## Kā Rūnaka expectations for oil and gas companies in East Otago





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#### **Explanatory Note about Dialect**

The Kāi Tahu dialect uses a 'k' interchangeably with 'ng'. The preference is to use a 'k' so that southern Māori are known as Kāi Tahu, rather than Ngāi Tahu. In this document, the 'k' will be used except for names and references to legislation, which are italicised.

Cover page photo: Toroa, royal albatross

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## Kā Rūnaka expectations for oil and gas companies in East Otago

As Rūnaka with the mandated kaitiaki responsibility in the areas outlined in Map 1, Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou (Kā Rūnaka) have taken the following position in relation to on- and off-shore oil and gas activities in their rohe.

We are likely to oppose oil and gas activities where:

- 1. There are wāhi tapu, wāhi taoka or wāhi tūpuna;
- There are marine areas of such significance that any disturbance would impact on taoka species (See Map 1);
- 3. Customary resource management tools such as taiāpure or mātaitai are in force (See Map 1);
- 4. There is a stated community intent to develop protected areas, such as the South-East Marine Protection area;
- 5. Taoka species recognised under the *NgāiTahu Claims Settlement Act 1998* (see Appendix 1) and additional species special to this rohe (see Box 1) will be impacted to such an extent that:
  - regeneration and sustainability cannot be quaranteed; and/or
  - cultural use is no longer possible; and/or
  - Kāi Tahu economic livelihoods, dependent on the sustainability of such species, will be endangered.

6. The proposed production method used to extract oil and gas has significant impact on the amount of global climate changing gases released into the atmosphere.

We are less likely to oppose an oil and gas entity that is able to demonstrate and verify:

- That it has gone beyond the minimum requirements guiding the exploration of oil and gas under New Zealand laws, regulations and procedures;
- 2. It has robust emergency event planning and strong liability and insurance coverage;
- Through its corporate documents, its commitment and record of good-faith and fair-dealing with Indigenous people, whether in Aotearoa New Zealand and Te Waipounamu (the South Island), or in other countries;
- 4. Its climate change mitigation strategy, including achievement of any targets.

Kā Rūnaka expect all oil and gas operators, including seismic surveyors, operating in our rohe to engage with us, regardless of whether or not this is a legal requirement.

## Box 1

#### Wāhi tapu, wāhi taoka, wāhi tūpuna and taoka species

Wāhi tapu (sacred places) and wāhi taoka (treasured places) and wāhi tūpuna (places that are important because of their ancestral significance) are sites that hold special historical, spiritual, or cultural associations for Kāi Tahu.

Many species have been recognised as taoka (treasures) by the *Ngāi*Tahu Claims Settlement Act 1998
(see Appendix 1).

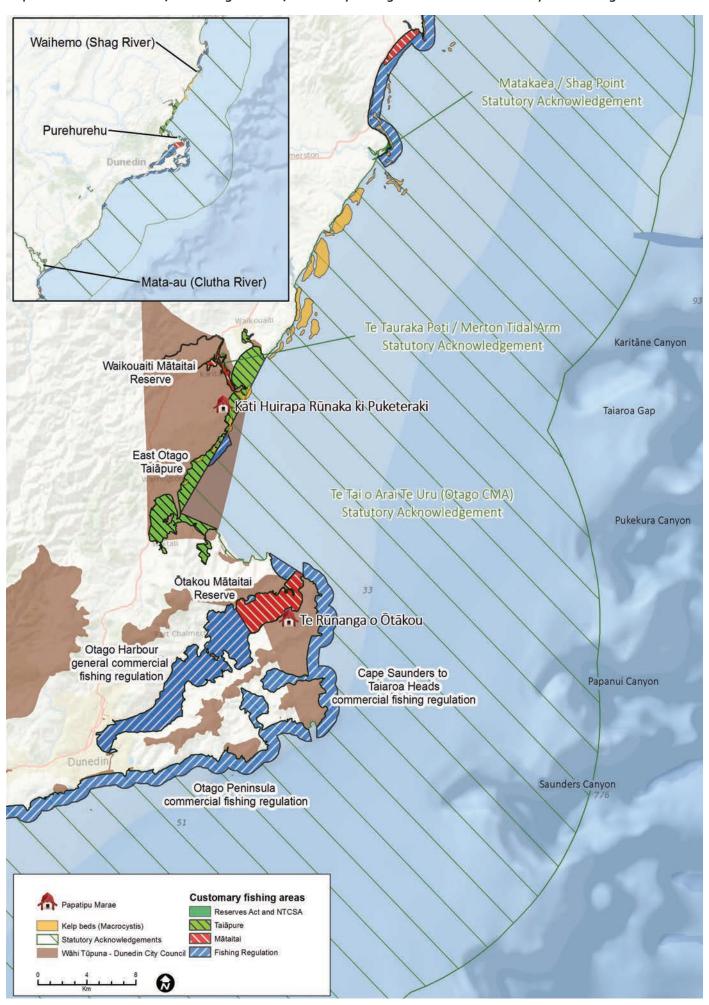
However, some species considered to be taoka by Kāi Tahu were not included in this list. Kā Rūnaka are opposed to any and all activities that negatively affect wāhi tapu, wāhi taoka and taoka species.

Our principle of 'ki uta ki tai' – from the land to the sea – means that all our taoka species, wāhi taoka and wāhi tapu are features of our regional environment and the interrelated ecosystems.



