pm, Thursday, 12 November 2015

Present

Applicant

Sir Mark Solomon (Chair, Te Rūnanga o Kaikōura Inc. Chair, Te Rūnanga o Ngai Tahu.)
Gina Solomon (Secretary, Te Rūnanga o Kaikōura Inc. Secretary, Te Korowai o te tai o Marokura.)

Raewyn Solomon

Nigel Scott (Principal Advisor - Mahinga kai, Te Rūnanga o Ngai Tahu.)

Ministry for Primary Industries

s 9(2)(a) (Spatial Allocations Manager)

s 9(2)(a) (Spatial Allocations Team Manager)

s 9(2)(a) (Spatial Allocations Senior Analyst)

s 9(2)(a) (Compliance Officer)

Public attendance

The meeting was attended by one person, Mr Ted Howard, who supports the applications. Mr Howard is the Treasurer for Te Korowai o te tai o Marokura; President of the Kaikoura Boating Club; and President of the NZ Recreational Fishing Council.

After waiting for half an hour for further attendees to arrive, and given Mr Howards existing well-informed knowledge of the applications, it was agreed that a formal public meeting would be replaced with a general discussion in the Whare Kai, where refreshments were provided by the Rūnanga.

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