



**Cultural Impact
Assessment on the
Ngäi Tahu
Spiritual and Cultural
Relationship
With the
Manawapopore/Hikuraki
[Mavora Lakes] Area
prepared for

Riverstone Holdings Ltd

For

Fiordland Link Project**

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Chapter 1

Aim

This Report has been prepared to describe Ngäi Tahu's historical, traditional and cultural association with the Manawapopare/Hikuraki (Mavora Lakes) including Lake Wakatipu and the Von River region through to Te Anau Downs. This will provide assistance and an iwi perspective for Riverstone Holdings Ltd (RHL) Assessment of Environment Effects as part of their resource consent application for the Fiordland Link Project.

Ngä Rünanga o Murihiku

This report is compiled for Riverstone Holdings Ltd on behalf of Ngä Rünanga o Murihiku.

The affected rünanga are members of Te Rünanga o Ngäi Tahu and administer Ngäi Tahu interests in their traditional takiwa.

Nga Rünanga are the kaitiaki rünanga of the Murihiku Region. In that role Ngä Rünanga have a duty to protect the spiritual, cultural, customary and other values of the region, including wähi tapu, wähi taonga, mahinga kai and other natural resources, for the benefit of members of Ngäi Tahu Whänui.

Chapter 2

Research Methodology

This Report has been compiled using a variety of sources.

Literature Review

Sources used to compile this report have been published articles, books and interviews.

Background references for this report include:

Written references, specific to the report included:

Te Wai Pounamu - The Greenstone Land
Herris Beattie
Athol Anderson
Syd Cormack
B Dacker
M Orbell
WHS Roberts

These books provided information on the relationship of Māori to Te Wai Pounamu and in particular to the Murihiku region. They also provided insight into the resources that were available to Ngāi Tahu.

Secondary sources included:

Resource Management Act 1991
Ngāi Tahu Claims Settlement Act 1998
Māori Customary and Traditional Instream Water Values
Te Whakatau Kaupapa o Murihiku
Te Rūnanga o Ngāi Tahu
Ngāi Tahu Freshwater Policy Statement
Kai Tahu Ki Otago Natural Resources Plan
Conservation Management Strategy Mainland Southland/West Otago
Arai Te Uru Eel Management Plan

These articles provided information that was used to assess the impact the Application will have on Ngāi Tahu values.

Interviews

Interviews were undertaken with kaumatua and members of Ngā Rūnanga whanau whanui. These interviews discussed Ngāi Tahu and their relationship to the area. They also provided insight into issues of concern to ngā rūnanga.

Chapter 3

Creation

The following version of creation was told to James Herries Beattie during his travels into Waipounamu. It demonstrates the connection Māori have with Atawhenua (Fiordland) – a connection going back as far as mythical times and continuing to the present.

Once there was no New Zealand. The Moananui a Kiwa rolled over the place now occupied by Te Ika Māui (North Island) Te Waipounamu (South Island) and Rakiura (Stewart Island). When Rangi (the Sky Father) wedded Papa-Tua-Nuku (the Earth Mother) both already had children by other unions. Four children of Rangi came down to inspect the new wife of their father. Their names were Aoraki (Cloud in the Sky), Rakiroa (long Raki), Rakirua (Raki the second) and Rarakiroa (a long continuous line). They came down in their waka known as Te-Waka-a-Aoraki. The brothers travelled around Papatuanuku, who lay as one huge continent, known as Hawaiki. The immense waka left the shores of Papatuanuku and boldly put out to sea. However, no matter where they looked the voyagers could find no land.

Disaster struck them when the karakia (invocation) which should have lifted their waka skywards went wrong. The waka sank onto an undersea ridge, turning to stone and earth in the process. It sank unevenly with the western side being left much higher than the eastern side. The brothers clambered on to the high side, and also turned to stone in the process. Thus the oldest of the brothers, Aoraki became Mt Cook and his three youngest brothers became the three nearest peaks. The waka itself forms Te Waipounamu or Te Waka a Aoraki, which is the oldest known name of the South Island.

Te Waka a Aoraki was not then as we see it now. Much was required for it to fit for man's occupation. The benevolent god named Tu Te Rakiwhanoa, or Tu, was given the task to see to this. Tu inspected the Te Waka a Aoraki and found things far from his liking. The high and elaborate Tauihu (prow) had fallen and shattered, forming the Marlborough Sounds, which he left as it was. The western side was one long, high and broken line. He found the stern had sunk irregularly, the Taurapa, Bluff Hill being surrounded by water, which encroached a long way inland. The eastern side was also another long and unbroken line needing attention.

Tu looked at a long wall and high wall of rock running from north of Piopiotahi (Milford Sound) down to Puysegur Point. Tu decided to make a few openings to let the sea run in. He planted one foot on the cliff, with the other many miles further up. Gripping his gigantic axe, Te Hamo, he set to work and chopped into the great mountain wall.

The work was hard and to assist him he repeated karakia (prayers) called Tapatapa-Te-Tapahi, which commanded the rocky wall to split asunder. The work was left quite rough in parts, but the general effect was good, if on a grand and godlike scale, and calculated to inspire awe in human beings.

When the sea began to flow in he started to push and heave at the inland country to extend the length of the sounds. In doing so, the pressure caused the places where his feet rested to part from the rest, forming Resolution and Secretary Islands. At the beginning, Tu was inexperienced and left far too many islands in the southern sounds, but as he proceeded north he made the Sounds on more clear cut lines, and instead of leaving numerous islands, he stacked the material up in higher hills and mountains. During the forming of the many Sounds, Tu had the assistance of other gods and goddesses. From these came only some of the names of the Sounds; these being too numerous at this time for all to be named.

After Tu and his helpers had made Te Waipounamu into much the shape we see it now Polynesian navigators began to arrive. The most illustrious of these voyagers was Māui, his heroic feats being those of a demi-god. It is thought that he arrived at Bruce Bay and then

voyaged south. During this voyage different places were named after those people aboard Māui's waka. It is also told that many of the names in the fiords came from the actions of Māui and his crew.

From the Sounds, Māui proceeded round to a place now known as Ōmaui (the place of Māui) and, thinking the waka of Aoraki needed an anchor, he pulled up Rakiura. He then voyaged up the eastern side of the island to Kaikoura, where he pulled up that big fish, the North Island. After this feat he returned to Hawaiki. After this notable journey to our land, the name of the South Island was changed from Te-Waka-a-Aoraki to Te-Waka-o-Māui.

There is hardly a nook or cranny of Fiordland that is not mentioned in Māori legends. The Māori partook of all the fisheries resources available in these places, while participating in the activities described in the stories told. It was commonly understood then, as it is now, that these resources were neither for early Māori or southern Māori to own, but to use for sustenance and other needs as required. In doing so, they understood that future generations must also have the opportunity to partake of the fisheries in the same manner. The concepts of Kaitiakitanga and Tikanga Tangata Katoa, an obligation of responsibility for upholding spiritual beliefs in Māori culture in relation to natural and physical resources, are therefore practised today as they were in days of old. Southern Māori believe that as long as they can hold onto and practice these concepts of Kaitiaki, then man can live in health and harmony with Papatuanuku.

Arrivals in Te Wai Pounamu

People first inhabited Te Wai Pounamu over a thousand years ago. The first inhabitants were Waitaha. Waitaha found the land rich in natural resources. There was a great abundance of food such as birds and kiore (native rats). The forest and rivers were pristine and provided many more edible foods such as eels, waterfowl and roots of plants. The sea around the coastline was rich in kai moana providing many species of fish, shellfish and sea mammals, which not only provided food but also provided resources for the manufacturing of tools out of their bones. A whalebone could be made into a fishhook that in turn allowed more fish to be caught.