Upokohue, Hector's dolphin ▶

Map 1: Kā Rūnaka locations, sites of significance, customary management tools and statutory acknowledgments



## Purpose

This document serves to:

- State the Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou (Kā Rūnaka) position on oil and gas activities and the values that underpin this position;
- Identify Kā Rūnaka authority within their traditional area of Te Tai o Araiteuru (Otago coastline);
- State Kā Rūnaka's expectations about how they will, should they so choose, engage with oil and gas companies;
- Provide clarity and direction for any relationships that Kā Rūnaka and oil and gas entities may choose to enter into.

## Scope

This document applies to all oil and gas activities within the area identified in Map 1. This includes:

- Activities that occur outside of the takiwā of Kā Rūnaka that may affect our takiwā;
- Activities that are permitted as well as those that require a consent under the Resource Management Act 1991 or Exclusive Economic Zone and Continental Shelf; (Environmental Effects) Act 2012 or a permit under the Crown Minerals Act 1991;
- Activities that are on- and off-shore, including areas within New Zealand's Exclusive Economic Zone;
- All phases of the oil and gas exploration and production continuum, including the decommissioning phase and;
- Activities taking place now and in the future.

## Organisation of this document

**PART ONE** outlines geographic, historic, legal and cultural information about Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou.

**PART TWO** gives an overview of how Kā Rūnaka wish to engage with oil and gas companies. This includes Kā Rūnaka expectation that companies respond to international best practice in relation to Indigenous rights and that there is a robust framework for a sustained relationship.

#### **PART ONE**

## Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou

#### **Takiwā**

The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo (Shag) River to Purehurehu (Heywards Point) and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Wakatipu Waitai with Rūnaka to the south.

The kaimoana resources of the coast from Karitāne to Ōkāhau/Blueskin Bay and Pūrākaunui, and the kai awa of the Waikouaiti River are treasured and well-utilised mahika kai for Kāti Huirapa Rūnaka ki Puketeraki. We are actively involved in the South East Marine Protection Forum, the East Otago Taiāpure and Waikouaiti Mātaitai.

The takiwā of Te Rūnanga o Ōtākou centres on Ōtākou (Muaūpoko/Otago Peninsula) and extends from Purehurehu (Heyward Point) to Te Mata-Au (Clutha River) and inland, sharing an interest in the lakes and mountains to the western coast with Rūnaka to the north and south.

The Otago Harbour has a pivotal role in the wellbeing of the Ōtākou people. The harbour is a source of identity and provides kaimoana.

Traditionally other hapū visited by waka entering into the harbour, and in today's world it is the lifeline to the international trade that benefits the region. The ebb and flow of the harbour tides is a valued certainty in a world of change, a taoka to be treasured and protected for the benefit of current and future generations.



▲ Kāti Huirapa ki Puketeraki Marae



▲ Ōtākou Marae

# Box 2

#### Manawhenua Authority and Values

Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou represent some of those who are manawhenua in the Tai o Araiteuru (Otago) region. Manawhenua are those who hold mana – authority, prestige and decision-making – over the whenua (land) and the moana (sea). This mana lies exclusively with the local iwi or hapū who have whakapapa, or generational ties to, and long occupation of a particular area.

Key to manawhenua thinking is how decisions made today will affect future generations, particularly in relation to mahika kai or places where food is gathered or produced. Mahika kai embodies the traditions, customs and collection methods of natural resources for functional and cultural use. Mahika kai is a cornerstone of Kāi Tahu cultural identity.

This intergenerational concern is expressed in the Kāi Tahu tribal whakataukī (proverb) 'Mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us'. Underpinning this whakataukī are fundamental values which guide the Kāi Tahu approach to resource management and resource extraction, as shown in Box 2.

#### Kāi Tahu Historical Context

Māori are the tangata whenua (Indigenous people) of Aotearoa (New Zealand). In Te Waipounamu, the South Island, the major tribal group is Kāi Tahu. The first people of Te Waipounamu were the Waitaha people who were followed by migrations of Kāti Mamoe and Kāi Tahu from the North Island.

#### Kā Rūnaka Values

- Whakapapa is central to identity and describes a familial relationship in which manawhenua are enveloped through custom and tradition with their lands, waters or sea. Management, use and protection of the many natural resources are framed in the belief of inter-connectedness, and the cultural values that underpin that world view.
- Mauri is the 'life force' or 'life principle' of a place or thing, both living and non-living. The primary management principle for Māori is the protection of mauri or life-giving essence of an ecosystem.
- Ki uta ki tai encapsulates the need to recognise and manage the interconnectedness of the whole environment, from the mountain tops to the ocean floor. This is an important part of kaitiakitaka.
- Rakatirataka concerns the ability of tangata whenua to exercise customary authority over natural resources within their takiwā. An important part of rakatirataka is being able to exercise kaitiakitaka.
- Kaitiakitaka includes notions of guardianship, care and wise management. The term has received recognition in Section 7(a) of the Resource Management Act 1991 and is defined in the Act as "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship".

Over time the three iwi merged through conquest, marriage and peace alliances. Kāi Tahu are a fusion of Waitaha, Kāti Mamoe and Kāi Tahu descent and are referred to collectively as Kāi Tahu Whānui.