Over two hundred edible plants and species could be identified and utilised by the first inhabitants of Te Wai Pounamu.

Food was not the only resource that abounded here. Waitaha learned the medical value of certain native plants (rongoa). These plants could help in the curing of many ailments and common complaints.

Ngāti Mamoe, who came from the East Coast of the North Island, was the next tribe to settle in the south. They fought, and through strategic marriages made peace with the people of Waitaha. Because Ngāti Mamoe was the dominant tribe, these people became generally known as Ngāti Mamoe. Ngāi Tahu also came from the East Coast of the North Island, moving south in a number of migrations and coalescing as a tribe in Te Wai Pounamu.

On the East Coast of the North Island, fighting was occurring and over time several of these groups migrated into Te Wai Pounamu. They are known as Ngāi Tahu because their ancestry linked them back to Tahupotiki of the East Coast of the North Island. Ngāi Tahu proceeded to travel throughout the island to secure further resources, the most important of these being mahinga kai. Ngāi Tahu also fought, made peace and intermarried with each other and the Waitaha and Ngāti Mamoe already there. Because Ngāi Tahu was the dominant tribe, the people of Waitaha, Ngāti Mamoe and Ngāi Tahu became known as Ngāi Tahu, or as sometimes referred to today, Ngāi Tahu Whānui.

The rights to mahinga kai have been passed down from generation to generation enabling the hapu and whanau to gather their food from the places at which it was abundant and healthy. Since the signing of Te Tiriti o Waitangi, these rights have been maintained under Article 2, but have not always been fully recognised by the Crown, landowners or New Zealand public.

Māori identity flows from their intimate relationship with the natural environment. Nowhere is the significance of their relationship more evident than the practice of mihi where individuals introduce themselves in relationship to the natural features of their tribal territory – their ancestral mountains, rivers and ocean.

The Murihiku Region is central to the identity of Ngāi Tahu. Preserving the integrity of this region (the land and the water and all flora and fauna supported by them) is the responsibility of ngā rünanga as kaitiaki rünanga.

Ngāi Tahu and their special and unique relationship with the land and water resources of the Murihiku Region has been recognised by the Crown in the Ngāi Tahu Claims Settlement Act 1998, Schedule 39, 50, 58, 75, and 87. (Appendix 1, 2, 3, 4, and 5)

The association with the Murihiku area extends back to the first settlement of Te Waipounamu by Waitaha, Ngāti Mamoe and Ngāi Tahu. Archaeological evidence suggests the establishment of Moa hunting camps in the area from about the 12th Century. However, other evidence (at the mouth of the Waitaki River, a Moa butchery site exists) suggests that an earlier occupation dating back to the 10th century.

The Murihiku area was and remains well known to Ngāi Tahu. Historically they travelled great distances for the collecting of resources. They accessed the many lakes of Murihiku by Ara Tawhito (ancient trails). Ara Tawhito such as what is now known as the Milford Trek also provided access to Fiordland on the West Coast where Pounamu was collected.

Ngäi Tahu Association with Manawapopore/Hikuraki (Mavora Lakes) Area

Whakapapa (genealogical tables) going back over a 1000 years binds the history of Waitaha, Ngäti Mamoe (and Rapuwai and Hawea) and Ngäi Tahu peoples who lived around Lake Te Anau, Manawapopore/Hikuraki (Mavora Lakes) through to Lake Wakatipu.

They had knowledge of various routes from the Waiau and Mararoa and Oreti rivers to the interior and made annual, seasonal journeys into Manawapopore/Hikuraki (Mavora Lakes) before crossing over into the Greenstone Valley. From there it was easy access for nephrite (form of greenstone) in the Greenstone River, the Caples River, Scotts Creek, the Routeburn, the Rockburn, the Slipstream and Dart Rivers long before E. H. Wilmot surveyed it in 1897 and gave it his name.

Respected historians Syd Cormack, Herries Beattie, Athol Anderson, Barry Brailsford and others allude to song and tradition among the Waitaha and Ngäti Mamoe who lived in Murihiku that preserved the names of places, people and events. It is well to remember the many kainga (dwelling places) and kainga nohoanga (permanent or seasonal camps) of our tupuna.

These routes were simple routes but the most effective for the forms of transport of the day. With the greenstone in hand it was down the said waterways such as the Waiau and Oreti Rivers back to their places of residence in Murihiku.

The wet land areas were also an integral part of the network of these trails which were used in order to ensure the gathering of kai (food) which were base around occupation sites around the edges of these wetland areas.

One of the last trips from Mavora Lakes area down the Mararoa and Waiau rivers was made around 1938-1939. At the time about 20 Mokihi were involved, this party was made up of women and children with around 40 people in total. A number of this party were lost at sea due to the strong current of the Waiau River sweeping the mokihi out through the mouth of the River.

There will be a number of archaeological sites along these routes and trails that would confirm their use. At present there are only two sites registered and not in the immediate areas that this project is taking. That is not to say that there isn't any site either within the planned areas. If there are any such findings appendix 6 outlines the actions to be taken. There was nowhere that these early Ngäi Tahu Tūpuna (ancestors) did not go; they had names for even the smallest puke (hill) or awa (river or stream).

Most of the place names for Manawapopore/ Hikuraki (Mavora Lakes) that follow are taken from books by historians Herries Beattie, Syd Cormack who received them from Māori still living late last century:

Mararoa	Marae roa	Long Marae
Mavora Sth lake	Manawa Pouri	Sad or weeping heart [the meaning of the name is, chief died and the grief of his daughters was so great that their tears created the lakes]
Mavora Nth Lake	Hikuraki	
Rakatahi	Mt Earnslaw	'Branch of first rung' refers to the first or East Peak.

Waka-tipu

Sacred canoe, demon canoe

Pari-pounamu

Cliffs on the west side of Lake Wakatipu

Buhonu or puhonu

Greenstone River

Deep pools

Chapter 4

Statutory Planning and Policy Framework

Te Tiriti o Waitangi

In 1840, Te Tiriti o Waitangi (Treaty of Waitangi) was signed between the Chiefs of Aotearoa and Her Majesty the Queen of England formalising an agreement to allow British subjects to settle in areas such as Te Wai Pounamu, under formal British colonial rule, and that guaranteed to Māori the protection of their taonga (possessions) for so long as they wished. Such taonga were their waters, lands, fisheries and mahinga kai.

Te Tiriti o Waitangi reaffirmed these rights thus:-

Māori Text:

“Ko te Kuini o Ingarani ka whakarite ka whakaae ki ngā Rangatira, ki nga Hapu, ki ngā tangata katoa o Nu Tirani, te tino rangatiratanga o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko ngā Rangatira o te Whakaminenga me ngā Rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi whenua e pai ai te tangata nona te whenua, ki te ritenga o te utu e whakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.

English Text:

“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession....”

The words “their lands and estates, forests, fisheries...” in the Treaty of Waitangi encapsulates the right to mahinga kai, to places where the resources are gathered, the activity and business of gathering kai and includes the type of resources that were caught or gathered. The Waitangi Tribunal upheld that Māori fishing rights have endured to the present day.

Resource Management Act 1991 (RMA)

The Resource Management Act is the mechanism under which the natural and physical resources of New Zealand are to be managed.

5. Purpose – (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment, and
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.

The duties and the obligations the RMA imposes are for all people who exercise functions or powers under the Act in relation to the use of natural resources.

Section 6 sets out the matters that are of national importance

6. Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

....

- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga.

Section 7 sets out other matters that regard is to be had to

7. Other matters - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga

Section 8 states that the principles of the Treaty of Waitangi need to be taken into account.

8. Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Court of Appeal in *Court of Appeal v Attorney General 1987 CA 54/87*:

- (i) The principle of partnership.
- (ii) The principle of active protection of Māori people in the use of their lands and waters to the fullest extent practicable.
- (iii) The principle of utmost good faith in dealings with the other Treaty partner.

Within the RMA context a further principle, that of consultation has been found to arise under the principles of the Treaty of Waitangi. The Environment Court has noted that active protection of Māori interests requires positive action, which will at times oblige both the consenting authority and the applicant to consult, and also to initiate, facilitate, and monitor the consultation process as part of the duty to take into account the principles of active protection and partnership. Consultation must be conducted in a spirit of good will and open mindedness, and over a reasonable span of time, and to a degree sufficient for the local authority to be informed on the matters in issue

Ngäi Tahu Statutory Acknowledgements

Introduction:

The Ngäi Tahu Claims Settlement Act 1998 (the Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Rünanga o Ngäi Tahu to achieve a final settlement of Ngäi Tahu historical claims against the Crown.

The Settlement Act includes a new instrument called a Statutory Acknowledgement. Statutory Acknowledgements recognise Ngäi Tahu mana in relationship to a range of sites and areas in the South Island, and provides for this to be reflected in the management of those areas. Statutory Acknowledgements impact upon Resource Management Act 1991 (RMA) processes concerning these areas.

What are Statutory Acknowledgements?

A Statutory Acknowledgement is acknowledgement by the Crown of Ngäi Tahu special relationship with identified areas, namely Ngäi Tahu particular cultural, spiritual, historical, and traditional association with those areas (known as statutory areas).

What is the Purpose of Statutory Acknowledgements?

The purposes of Statutory Acknowledgements are:

To ensure that Ngäi Tahu particular association with certain significant area in the South Island are identified and that Te Rünanga o Ngäi Tahu is informed when a proposal may affect one of these areas; and

To improve the implementation of RMA processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

Affected Statutory Acknowledgements:

The Statutory Acknowledgements that are associated to the Cultural Impact Assessment prepared for Riverstone Holdings Ltd for the Fiordland Link Project are

Schedule 39	Manawapopore/Hikuraki	(Mavora Lakes)
Schedule 50	For the Oreti River	
Schedule 58	Te Ana-au	(Lake Te Anau)
Schedule 75	Whakatipu-wai-maori	(Lake Wakatipu)
Schedule 87	Topuni of Pikirakatahi	(Mount Earnslaw)

These schedules are outline in full and are attached to the appendix.

Chapter 5

Wāhi Tapu/Wāhi Taonga

For Ngāi Tahu, the term wāhi tapu or wāhi taonga refers to places that hold the respect of the people in accordance to tikanga (custom) or history. Whilst some sites are significant to the iwi some are important to the hapu and whanau who visited, lived at, or had special affiliations to that area. Some wāhi tapu/ wāhi taonga were only visited by tohunga (specialists) who performed rituals such as waitohi (blessings) or karakia (incantations).

Urupā are the best modern day example of wāhi tapu, but in addition to many urupā within the Otago Region, physical resources such as Aoraki, other landforms, springs, remaining areas of indigenous vegetation are other examples.

Archaeological Sites – Within the Murihiku Region

Many Māori archaeological sites exist within the Murihiku region. Generally archaeological sites have been found or identified following accidental discovery by the farming community.

Te Whakatau Kaupapa o Murihiku the Ngāi Tahu Resource Management Strategy for the Southland area contains maps that show in visual form the location of these sites. Silent files are indicated by circles on the maps and are only a general indication of their whereabouts. However, it must be understood that this does not represent all sites that are of importance to Ngāi Tahu as there will be many unrecorded sites. This only provides an understanding about the importance of the area to Ngāi Tahu.

Sites that are sensitive to ngā rünanga will not be made public in case these sites are desecrated or for other reasons. These sites include burial sites, food gathering sites and other such sites.

Mahinga Kai

“The communal exploitation and use of natural resources both for tribal consumption and trade was basic to the Māori economy and hence to the whole social fabric of tribal and inter-tribal life.” O’Regan p 11

Mahinga kai has been literally translated as “food works.” The terms refers to the production and gathering of food and other natural resources, such as raranga (weaving) materials or other cultural materials. Mahinga kai resources are significant to iwi for more than their sustenance of physical life, health and well being, cultural artworks, or their economic use value as trade items. A range of other cultural associations also applies.

The ability to provide hospitality to visitors is a primary cultural tenet of Māori society, reflecting on the status, economic power, reputation and social standing of the host people. The abundance of the food able to be supplied by hosts to visiting people signifies the wealth and mana of the iwi, and their success as rangatira and kaitiaki in preserving their local resources and cultural traditions. In most instances, individual iwi are known for special local foods that represent part of their tribal identity and association with the lands and waters of their traditional territory. Those species have a value, which cannot be replaced by substitutes.

In the modern context, participation in mahinga kai activities is an important expression of cultural continuity, and a means of experiencing collective activity as a coherent social group. Food and cultural materials gathering is governed by cultural practices that express the ethics of Māori conceptions of the environment and the rights and obligations of people under that conception. Continuation of these practices is an important means of passing those cultural values down to children and grandchildren, ensuring their survival through the generations.

Waterways yield mahinga kai resources directly, provide the ecosystem support for mahinga kai species (e.g. food sources for utilised species), and nourish and replenish other highly significant mahinga kai environments, including forests and coastal areas. The availability of sufficient quantities of clean fresh water for these purposes is essential to the maintenance of mahinga kai resources and their related cultural values.

Amongst other possible priorities, special value will be placed by tangata whenua on waterways that:

- are significant habitats for important food species and materials such as eels, watercress, flax etc.
- afford breeding and migratory environments for those species and the species they feed on e.g. wetlands and lagoons
- have long-standing use histories for whānau, hapū and iwi; or
- deserves priority protection by virtue of their physical properties, either as robust ecosystems or degraded mahinga kai environments needing restoration.

Ngāi Tahu had an intimate knowledge of the resources available to them, and utilised this knowledge to develop a seasonal cycle of harvesting of mahinga kai.

Ngāi Tahu relied on a large foundation of land and water based food resources. Because of the way in which food was collected from different areas at different times Ngāi Tahu ensured the continued availability of the resource. Ngāi Tahu had an intimate knowledge of the lifecycle of the food resources available to them. If numbers in a particular area were low then another area could be utilised for the same resource or another resource could be collected from a different source.

Ngāi Tahu have lost a lot of their traditional food gathering places in the Murihiku Region due to a variety of reasons such as the introduction of pests, domestic animals, pastoral farming and modification to waterways most notably through damming, abstractions for irrigation and gravel extractions. There has also occurred draining of wetlands that would once have been a natural habitat to many plants and animals valued by Ngāi Tahu.

The loss of access to certain areas where food can be collected and loss of certain foods that are now extinct have accompanied this loss of physical habitat. It is the responsibility of Ngā Rūnanga o Murihiku to ensure that activities in the Murihiku region do not contribute to the further degradation of mahinga kai resources.

The Waitangi Tribunal received quite detailed traditional information on behalf of the tangata whenua on the past available food resources.

Edward Ellison's carefully prepared and well-presented submission, (H12 and H53) not only annotated the various types of kai that were found, but also carefully detailed the way they were procured and processed, where the mahinga kai sites were found and the routes that were traversed to reach them. The submission spoke specifically about the Otago region, but it is also relevant for Murihiku as the same customs and practices were exercised in Murihiku. The same resources were also available in Murihiku and Edward Ellison's submission provides a very good insight into the use and manner that they were accessed. For example:

A coastal track from the mouth of the Matäü passes up the coast north to the peninsula passing several villages on the way. On overland journeys sustenance could be got from several types of plants. When travelling through rich pliable soils the fern root was dug. The best type being crisp enough to break easily when bent. The roots were roasted on a fire, then bruised by a flat stone, the long fibres being drawn out, the remaining substance being pounded to tough dough then eaten. While travelling on dry open plains or away from the coast the old Māori would often during the season of the tutu fruit (summer) pick the ripe berry of the tutu plant, strain the fruit through a bag, this would produce a refreshing juice on a hot day.