In 1840 the Treaty of Waitangi was signed by the British Crown and some Māori chiefs. It is considered to be the founding document of New Zealand. The Otago Kāi Tahu chiefs, Karetai and Korako, signed the Treaty at Pukekura (Taiaroa Heads) on 13 June 1840. The Treaty was also signed by Kāi Tahu at Akaroa, Ruapuke and Cloudy Bay. Kāi Tahu considered that the Treaty bound the whole tribe irrevocably to an agreement which imposed responsibilities on both the Crown and Kāi Tahu.

There are two versions of The Treaty, one in Māori and one in English. The different meanings of these versions, and the expectations on the part of Māori that the Crown would honour what was written have, since the Treaty of Waitangi was signed, led to political and legal contest. In 1975, the Waitangi Tribunal was created 'to investigate and make recommendations on claims brought by Māori relating to actions or omissions of the Crown which breached the Treaty'.

#### Kāi Tahu Legislative Context

The Waitangi Tribunal is a permanent commission of inquiry charged with making recommendations on claims brought by Māori relating to actions or omissions of the Crown that potentially breach the promises made in the Treaty of Waitangi. The Tribunal conducted hearings throughout the South Island from 17 August 1987 to 10 October 1989 and then produced three reports that became the basis of a negotiated settlement between Kāi Tahu and the Crown.

#### Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998

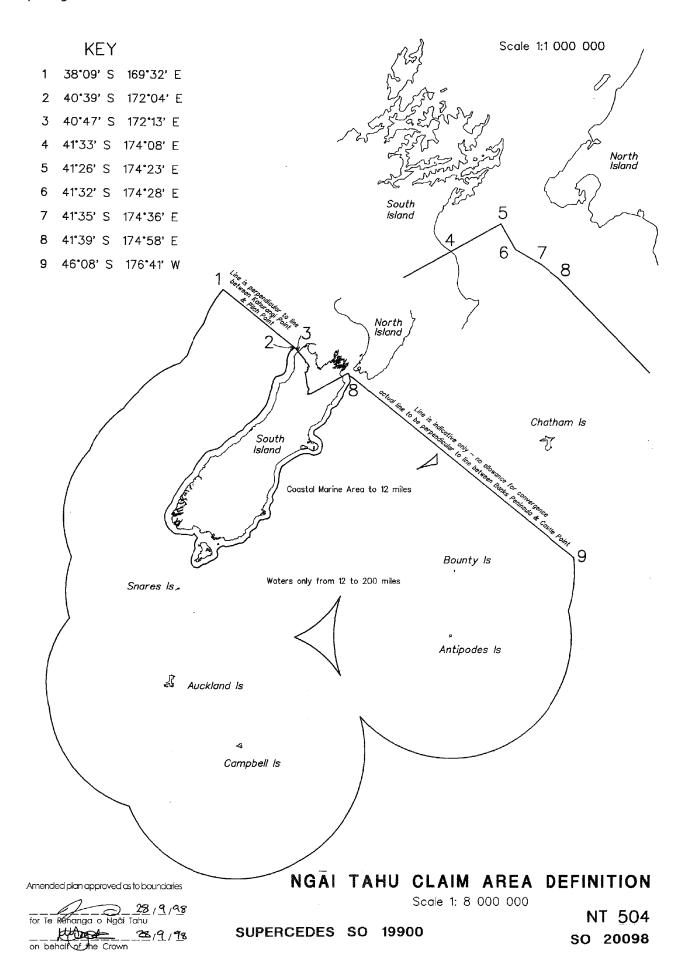
The *Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act 1996)* was passed into law to facilitate the settlement of historic grievances.

This act established Te Rūnanga o Ngāi Tahu as the representative of Kāi Tahu Whānui – the broader tribal grouping.

As a result of the *TRoNT Act 1996*, the iwi is structured into 18 papatipu rūnanga (local tribal councils) that represent the members of Te Rūnanga o Ngāi Tahu. Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou are among the papatipu rūnanga identified as having interest in the Otago region. Te Rūnanga o Ngāi Tahu (TRoNT) which is the corporate body based in Christchurch, represents the combined decisionmaking will of the papatipu rūnanga. The 18 papatipu rūnanga focus on local whānau and hapū issues, working with and supported by the corporate body.

Within the *TRONT Act* 1996 the takiwā (tribal area) of Kāi Tahu Whānui includes all the lands, islands, and coasts of Te Waipounamu south of Te Parinui o Whiti on the east coast and Te Rae o Kahurangi Point on the west coast. Kāi Tahu takiwā also extends to the marine areas shown in Map 2. The takiwā of Kāi Tahu is detailed in the *TRONT Act* 1996 and includes the entire Otago region.

In 1998 the *Ngāi Tahu Claims Settlement Act* 1998 passed into law and detailed the settlement between Kāi Tahu and the Crown. The settlement addressed Kāi Tahu economic, social, environmental and cultural development and also included an apology from the Crown. The settlement did not return all Kāi Tahu land and sea assets to the iwi, but Kāi Tahu interests in this land and sea are enduring.



#### Ngāi Tahu Statutory Acknowledgements

A statutory acknowledgement is a legal instrument that recognises the mana of a tangata whenua group in relation to specified areas, particularly the cultural, spiritual, historical and traditional associations with an area.

These acknowledgements relate to 'statutory areas' which include areas of land, geographic features, lakes, rivers, wetlands and coastal marine areas, but are only given over Crown-owned land. Statutory acknowledgements are recorded in the Ngāi Tahu Claims Settlement Act 1998 for several water bodies, mountains and coastal features in the Otago region. As part of the settlement process, only a limited number of sites were highlighted. Therefore there are sites missing from this list that are considered significant to Kāi Tahu.