It was interesting to note the diverse resources and in particular the special foods of some areas. He spoke of one such mahinga kai:

There were many Karoro nesting areas around the cliff faces facing the ocean. It was a favourite pastime to gather the eggs of the Karoro to supplement the diet. This was a dangerous task as it meant scaling the cliff faces in search of nests. In order to get fresh eggs a regular run of nests would be harvested every other day so that the eggs were no more than two days old. This activity took place from Pukekura at various points to Pikiwhara (Sandymount) up until recent times. (HI 2:50)

Edward Ellison's submission contained a wealth of information about the ways mahinga kai was processed and preserved. He described the manufacture of Poha (kelp bag) for preserving Titi. This was a common practice for Murihiku Māori who annually visited the Titi Islands to gather the year's supply of Titi for their own use and for kaihaukai (return present of food, etc., made by one tribe to another).

Four or five poha can be manufactured from a good length of bull kelp. They would koko (open) the kelp by pushing the hand through taking care not to push in the edges and leaving a fair margin to avoid any tendency for the edges to split when drying. The next stage is to pupuhi (blow up) the bag while it is still green and hang it up in the wind and sun (not in the rain) to dry during the day. It can be blown up with the mouth or with a pupuhi pipe. A flax loop being round the poha mouth ready to tighten when blowing ceases. The tighter it is blown the better. It usually takes at least two or three days to dry. It is then hung up inside for a day before being deflated to whakahau (soften it). The poha is usually laid on Taritari (a type of grass) and covered with grass to take the hardness out of it. Water is not allowed on it when hard and dry or it will be ruined. When the bag is pliable, the edges are trimmed and the bag rolled up for future use. In earlier times they would tapuke (bury them in the earth) the poha to soften them. The poha was then worked until like elastic. The mouths were stretched and the birds rammed in them. Small poha hold 18-20 birds, but some large poha hold as many as 110 birds, 40 or 50 being the average.

They would then ta the poha by placing it in a flax kete and packing and lacing Totara bark, raupo or other suitable material around the poha to protect it from being punctured during handling. In the poha the hard "cord" of kelp where there is no

fringe is called taha rakau (wooden edge). When harvesting Rimurapa (bull kelp) for poha, young harvesters were encouraged to look for this edge.

Edward Ellison claimed that very few traditional resources have been available since the turn of the century as most mahinga kai have disappeared. He cited Weka (woodhen), ti root and fem root, and referred to kai moana as an over-exploited resource, affected also by pollution.

Matthew Ellison dealt more fully with the devastating depletion of mahinga kai in the Otakou region (H12). He expressed concern about the pollution of the waterways within the Puketeraki area, claiming that nutrient waste; fertiliser runoff and raw sewerage have rendered the kai moana within the Waikouaiti River and Blueskin Bay inedible. Local bush clearance has led to the disappearance of kai moana and root and berry food, and access by tangata whenua to the remaining bush is impossible. Matthew Ellison claimed that Pāua beds have been depleted from over-exploitation, which the fishing regulations fail to control. He argued that the taking of water, land reclamation and bush clearance have caused the silting and destruction of Pipi beds, and the remaining two mussel beds were over-exploited. He also referred to legislation, which denied Māori rights to take Kukupa (wood pigeon), Weka and out of season game such as native duck, swans, Pukeko (swamp-hen) and swan eggs. He asserted that as equal partners to the Treaty, the manawhenua of Ngāi Tahu should be recognised and that specific areas should come under the control and management of the tangata whenua.¹

The following table lists some of the mahika kai species that were found in the Murihiku Region. Many of these species are still present and such populations are highly valued by members of Ngāi Tahu whanui.

Ngā Ika	Fish	Taonga Species
Tuna	Eel (Short Fin & Long Fin Varieties)	
Kanakana	Lamprey	
Pātiki	Flounder	
Inaka	Whitebait (Adult)	
Mata	Whitebait (Juvenile)	
Koura	Freshwater Crayfish	
Kakahi	Freshwater Mussel	
Kōkopu	Native trout and galaxiids	*
Paraki/Ngaiore	Common Smelt	
Kokopara	Bully	
Kueo	Species of fish	
Taiwharu	Giant Kōkopu	*
Ngā Manu	Birds	
Kākā	South Island Parrot	*
Kāhu	Harrier	*
Moa	Moa	
Kākāpō	Kākāpō	*

¹ Ngāi Tahu Report 1991 – Waitangi Tribunal Report – Volume Three – pg. 851 - 853

Käkäriki	Parakeet	*
Kakaruai	South Island Robin	*
Kaki	Black Stilt	*
Kärearea	Falcon	*
Karoro	Black Backed Gull	*
Kea	Kea	*
Köau	Shag	*
Koekoeä	Long-tailed Cuckoo	*
Köparapara or Korimako	Bellbird	*
Kötare	Kingfisher	*
Kötuku	White Heron	*
Köwhiowhio	Blue Duck	*
Kükupa/Kererü	Wood Pigeon	*
Mätä	Fernbird	*
Miromiro	South Island Tomtit	*
Mohua	Yellowhead	*
Päkura/Pükeko	Swamphen	*
Pärera	Grey Duck	*
Pateke	Brown Teal	*
Pipiwharauoa	Shining Cuckoo	*
Piwakawaka	South Island Fantail	*
Poaka	Pied Stilt	*
Pütangitangi	Paradise Shelduck	*
Ruru koukou	Morepork	*
Riroriro	Grey Warbler	*
Takahë	Takahë	*
Tuturiwhatu	Banded Dotterel	
Tete	Grey Teal	*
Tieke	South Island Saddleback	*
Tititipounamu	South Island Rifleman	*
Tokoeka	South Island Brown Kiwi	*
Tüi	Tüi	*
Weka	Woodhen	*
Ngä Manu	Various Birds	
Ngä Hua	Eggs of Bird Species	
Ngä Rakau	Plants	
Akatorotoro	White Rata	*
Aruhe	Fern Root	*
Harakeke	Flax	*
Horoeka	Lance Wood	*
Kaihikatea	White Pine	*
Kämahi	Kamahi	*
Känuka	Känuka	*
Käpuka	Broad Leaf	*
Karaka	NZ Laurel	*
Kauru	Stem of Cabbage Tree	*

Kökömuka	Koromiko	*
Köwhai	Köwhai	*
Mania	Sedge	*
Mänuka Kahikätoa	Tea Tree	*
Mätai	Black Pine	*
Miro	Brown Pine	*
Pīngao	Pīngao	*
Ponga	Tree Fern	*
Rätä	Southern Rätä	*
Raupō	Bull Rush	*
Rimu	Red Pine	*
Rimurapa	Bull Kelp	*
Taramea	Spear Grass	*
Tataraheka	Berries	*
Tawai	Beech	*
Teteaweke	Muttonbird Scrub	*
Ti Kōuka	Cabbage Tree	*
Tīkumu	Mountain Daisy	*
Toetoe	Toitoi	*
Tötara	Tötara	*
Tutu	Tree (Cororia Arborea)	*
Wi	Silver Tussock	*
Wiwi	Rushes	*
Ngā Kararehe	Animals	
Kiore	Rat	

Note: Taonga species are species that are valued by Ngāi Tahu for a particular reason, whether it is as a mahinga kai or as a cultural icon. These are identified as such in the Ngāi Tahu Claims Settlement Act 1998.

Chapter 6

IMPACT OF THE FIORDLAND LINK PROJECT ON NGÄI TAHU CULTURAL VALUES

Mauri

Papatuanuku (Earth Mother) supports life including all people, flora, fauna and water. Waterways supply nourishment to her, through her, and to all living things.

Māori conceive that each waterway carries its own mauri, guarded by separate spiritual guardians and tribal caretakers and having its own status or mana. The mixing of waters by unnatural means, the mixing of waters from different sources with separate mauri, or discharges of “used” waters or wastes to living waters that supply food, are prohibited in the Māori conception. These activities are considered to degrade the mauri of the waters and may also offend the mana of different iwi who hold traditional rights and responsibilities with respect to the different waterways.

Mauri represented by the physical properties of a water resource is an extinguishable value. It can be defiled by poor resource practice, which results in the water resource no longer being considered fit for the particular human uses for which it is valued. Damaging the mauri of a river will affect its productivity and the food and other materials sourced from it.

Restoring the ecological and spiritual integrity of degraded waterways is a very significant principle in modern Māori resource management, given the extensive environmental degradation that has occurred. Restorative action will be seen as a priority, including replenishing minimum flow levels and habitat restoration will be seen as a priority, particularly with respect to resources of high ecological or cultural value.

The mauri of a water resource is protected through application of a complex system of specific cultural and spiritual practices, customs and rules that were developed to manage and control the interactions of people and the natural world, commonly called tikanga.

Primary institutions of this nature include the practices associated with the rites of kaitiaki, tapu and rahui (temporary prohibitions). The result sought from application of these practices is sustainable management of the resource – to ensure that such resources were maintained as appropriate to present and future community needs.

The primary management principle for Ngäi Tahu is the maintenance and enhancement of the mauri or life-giving essence of a resource. Mauri can be tangibly represented in terms of elements of the physical health of the land, a river, or surrounding biodiversity. While there are also many intangible qualities associated with the spiritual presence of a resource, elements of physical health which Ngäi Tahu use to reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. natural character and indigenous flora and fauna;
- Life supporting capacity and ecosystem robustness;
- For rivers, the continuity of flow of water (of high quality) from the mountain source of a river to the sea;
- Fitness for cultural usage; and
- Productive capacity.

A waterbody or other natural resources can be desecrated by improper resource management activities. These may extinguish the mauri of the resource and in turn offend the mana of papatipu rünanga who hold traditional rights and responsibilities in respect to the resource. A river's mauri can be desecrated if it no longer supports the traditional uses and values.

Across the rohe, one of the principle indicators Ngäi Tahu uses to assess the mauri of a resource is its productivity and the quality of the food and other materials sourced from it, hence Ngäi Tahu's use of the nature and extent of mahinga kai as an environmental indicator.

Ngäi Tahu maintain that all elements of the environment possess a mauri or life force, be they mountain, flora, or fauna, their quality and sanctity is to be carefully protected from degradation. The mauri is an extinguishable value, the loss of which is recognised by its degraded state, the loss of life supporting values and at worst, irreversible breakdown.

Mauri binds the spiritual and the physical elements of resources together, enabling their existence within the bounds of their own creation. When something dies, the mauri is no longer able to bind the physical and spiritual elements together and thereby give life.

Without mauri, nothing can survive. To Ngäi Tahu it is essential therefore that the mauri not be lost and not be degraded.

Summary of Impact: The adverse impact upon mauri will be significant if there is an impact upon aquatic life, ecosystems, and fitness for cultural usage. This conclusion is derived from the fact that mauri is desecrated by improper resource management activities. If the mauri of an entity is desecrated or defiled, the health and wellbeing of the resource itself, resource users and others depending on or associated with that entity are at risk. Ngä rünanga need to be assured those effects will be minor and short term.

Kaitiakitanga

Preservation of the integrity of valued waterbodies and the resources supported by that waterway is an important aspect of the responsibilities of those members of Ngāi Tahu whānui that are identified as Kaitiaki.

The term kaitiakitanga derives from the verb tiaki. In a natural resource context, the term incorporates notions of guarding, keeping, preserving, fostering, sheltering and watching over resources. Kaitiaki are the agents of this preservation and guardianship.

Kaitiakitanga denotes the responsibility of specific appointed iwi representatives to carry out particular functions, to keep and guard iwi interests and taonga resources. The obligations of kaitiaki include enforcement of the practices of tikanga, or those customary practices established to nourish and control the relationship between people and the natural world.

Kaitiaki may be human or non human, kaitiaki are” *persons sanctioned by inherited rights and responsibility or by election and instruction by tribal elders and authorities.*” (Ngāti te Ata 2.2.3) Kaitiaki are accountable back to iwi, and care must be taken to ensure appropriate communication processes are established between iwi and decision-makers to avoid interfering in representation and accountability processes.

The responsibilities of kaitiaki can only be discharged by outcomes which sustain the spiritual and physical integrity of the resources and their relationship with the people, so that the resources and the cultural values they support are passed down to future generations.

Given that objective, Māori are likely to measure the effectiveness of opportunities provided for the exercise of kaitiakitanga against the environmental outcomes that are achieved. Those outcomes will be represented by physical resource health and opportunities for continuing cultural usage according to iwi customary preferences and priorities.

To iwi, the importance of maintaining equilibrium of the environment is central to the role of kaitiakitanga. Each generation has an obligation to exercise guardianship. Kaitiakitanga needs not be in conflict with development but, in essence, seeks to protect and preserve the special characteristics of the various elements of the environment, recognising the holistic nature of the natural world of which people are but one part, and protecting the spiritual and physical wellbeing of one’s own.

Values (both tangible and intangible) associated with specific resources of the Murihiku area include:

- The role of awa, maunga, moana, whenua and particular resources in unique ancient tribal creation stories;
- The significance of Lake Wakatipu, Mavora Lakes, the Maroroa, the Waiiau River, the Oreti River, Lake Te Anau to the identity and wellbeing of Ngāi Tahu;
- The role of those resources in historical accounts;

- The proximity of important wahi tapu, settlement or other historical sites in or adjacent to specific resources;
- The use of the rivers as access routes to the upper catchments, Fiordland and other parts of the West Coast and as a means of transport;
- The value of the many and varied resources of the catchments as traditional sources of mahinga kai, food and other cultural materials; and
- The continued capacities for future generations to access use and protect resources.

Summary of Impact: The adverse impact upon ngä rünanga will be significant if there are any prolonged effects on water, soil, aquatic biota, or terrestrial vegetation from the proposal. This conclusion is derived from the fact that kaitiakitanga is about the exercise of guardianship and ensuring that the health and wellbeing of the resources of the Murihiku Region is protected for the present generation and future generations. Ngä Rünanga must be assured:

- ***monitoring regimes will need to be put in place to ensure that adverse effects on the surrounding environment are minimised.***

Maunga

Maunga (Mountains) play an important role in the spiritual and cultural beliefs of Ngäi Tahu. Foremost, maunga are the gateways to the atua (gods) and heavens, hence the story of Aoraki and the creation of Te Wai Pounamu. Maunga are also the gatherers of the tears of Rakinui (Sky Father), whose valleys collect the waters and in turn provide nourishment for Papatuanuku (Earth Mother).

Given their supremacy, maunga generally hold the names of eponymous ancient tupuna (ancestors) who featured in the creation or discovery stories of this island. Smaller hills also hold names.

Summary of Impact: Ngä Rünanga wishes to be informed of the management strategies that will be put in place to ensure that the impacts associated with the proposal is contained.