Local authorities are required to consider these areas in resource consent processing under the *Resource Management Act* 1991.

#### **Other Relevant Legislation**

There are a number of statutes and procedures that govern the operation of the oil and gas industry. Some of this legislation requires specific engagement with Māori.

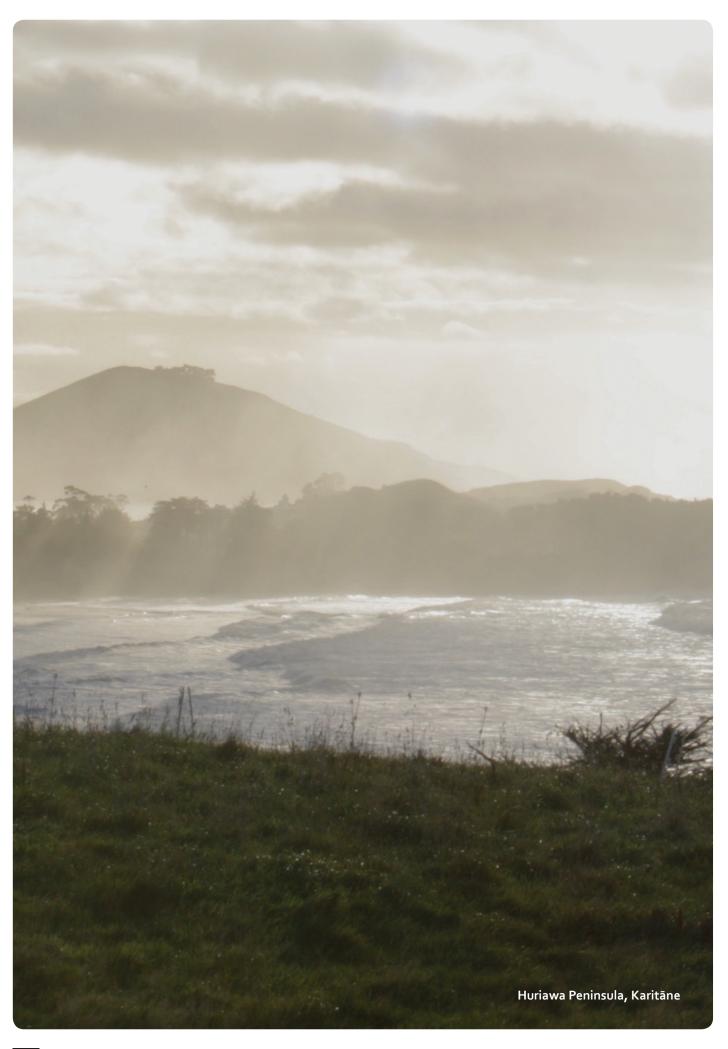
Kā Rūnaka have established processes for dealing with resource consents under the *Resource Management Act 1991*, which includes all resource extraction on land and out to the 12 nautical mile limit. Kā Rūnaka are developing their position on permitting processes under the *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012* (EEZ Act) and the *Marine and Coastal Area (Takutai Moana) Act 2011*. This document responds to these key pieces of legislation.

#### Resource Management: Kai Tahu ki Otago Ltd

Some rūnaka have established environmental and resource management consultancies to work on their behalf. In Otago, Kai Tahu ki Otago Ltd (KTKO Ltd) was established in 1997 to work on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga and Te Rūnanga o Moeraki. KTKO Ltd is the first point of contact for companies to meet requirements under the *Resource Management Act 1991* or other legislation for engaging with Rūnaka in Otago.

KTKO Ltd is a stand-alone subsidiary of four rūnaka providing a commercial consultancy service, and is independent of regional and district councils. The consultancy provides an efficient and timely service to clients on a user-pays basis.





#### **PARTTWO**

## Engaging with Kā Rūnaka

This section outlines potential activities should Kā Rūnaka choose to engage with a company. This section should not be read as implying that Kā Rūnaka will engage with or support a proposal provided the suggested activities are followed. Any engagement with a company will be judged on its merits and on a case-by-case basis.

#### Overview

A company that engages meaningfully with Kā Rūnaka signals an intention to develop an operation that is sustainable over a long period. While lower levels of engagement may enable companies to meet central government administrative requirements, over the long term respectful engagement may lead to benefit for both parties. This may include:

- Preferential access to Kā Rūnaka expertise;
- Lessened likelihood of protracted permitting negotiations;
- Greater support at local and central government levels;
- Less likelihood of 'ad-hoc' opposition due to lack of Kā Rūnaka understanding of proposals;
- Potential to develop preferential relationships through employing Kā Rūnaka labour capacity;
- Higher levels of trust leading to stable long-term relationships.

A key outcome of engagement is to develop trust. How companies have conducted themselves in the past and in other jurisdictions, particularly in relation to other Indigenous groups, will be an important factor in developing such trust.

It has become standard practice at the international level for mining and energy companies to have detailed relationship agreements with affected Indigenous groups and it is Kā Rūnaka expectation that oil and gas companies operating within their rohe will have corporate responses to this global best practice. In particular, Kā Rūnaka are looking to oil and gas companies to articulate, within their corporate documents, their stance on or compliance with international conventions and standards. These are outlined in the next section.



### Kā Rūnaka Engagement Principles

Kā Rūnaka engagement thinking and practice are derived from a set of customary principles applied to contemporary circumstances.