Awa/Ngä Wai

Without water no living thing, plant, fish or animal can survive. Water is a taonga and this taonga value refers to values associated with the water itself, the resources living in the water and the resources in the wider environs that are sustained by the water. Further, water is a holistic resource. The complexity and interdependency of different parts of the hydrological system should be considered when carrying out activities that have known effects to water. This includes groundwater systems that provide the continuous flows of rivers that may retreat beneath the surface and appear again in valued waipuna (springs).

Ngä Rünanga are adamant that contamination of the water must be avoided. The risk of contamination is to be avoided.

Summary of Impact: The adverse impact upon the water of the Murihiku region will be significant if there is any effects on the mauri of the water from the proposal. This conclusion is derived from the fact that Awa nourishes Papatüünuku. Ngä rünanga needs to be assured that any contamination will be avoided and the risk of contamination is minimised.

Mahinga Kai

The previous sections of the report outline the importance of the Murihiku Region as a source of mahinga kai, both historically and in the present day. Ngä rünanga are kaitiaki mahinga kai for the present generation or for future generations.

Summary of Impact: Ngä rünanga needs to be assured adverse effects on mahinga kai be minimised to ensure there is no reduction in the quality or quantity of those food resources.

Fitness of Waterways for Cultural Usage

This is linked to the issues outlined in the mahinga kai section above. In resource management Ngäi Tahu repeatedly advises that mahinga kai was and remains the cornerstone of Ngäi Tahu culture.

Summary of Impact: Ngä rünanga needs to be confident that they can continue to use the resources of the waterways in the Murihiku region. Monitoring regimes will need to be put in place to ensure that the health of mahinga kai resources is known. This will ensure that cultural use will not result in any flow on public health impacts.

Ngahere Forest

Te whenua te wai u manga tamaraki
Land is the nourishment for the next generation

It is clear from evidence of archaeological records and from recordings of early European visits to New Zealand that Mäori across the country adopted a conservation ethic.

On the arrival of Mäori Aotearoa was largely covered in forest, this is said of Murihiku region as well. Over the years, Mäori firstly, (in unsuccessful attempts to emulate their efforts in the more favourable climates of their origin) and later Europeans cleared the forest to make way for agriculture and grazing operations. In some cases Mäori inhabitants recognised the futility of their agricultural efforts and restoring large tracts through replanting. Europeans acknowledge their extensive plundering of the country's forestry assets and in doing so legislated for preservation as early as 1876

To Ngäi Tahu the natural resources and features of the landscape encapsulate in the korero the linking elements between Ira Atua and Ira Tangata – that of the world of Atua (gods) and that of the world of human being. This includes the environment's creation and ancestors past interactions. Therefore, the land is considered to be the sustained, a living account of people's beliefs, legends and myths.

Summary of impact: The adverse impact upon Ngäi Tahu will be significant if there is any prolonged effects on soil, flora, fauna, aquatic biota, water and terrestrial habitats. Which will be minimised from the proposal.

The conclusion is derived from the fact that kaitiakitanga is about the exercise of guardianship ensuring that the health and wellbeing of those resources of the Murihiku Region are protected for present and future generations.

Ngä Rünanga must be assured:

- *Those mature trees are avoided where possible. Where this can not be undertaken Ngä Rünanga is provided with the opportunity for customary use of those resources.*
- *Due to the monorail forming a corridor through the native forest and native grassland areas,*
 - *Replanting of these areas are needed from the young plants from those areas*
 - *A monitoring programme be put into place to establish the movement of pest animals and pest plants to limit adverse effects created*

Ngä Rünanga wishes to be informed of management strategies and overall management that will be put into place to ensure that the impact mentioned and other associated impacts be contained and minimised

Spiritual Health and Wellbeing of Ngäi Tahu

The cultural identity of Ngäi Tahu stems from their relationship with maunga and awa. Murihiku Ngäi Tahu identifies with those surrounding mountains and their awa as evidenced by their mihi and pepeha (greeting and sayings).

The health and wellbeing of Ngäi Tahu whänui is dependent on the continued health and wellbeing of Livingstone Mountain, Thomson Mountain and Mount Earnslaw, the waterways of Murihiku and the resources supported by the waterways of Murihiku.

Contamination of this region, in particular the waters of this region, represents a contamination of the culture and identity of Ngäi Tahu.

Summary of Impact: Ngä rünanga must be assured that contamination of the surrounding land, the waters and the flora and fauna supported by them is avoided to the fullest extent practicable.

Chapter 7

Summary

Ngäi Tahu has a long association with the Murihiku region. Ngäi Tahu led a nomadic lifestyle, following resources through out the region. The use of the areas was extensive rather than intensive. Intimacy with and knowledge of the terrain was built up over generations and passed from one generation to another generation.

The proposed Fiordland Link Project has the potential to impact significantly upon Ngäi Tahu values and beliefs if it is not managed carefully. The adverse impacts are associated with effects on the spiritual value of water, effects on mahinga kai and mahinga mätaimai, effects on terrestrial vegetation, effects on aquatic biota, and the effect on water quality. Ngäi Tahu values need to be respected when dealing with any activity that poses risks. These values and beliefs are central to Ngäi Tahu existence. Any impact upon one value will impact upon all.

Through proper management and monitoring these risks may be reduced.

- Ngä rünanga have identified in the previous section of this report the effects that are to be avoided.
- Riverstone Holdings Ltd has expressed a commitment to achieve this and run an environmentally friendly program for the extraction of fresh water from the Fiordland Link Project.
- Ngä rünanga believe that there needs to be proper monitoring of all aspects of the application from the monitoring of contractors through to the effects on ecosystems.

Ngäi Tahu through the Te Rünanga o Ngäi Tahu Act 1996 and the Ngäi Tahu Claims Settlement Act 1998 are recognised as Tängata Whenua of an area comprising much of the South Island. The tribal boundaries are described in the Ngäi Tahu Claims Settlement Act 1998 and therefore Ngäi Tahu hold Mana whenua over the area described.

As Mana Whenua Ngäi Tahu take their obligations and responsibilities as Kaitiaki of the coastal environment very seriously.

While Ngä Rünanga are not opposed in principle to the Fiordland Link Project and associated activities, Riverstone Holdings Ltd will need to provide strong evidence to show how the proposal will avoid the risks outlined in the previous section.

It is Ngäi Tahu's philosophy that when something is taken from the environment something must be given back. The Fiordland Link Project is being developed at the expense of a number of values such as the increased commercial activities within Milford and Lake Te Anau areas. This project also opens areas such as the greater Marova Lakes to the increased amount of tourism activities compromising Ngäi Tahu values in these areas.

Appendices

**STATUTORY ACKNOWLEDGEMENT FOR MANAWAPOPORE / HIKURAKI
(MAVORA LAKES)**

Statutory Area

The area to which this statutory acknowledgement applies is the wetland known as Manawapöpöre/Hikuraki (Mavora Lakes), the location of which is shown on Allocation Plan MD44 (SO 12235).

Preamble

Under section 206 the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic and/or traditional association to Manawapöpöre / Hikuraki as set out below.

Ngāi Tahu Association with Manawapopore/Hikuraki

Manawapöpöre and Hikuraki are part of one of the most significant catchments in Murihiku (Southland). The wetland also lies in the path of the important trail from the mouth of the Oreti River onward, via the Greenstone Valley, to the head of Whakatipu-wai-māori (Lake Wakatipu), or alternatively continuing along the Greenstone Valley and out via the Hollyford to the West Coast. These were important trading routes, to gather pounamu for exchange with northern iwi for materials and foods unavailable in the south.

The wetland area was, therefore, an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and are regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the area.

In addition the trails were part of summer time pursuits such as kai hau kai, whānaungatanga (the renewal and strengthening of family links) and arranging marriages with hapū from the neighbouring region of Otago, and further afield. Such strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the area.