**Tikaka-a-iwi** – The ability to continue to practice the customary rituals and protocols that govern how resources are used and accessed is important to Kāi Tahu. Companies should be aware of tikaka Māori and be prepared to meet with Kāi Tahu in a customary way, such as on a marae, and conduct the meeting according to customary practices.

Kanohi ki kanohi – Most Māori groups prefer to interact face-to-face, rather than by other forms of correspondence such as phone or email. Where possible, hold meetings and engage in person.

Mana ki te mana – There is an expectation that those who have decision-making authority and status will represent their entities during key engagement points. This may include senior representatives and executives up to and including CEO, Governance Board members and leaders from any parent companies.

Manawhenua – Kāi Tahu have legislated rights, authority and responsibilities with their tribal takiwā. These rights and responsibilities mean that Kāi Tahu are not stakeholders but, in many cases, partners to decisions.

Honoka – Be prepared to talk about yourself and the Company you represent. What are its values and how has it shown these in the past? Understanding connections – who people are, where they come from, how they relate – is important in developing trust in depth.

## What does engagement mean to Kā Rūnaka?

The regulatory framework for oil and gas activity in Aotearoa New Zealand is continually being changed and updated, including the requirements and guidelines on how oil and gas companies manage their relationships with iwi<sup>1</sup>. Although engagement is not specifically required in legislation, in most cases legislative requirements are most easily met via engagement with Māori, as under the Resource Management Act (1991), Crown Minerals Act (1991) and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act (2012).

While all oil and gas companies are expected to follow the administrative procedures laid out by legislation, Kā Rūnaka have specific understandings of the meaning of engagement as shown in Table 2.

Different levels of engagement will be appropriate at different times in the prospecting, exploration, production and de-commissioning phases. Kā Rūnaka expect that there will be a continual cycle of information sharing.

#### **Engagement activities**

The following gives examples and tips of activities that might occur at the various phases of the engagement process. These are by no means exhaustive and neither are they independent of each other.

#### Informing

#### **Pre-engagement**

## PURPOSE: To become familiar with the local people, issues, perspectives and operation

- Be familiar with current Māori-specific governance and iwi policies, documents and literature.
- Identify Kāi Tahu governance structures at iwi and hapū levels.
- Learn locations and names of key Kāi Tahu communities and contact people.
- Identify and learn the important and sensitive local issues. Contact KTKO Ltd in the first instance.

#### Initial engagement

## PURPOSE: To introduce the company as a credible operator

#### 1. Who should engage?

- Start with your 'in-country' senior personnel.
   If you have an iwi liaison officer, bring that person but also senior staff not just consultants or lawyers. This indicates a mana ki te mana or leader to leader relationship, central to assessing your credibility as a long-term operator.
- Technical experts may not be the best people during initial contact. They will be important during later phases.

#### 2. When should you engage?

- Engage as early as possible.
- Avoid traditional 'cold' business form letters and correspondence where possible.

#### 3. How should you engage?

 Engagement should begin with a face-toface meeting to discuss how the best ways to engage. Different levels of engagement will be suitable for different activities.

<sup>&</sup>lt;sup>1</sup>For further information, see Environmental Protection Agency in References section.



- Get advice about local marae etiquette if attending a meeting at a marae.
- Be prepared to talk about yourself your background, your family, where you grew up, your education and your experience in Indigenous contexts. Making connections is a first step in assessing your credibility.

#### Information sharing

## PURPOSE: To give an overview of the company including its New Zealand operation

Over and above any documentation that may have been submitted to the relevant central government department, Kā Rūnaka, in the first instance, will wish to have a high level overview of the company as an entity – its governance, management, values and experience – and as an operator both in Aotearoa New Zealand and elsewhere. This information will be assessed by Kā Rūnaka to develop any subsequent phases of an ongoing relationship.

To assist Kā Rūnaka with this information, companies are advised to prepare a short, non-technical briefing that outlines the following information.

#### **Business Information**

- Title, headquarters, year of incorporation, locations of operation, market capitalisation, operating revenue, subsidiaries (main), main business;
- Brief history (originating entity, mergers etc);
- Information about Board and senior management (CEO); number of employees – worldwide and in NZ; employment of Indigenous peoples.

#### **Common Engagement Issues**

- Consultation fatigue is common due to several companies trying to consult with Kā Rūnaka at once, or the same company continually seeking to meet. Kā Rūnaka may have limited capacity to consult so there should be a reasonable time period between meetings which will vary depending on the activity proposed. Companies should avoid contacting Kā Rūnaka only when they need something. It can be a good idea to maintain communication. There is a fine balance between consulting too much and not enough. It is recommended that companies ask those they are engaging with how often they would like to meet, as this will vary between groups.
- Legislation permits some activities regardless of how iwi groups feel about it, leading to a feeling of a 'forced relationship' due to central government administrative policy.
- Maintaining ongoing communication can be heavy on time. For advanced and ongoing programmes or projects, consider retaining an Iwi Liaison Officer, accountable to CEO or other senior executive, retaining an Iwi Employment Liaison person, or hiring and training Kāi Tahu Environmental Monitoring personnel.