The Manawapöpöre (Upper Mavora) is noted for eel weirs, which were constructed on the lake edges for catching eels, utilising flat stones, built in a loop out from the lake edge, with gaps at either end and one in the middle. Construction of the eel weir recreates the type of environment that eels like to congregate in, hence reliable catches are made.

The tūpuna had considerable knowledge of such techniques, places for catching and gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the area and their dependence on it and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Manawapöpöre / Hikuraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the area.

Purposes of Statutory Acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are -

- (a) To require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the Deed of Settlement); and
- (b) To require that consent authorities, the Historic Places Trust or the Environment Court as the case may be, have regard to this statutory acknowledgement in relation to Manawapōpōre/Hikuraki, as provided in section 208 to 210 (clause 12.2.4 of the Deed of Settlement); and
- (c) To empower the Minister responsible for management of Manawapōpōre/Hikuraki or the Commissioner of Crown Lands as the case maybe to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the Deed of Settlement); and
- (d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Manawapōpōre/Hikuraki as provided in section 211 (clause 12.2.5 of the Deed of Settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,-

- (a) This Statutory Acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation or bylaw may give any greater or lesser weight to Ngāi Tahu's association to Manawapōpōre/Hikuraki (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation or bylaw, if this statutory acknowledgement did not exist in respect of Manawapōpōre/Hikuraki.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Manawapōpōre/Hikuraki.

STATUTORY ACKNOWLEDGEMENT FOR ÖRETI RIVER**Statutory Area**

The area to which this Statutory Acknowledgement applies (Statutory Area) is the River known as Öreti, the location of which is shown on Allocation Plan MD123 (SO Plan 12262).

Preamble

Under section 206, the Crown acknowledges Te Rünanga o Ngäi Tahu statement of Ngäi Tahu's cultural, spiritual, historic and/or traditional association to Öreti River, as set out below.

Ngäi Tahu Association with the Öreti River

The Öreti River traverses a significant area of Murihiku, stretching from its mouth at Invercargill almost to the edge of Whakatipu-wai-mäori (Lake Wakatipu). As such, it formed one of the main trails inland from the coast, with an important pounamu trade route continuing northward from the headwaters of the Öreti and travelling, via the Mavora or Von River Valley, to the edge of Wakatipu and onto the Dart and Routeburn pounamu sources. Indeed, pounamu can be found in the upper reaches of the Öreti itself.

The tüpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Öreti, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngäi Tahu today.

The kai resources of the Öreti would have supported numerous parties venturing into the interior, and returning by mokihi (vessels made of raupo), laden with pounamu and mahinga kai. Nohoanga (temporary campsites) supported such travel by providing bases from which the travellers could go water fowling, eeling and catching inaka (whitebait), and were located along the course of Öreti River. There were a number of important settlement sites at the mouth of the Öreti, in the New River estuary, including Ömaui, which was located at the mouth of the Öreti, where it passes the New River Heads. Öue, at the mouth of the Öreti River (New River estuary), opposite Ömaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers. In 1850 there were said to still be 40 people living at the kaik at Omaui under the chief 'Mauhe'.

As a result of this pattern of occupation, there are a number of urupä located at the lower end of the Öreti, in the estuarine area. Urupä are the resting places of Ngäi Tahu tüpuna and, as such, are the focus for whänau traditions. These are places holding the memories, traditions, victories and defeats of Ngäi Tahu tüpuna, and are frequently protected by secret locations.

The mauri of the Öreti represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngäi Tahu Whänui with the river.

Purpose of Statutory Acknowledgement

Pursuant to section and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are:

- (a) To require that consent authorities forward summaries of relevant resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, the Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Öreti River, as provided in section 208 to 210 (clause 12.2.4 of the Deed of Settlement); and
- (c) To empower the Minister responsible for management of the Öreti River or the Commissioner of Crown Lands, as case maybe, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the Deed of Settlement); and
- (d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this Statutory Acknowledgement as evidence of the association of Ngāi Tahu to Öreti River as provided in section 211 (clause 12.2.5 of the Deed of Settlement).

Limitations On Effect Of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213 and 215, -

- (a) This Statutory Acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation or bylaw may give any greater or lesser weight to Ngāi Tahu's association to Öreti River (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation or bylaw, if this Statutory Acknowledgement did not exist in respect of Öreti River.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Öreti River

STATUTORY ACKNOWLEDGEMENT FOR TE ANA-AU (LAKE TE ANAU)**Statutory Area**

The statutory area to which this statutory acknowledgement applies is the lake known as Te Ana-au (Lake Te Anau), the location of which is shown on Allocation Plan MD 42 (S.O. 12259)

Preamble

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Ana-au, as set out below.

Ngai Tahu Association with Te Ana-au

Te Ana-au is one of the lakes referred to in the tradition of 'Nga Puna Wai Karikari o Rakaihautu' which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatu (Nelson). From Whakatu, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous ko (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Te Ana-au.

For Ngai Tahu, traditions such as this 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 document the events, which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Te Ana-au figures in Ngai Tahu histories as one of the last places where Ngai Tahu and Ngati Mamoe came into conflict after the peace established between Rakiihia and Te Hautapunui o Tu. After Rakiihia had died, his bones were stripped of flesh and were buried in a cave on a cliff facing the seaside near Dunedin. However, a landslip led to the bones being uncovered. The bones were found by Ngai Tahu fishermen and made into fish hooks, an act designed to insult. Among Maori it was a practice to take the bones of enemy leaders who had recently died, fashion them into fish hooks and present fish caught with them to the enemy as a gift. Once the fish had been eaten, the enemy would be told they had feasted on fish that had in turn feasted on their dead.

While Ngai Tahu were fishing with their Ngati Mamoe relations, one of the Ngai Tahu fisherman referred to the fish biting the bones of Rakiihia. The Ngati Mamoe fisherman recognised the insult and checked the cave in which their leader had been interred. Finding that the grave had been desecrated, the Ngati Mamoe found and killed the son of a senior Ngai Tahu rangatira (chief). Before Ngai Tahu could retaliate, the Ngati Mamoe were warned that they should leave the coast for the inland lakes where they would not be found. Ngati Mamoe headed to Te Ana-au. Among this Ngati Mamoe party was Rakiihia's brother, Pukutahi. Pukutahi fell sick

along Te Ana-au's shoreline and rested while his followers explored the lake to find a safer place.

Approaching the lakes, Te Hau, the leader of the Ngai Tahu party, observed that the fugitives had divided in two, and unfortunately for Pukutahi, decided to follow the trail up to Te Ana-au. The Ngati Mamoe camp was found and in the morning the chiefs of Ngati Mamoe, including Pukutahi, were killed. This was to be one of the last battles between the tribes.

The lake was an important mahinga kai in the interior. The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Te Ana-au, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

The mauri of Te Ana-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the lake.

Purposes of Statutory Acknowledgement

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are –

- (a) To require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, Historic Place Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Ana-au as provided in section 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of Te Ana-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Te Ana-au as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on Effects of Statutory Acknowledgement

Except as expressly provided in section 208 to 211, 213, and 215 –

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Te Ana-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect to Te Ana-au.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest, or any rights of any kind whatsoever relating to, Te Ana-au.

SCHEDULE 75
**STATUTORY ACKNOWLEDGEMENT FOR WHAKATIPU-WAI-MÄORI
(LAKE WAKATIPU)**

Statutory Area

The statutory area to which this Statutory Acknowledgement applies is the lake known as Whakatipu-Wai-Māori (Lake Wakatipu), the location of which is shown on Allocation Plan MD39 (S.O.24720).