#### Tips

- Don't assume that an engagement approach that has been successful before will be successful again. Engagement is very case-specific, and a group may prefer a different approach to one used with them in the past, even if the new proposal is very similar to the previous one. ALWAYS ask which approach is preferred for each new activity or proposal.
- Allow a lot of time for engagement, and do not rush the process. Be prepared for meetings to run for longer than planned. It can be a good idea to leave a lot of time after your meeting with Kāi Tahu representatives, so that you don't have to rush away.
- Be aware that Kā Rūnaka representatives attend meetings in their own time, often during lunch breaks or on their days off. While engagement takes as long as it takes, be aware that Kā Rūnaka time is precious. You should aim to be as clear and concise as possible when communicating with Kā Rūnaka.
- Follow-up with Kā Rūnaka designated contact after meeting.
- Make sincere efforts to consult with mandated Kā Rūnaka representatives.
- The company will need to build a long-term relationship with Kā Rūnaka and the local community. It is not appropriate to come into the area, carry out the activity and leave again engagement is a long-term commitment.

#### **Key Company Policies**

You should outline whether your company is a member of of ICMM or IPIECA or other credible international body that sets and monitors extractive industry standards and best practice such as the Extractive Industries Transparency Initiative<sup>2</sup>.

Provide brief information about how your company is complying with the following (or other related policies<sup>3</sup>):

- The International Labour Organization's Indigenous and Tribal Peoples Convention (ILO 169);
- The United Nations' Declaration of the Rights on Indigenous Peoples (2008) and Free, Prior and Informed Consent (FPIC);
- International finance institutions' policies such as IFC Performance Standard 7 on Indigenous Peoples (PS7)(2012);
- The United Nations' Sustainable Development Goals, particularly Goals 7, 13 and 14;
- Your company's climate change policies and mitigation strategies and any monitoring/ auditing processes in place.

#### Relationships

- Brief statement about Indigenous groups you have worked with in the past or with whom you are currently working with (who, where, how long);
- Statement about any litigation you are currently involved in where, why, who with, how long.

#### **Proposed Operation In New Zealand**

Explain in lay terms:

- Interest in the proposed area;
- The exploration method, including whether, if applicable, you use Reduced Emissions Completions or 'green completions';
- The approximate location(s) for proposed exploration/production and whether these are likely to impact on Kā Rūnaka's areas of interest;
- The likely timeframes;
- The initial cost estimates and potential returns;
- Your liability insurance.

<sup>&</sup>lt;sup>2</sup> See References section.

<sup>&</sup>lt;sup>3</sup> For these, and other policies such as the Devonshire Initiative and the United Nations Guiding Principles, see References section.

#### Consultation

## PURPOSE: To ensure that Kā Rūnaka have all relevant information in a comprehensible form so that informed prior responses can be incorporated into company plans

After initial engagement and information sharing, Kā Rūnaka will need to understand a proposal in more detail. Kā Rūnaka are particularly concerned about environmental impacts and impacts on heritage, cultural and traditional-use sites. They will want to know how any impacts may be avoided, remedied or mitigated. Some of this information is likely to have been developed as part of the permitting process with central government agencies. Other information will be specific to Kā Rūnaka.

Any information provided to Kā Rūnaka should be complete and of high quality. For example, maps of marine areas should have reference points or identifiable features so that Rūnaka can determine where in the sea they are located.

Much of the information collected is collated into lengthy reports. It can therefore be helpful to provide the full report with an executive summary at the front. Kā Rūnaka will likely wish to provide feedback in the following areas.

#### **Technical Plans**

Companies collect a broad range of data when determining where oil and gas may be found. In most cases, Kā Rūnaka will seek summaries of this information to help them assess their position. However, in some cases it may be important that Kā Rūnaka have more detailed information including:

- Desktop studies;
- · Geological mapping;
- Geophysical surveys;
- Geochemical surveys;
- Reports from Marine Mammal Observers on marine mammal sightings and Passive Acoustic Monitoring data.

#### **Impact Assessment**

#### **Environmental**

- Be as accurate as possible. Do not try to downplay any possible negative effects.
- Where possible, provide physical models or 3D simulations to help explain visually the extent of the proposal.
- Outline the ways in which the company has made the operation as sustainable as possible, and minimised environmental impacts.
- Outline your environmental risk management process.
- Outline any impact on global climate change.

#### Social

- What resources are likely to be developed to support the community in general and Kā Rūnaka in particular? This might include: direct or indirect funding for Kā Rūnaka-directed education, health, environmental, social, heritage or cultural projects.
- Will the company be supporting particular types of social or charitable activities e.g. health, education, needs-based, housing etc? How will decisions be made about this? Who is likely to benefit? Will this be part of the company's marketing strategy or independently managed?

#### Health

• Is the activity likely to have any human or animal health benefits or detriments?

#### **Economic**

- What are the likely effects of the proposal (e.g. labour – skills needed, where this is supplied from (local/overseas) logistics, transport, procurement/value-chain, royalties, equity sharing)?
- What are the benefits in general and for Kā Rūnaka in particular?
- What are the risks of the proposal to Kā Rūnaka?
   For example, if things go wrong will livelihoods be affected?



#### Cultural

- Will mahika kai and tapu sites be affected?
- Will taoka species be affected?
- How will the 'mauri' or life supporting capacity of the environment be affected?
- Will activities impact on traditional cultural uses?

#### Involvement

PURPOSE: To develop agreements about how the company and Kā Rūnaka will manage any ongoing involvement

Once the consultation phase has been completed and both sides are clear about the other's position, Kā Rūnaka may consider further involvement with the company. Such involvement should be formalised through agreements that might include4:

- Letters of Agreement;
- Memoranda of Understanding;
- Joint-venture proposals;
- Contracts for services.

Consider the use of a tool such as an Impacts and Benefits Agreement (IBA)<sup>5</sup>. An IBA is a broad term used to describe various contractual commitments related to development of land or resources subject to Indigenous rights. IBAs usually impose negotiated limits on a project's impacts on the environment, on fish and wildlife, on the land and Indigenous peoples' traditional use and enjoyment of same.

IBAs usually define a range of negotiated economic and preferential benefits to flow to the Indigenous peoples whose lands affected by impacted by the development. The following are areas for potential agreements.

#### **Common Rūnaka Questions**

Q What is the company's history with Indigenous populations elsewhere?

Kā Rūnaka will want to know about relationships the company has had with Indigenous peoples in the past as an indicator of their character. Evidence of good relationships may give them more confidence that the company will act responsibly and engage well. Similarly, if a company is in dispute with any other Indigenous peoples Kā Rūnaka will want to know why. Whether and how the company measures its performance with Indigenous peoples globally is of importance.

- Q Does your company adhere to international standards and codes relating to Indigenous communities? Please explain how local adherence to these codes is measured and managed.
- Q Are there potential changes to our lifestyle from the proposed activity?
   These could be positive or negative.
- Q What is the company's responsibility to the community?
  Will the company act as a 'good citizen'?
- Q Will the community be left to clean up any mess?

Kā Rūnaka are likely to seek assurances that the company has sufficient liability insurance to pay for any small or large disasters.

 $<sup>^4</sup>$  For further information, see 'Best Practice Guidelines for Engagement with Maori' in References section.

<sup>&</sup>lt;sup>5</sup> For further information, see Fraser Institute and Gibson and O'Faircheallaigh in References section.



## Common Rūnaka Questions continued

## Q Does the activity benefit the community?

Benefits to the community could include employment or funding environmental restoration programmes in an area relevant to the proposed project. For example, a company could fund baseline research on marine species and habitats in the area of their proposal.

It is important to be aware that benefits to the community will not always be able to outweigh negative effects on the environment.

## Q Does the activity enhance the environment? How?

This could include funding for existing environmental restoration programmes or establishing new ones.

## Q Are there employment opportunities for Kāi Tahu people?

This could include but is not limited to opportunities for training to become marine mammal observers (MMOs) or training in passive acoustic monitoring (PAM), baseline research projects or consultancy work.

## Q What are the company's views on royalty or Community Benefit Payments?

Currently, central government receives the benefits of the oil and gas industry through royalties. If in future royalties are paid to local communities, Kā Rūnaka expect to benefit equitably, to recognise their ongoing and sustained kaitiakitaka role.

#### Communication

Agreements around:

- Types of information shared its nature and level of detail (including technical reports);
- Frequency of information particularly around reporting and monitoring;
- How information is shared in person, via email or on websites;
- Agreed media statements.

#### **Disaster Planning and Responses**

- Agreeing on a framework that includes Kā Rūnaka in the response to an emergency event such as an oil spill;
- Protocols around how and when Kā Rūnaka are informed of an emergency event.

#### Mitigation<sup>6</sup>

It is common for Kā Rūnaka to seek specific agreement around mitigation of adverse effects. Examples of mitigation measures include:

- Agreement for a company to follow an accidental discovery protocols that respect Kāi Tahu interests;
- Allowing the presence of Kāi Tahu monitors throughout the applicant's operations;
- Site blessings;
- Monetary compensation where impacts are unavoidable;
- Ensuring that liability is covered off through sufficient insurance cover.

#### **Employment and Procurement**

Where there are opportunities for Kā Rūnaka to be involved in the supply or value chain, these should be formally agreed. For example:

- Training as providers of specialist environmental services e.g. marine mammal observers;
- Training for and providers of specialist research;
- Providers of specialist cultural advice on an ongoing or contracted basis.

<sup>&</sup>lt;sup>6</sup> For further information, see Te Rūnanga o Ngāti Ruanui Trust in References section.

#### Table 2: Types of Engagement

#### Informing Consultation Collaboration and Involvement **Empowerment** Companies provide Companies Companies work Companies and Kā with Kā Rūnaka to Rūnaka work together information or acknowledge the notification of response from Kā ensure that concerns as equals with Kā activities when Rūnaka and give and aspirations are Rūnaka advice and feedback on how decisions have included in options recommendations already been made or input influenced their developed through incorporated into formal mechanisms. activities have begun. decision. shared workplans. Kā Rūnaka have negotiated decisionmaking authority within proposals. Activities Activities **Activities Activities** • Pre-engagement • Feedback on project Agreements • Shared work negotiated eq, plans programme • Initial engagement communication • Impact & Risk Kā Rūnaka leading Information plan, mitigation, Assessment projects exchanging employment/ cultural, • Shared governance procurement, social, health, disputes Monitoring/ environmental, mechanism, Reporting economic decommissioning • Independent planning **Auditing** • Resources secured

#### **Decommissioning Planning**

While much effort goes into the planning and production phases, an equal effort should be applied to the decommissioning phase which should occur at the earliest part of discussions.

Planning for decommissioning might include:

- Site visualisations before, during and after operation;
- Re-introduction of species where these have been disturbed or removed;
- Planning for cultural input;
- Impacts on economy.

Decommissioning planning should also include how you intend to monitor any ongoing effects after the site has been closed, including any contingency funding/insurance you intend to be able to apply.

#### **Disputes Mechanism**

Agreement should be reached as to how each party wishes to relate to each other should disputes arise – whether these disputes are in relation to formalized agreements or not.