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic and/or traditional association to Whakatipu-wai-māori as set out below.

Ngāi Tahu Association with Whakatipu-wai-maori

The name 'Whakatipu-wai-māori' originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party of the Uruao waka. Rakaihautu is traditionally credited with creating the great waterways of the interior of the island with his famous kō (a tool similar to a spade), known as Tū Whakaroria renamed Tuhiraki at the conclusion of the expedition.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manatā. The father of Manatā offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manatā, ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manatā and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manatā began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manatā back to the village where they became man and wife. However Matakauri knew that while Matau lived no maiden was safe, so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

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

Whakatipu-wai-māori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to rūnanga located in Murihiku, Otago and beyond. These rūnanga

carry the responsibilities of kaitiaki in relation to the Area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pā, located where the Queenstown gardens are found today, a Ngāti Mamoe kaika near the Kawarau Falls called Ō Te Roto, and another called Takerehaka near Kingston. The Ngāti Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tahuna, a distance of some three kilometres.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

A key attraction of the lake was the access it provided to seasonal campsites and the pounamu located at the head of the lake at the Dart and Routeburn River catchments, from which countless generations gathered inaka and koko-takiwai pounamu and transported it back to coastal settlements for fashioning into tools, ornaments and weapons.

Waka and mokihi were the key modes of transport for the pounamu trade, travelling the length and breadth of Whakatipu-wai-māori. Thus there were numerous tauranga waka (landing places) on the lake and the islands upon it (Matau and Wāwāhi-waka). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the lake. The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continue to be held by whānau and hapū and are regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the roto (lake).

Whakatipu-wai-māori is an important source of freshwater, the lake itself being fed by hukawai (melt waters). These are waters with the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus it is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. The mauri of Whakatipu-wai-māori represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Purposes of Statutory Acknowledgement

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are:

- (a) To require that consent authorities forward summaries of relevant resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the Deed of Settlement); and
- (b) To require that relevant consent authorities, the Historic Places Trust or the Environment Court as the case may be, have regard to this Statutory Acknowledgement in relation to Whakatipu-Wai-Māori, as provided in section 208 to 210 (clause 12.2.4 of the Deed of Settlement); and
- (c) To empower the Minister responsible for management of Whakatipu-Wai-Māori or the Commissioner of Crown Lands, as case maybe, to enter into a

- Deed of Recognition as provided in section 212 of the Settlement Legislation (clause 12.2.6 of the Deed of Settlement); and
- (d) To enable Te Rūnanga and any member of Ngāi Tahu Whānui to cite this Statutory Acknowledgement as evidence of the association of Ngāi Tahu to Whakatipu-Wai-Māori as provided in section 211 (clause 12.2.5 of the Deed of Settlement).

Limitations On Effect Of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213 and 215, -

- (a) This Statutory Acknowledgement does not affect and is not to be taken into account in, the exercise of any power, duty or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation or bylaw may give any greater or lesser weight to Ngāi Tahu's association to Whakatipu-Wai-Māori (as descired in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation or bylaw, as if this Statutory Acknowledgement did not exist in respect of Whakatipu-Wai-Māori.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Whakatipu-wai-maori.

SCHEDULE 87
TOPUNI FOR PIKIRAKATAHI (MOUNT EARNSLAW)

Description of Area

The area to which the Topuni is created in the area known as Pikirakatahi (Mount Earnslaw), as shown on Allocation Plan MS4 (SO Plan 24666).

Preamble

Under section 239 (clause 12.5.3 of the Deed of Settlement), the Crown acknowledges Te Rünanga o Ngäi Tahu's statement of Ngäi Tahu's cultural, spiritual, historic and/or traditional values relating to Pikirakatahi as set out below.

Ngäi Tahu Values Relating to Pikirakatahi (Mount Earnslaw)

The creation of Pikirakatahi (Mt Earnslaw) relates in time to Te Waka o Aoraki, and the efforts of Tü Te Rakiwhänoa. It is said that during its formation a wedge of pounamu was inserted into this mountain, which is the highest and most prominent peak in this block of mountains. The mountain is also linked to the travels of Rakaihautu, who dug out the great lakes of the interior with his kö (a tool similar to a spade), known as Tü Whakaroria and renamed Tuhiraki at the conclusion of the expedition.

The origins of the name 'Pikirakatahi' have been lost, but it is known that many places and physical features have more than one name, reflecting the traditions of the successive iwi who peopled the land. It is, however, likely that the name relates to Rakaihautu or subsequent people, as most of the prominent lakes, rivers and mountains of the interior take their name from the journey of Rakaihautu.

For Ngäi Tahu, traditions such as this 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 document the events, which shaped the environment of Te Wai Pounamu and Ngäi Tahu as an iwi.

Pikirakatahi was of crucial significance to the many generations that journeyed to that end of Whakatipu-wai-mäori (Lake Wakatipu) and beyond. Staging camps for the retrieval of pounamu were located at the base of the mountain, while semi-permanent settlements related to the pounamu trade were located closer to the lake.

Pikirakatahi stands as kaitiaki (guardian) over the pounamu resource and represented the end of a trail, with the tohu (marker) to the pounamu resource sitting opposite on Koroka (Cosmos Peak). The tūpuna (ancestors) had considerable knowledge of whakapapa, traditional trails, places for gathering kai (food) and other taonga, ways in which to use the resources of the land, the relationship of people with the land and their dependence on it and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngäi Tahu today.

The retrieval of large amounts of pounamu from this source, so far inland and over a range of physical barriers, attests to the importance of this resource to the economy and customs of the iwi over many generations. The people would also gather native birds for kai, and firewood with which to cook and provide warmth, from the forests covering the lower flanks of Pikirakatahi. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the mountain. It is because of these patterns of activity that Pikirakatahi continues to be important to rünanga located in Otago, Murihiku and beyond. These rünanga carry

the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The mauri of Pīkirakatahi represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with Pīkirakatahi.

ACCIDENTAL DISCOVERY

Koiwi Accidental Discovery

If Koiwi [human skeletal remains] are discovered, then work shall stop immediately and Te Ao Marama Inc [Ngäi Tahu [Murihiku] Resource Management Consultants] will be advised.

They will arrange a site inspection by the appropriate Tangata Whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.

Materials discovered will be handled and removed by Iwi responsible for the tikanga appropriate to their removal or preservation

Taonga or Artefact Accidental Discovery

Taonga or artefact material [e.g. pounamu/greenstone artefacts] other than Koiwi will be treated in a similar manner so that their importance can be determined and the environment recorded by qualified archaeologists along side the appropriate Tangata Whenua.

In-situ [natural state] pounamu / greenstone accidental discovery

Pursuant to the Ngäi Tahu [Pounamu Vesting] Act 1997, all natural state pounamu / greenstone in Ngäi Tahu tribal area is owned by Te Rünanga o Ngäi Tahu. The Ngäi Tahu Pounamu Resource Management Plan provides for the following measures:

- Any in – site [natural state] pounamu / greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rünanga o Ngäi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Runanga o Ngäi Tahu will in return contact the appropriate Kaitiaki Papatipu Rünanga.
- In the event that the finder considers the pounamu is at immediate risk of loss such as erosion , animal damage to the site or theft, the pounamu / greenstone should be carefully covered over and / or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer

Contact details for the Pounamu Management Officer are as follows:

Te Rünanga o Ngäi Tahu
Level 7, Te Waipounamu House
158 Hereford Street
PO Box 13-046
Otautahi/Christchurch

Phone 03 366 4344

Fax 03 365 4424

Web www.ngaitahu.iwi.nz

Pounamu Management Office

Kaiwhakarite Tiaki Pounamu

Te Rünanga o Ngäi Tahu