Key to this is that grievances are taken seriously and not ignored. Some people within Kāi Tahu feel that the extraction of oil and gas is not compatible with the concept of kaitiakitaka, and will always oppose all oil and gas industry activity within their rohe on this basis. Others take a different view provided that certain safeguards are maintained.

The Initiative for Responsible Mining Assurance (IRMA)<sup>7</sup> provides a general overview and some high level principles that might provide a basis for a negotiated Disputes Mechanism. Key principles include that the mechanism is:

- Accessible;
- Collaborative;
- Equitable;

- Legitimate;
- Predictable;
- Consistent with human, and in New Zealand's case, Treaty rights; and
- Transparent.

As a result of a grievance mechanism, companies may be required to:

- Change project plans to address Kā Rūnaka concerns;
- Accommodate Kā Rūnaka and community needs for further study, discussion and possible programme adjustments. This can address concerns, reduce opposition and help to generate support.

#### **Collaboration and Empowerment**

PURPOSE: To agree on areas of mutual interest, valuing Kā Rūnaka expertise and leadership

Where appropriate, Kā Rūnaka and a company may agree to develop a shared work programme that is appropriately resourced, monitored and reported on.

Activities that may be considered include:

- Environmental monitoring from a Kāi Tahu perspective using tools that are specific to Māori such as a cultural health indices<sup>8</sup>;
- Setting up a trust or other transparently managed entity that manages education or other scholarships to build Kā Rūnaka capacity;
- Inviting Kā Rūnaka representation on key company decision-making committees;
- Company employees participating in Kā Rūnaka capacity development workshops.

 $<sup>^7\,\</sup>rm For$  more information, see IRMA and United Nations Human Rights Office of the High Commissioner in References section.

<sup>&</sup>lt;sup>8</sup> See Ruckstuhl et al. (2013) in References section.

# Box 6

## What is a Cultural Impact Assessment?

Kā Rūnaka are concerned for the spiritual and cultural health of the environment, such as whether it will be able to sustain traditional practices such as gathering mahika kai. A way to assess these aspects is through Cultural Impact Assessment (CIA) which documents Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these.

A CIA should be regarded as technical advice, similar to other types of technical consultant's reports. It is a pre-cursor to developing meaningful and effective participation in proposals. In most instances, a cultural impact assessment (CIA) is the preferred impact assessment tool and should be commissioned alongside other impact assessment reports. KTKO Ltd has the expertise to undertake CIAs on behalf of Kā Rūnaka.



#### **Future Focus**

As this document is future-focused, fitting with intergenerational thinking and actions, Kā Rūnaka consider both the direct and indirect impacts of oil and gas exploration and extraction, whether on land or sea.

There are two major concerns for Kā Rūnaka. The first is the paucity of information about the deep sea environment and the 'profound lack of information about deep-sea invertebrate and fish assemblages'9 in New Zealand generally and off the Otago coast in particular. This can only be addressed by urgent attention being given to research to help Kā Rūnaka and companies understand the environment in which companies may operate.

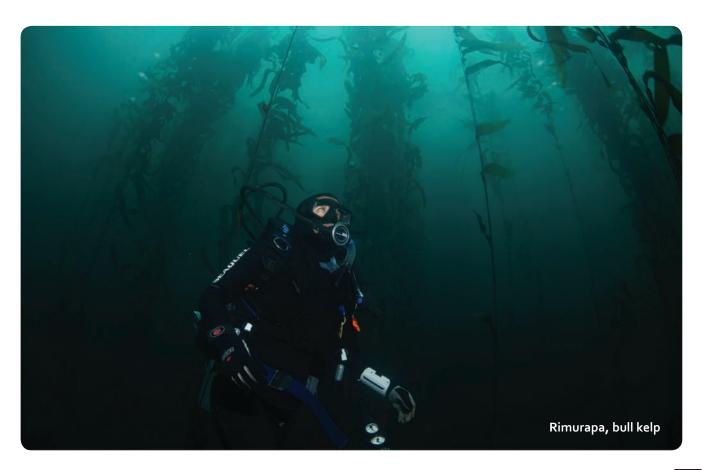
The second of these concerns is the impact of climate change on our economic, environmental and cultural activities and practices.

Of particular concern to Kā Rūnaka are activities that may degrade naturally occurring carbon sinks, such as coastal wetlands and deep-sea benthic ecosystems that support rare and important fishery habitats. Such degradation has long-term and potentially irreversible impacts on taoka species, wāhi taoka, and wāhi tapu.

Given that the deposition of organic carbon in coastal marine sediments plays a key role in controlling atmospheric CO<sup>2</sup> concentrations<sup>10</sup>, disturbance or modification of these locations is a contributing factor to global climate change.

Kā Rūnaka are currently developing their policy on climate change which, once completed, will complement this and our Kāi Tahu ki Otago Natural Resource Management Plan<sup>11</sup>.

 $<sup>^{\</sup>rm 12}$  See Kai Tahu ki Otago Natural Resource Management Plan 2015 in References section.



<sup>9</sup> See Lorz et al. (2012) in References section.

<sup>&</sup>lt;sup>10</sup> See Erwin (2009), Crooks et al. (2011), Mcreadie et al. (2013) and Vierros et al. (2013) in References section.

## Glossary of Māori Terms

Aotearoa New Zealand

Hapū Sub-tribe

**Iwi** Tribe

**Kai awa** Food from a river

Kāi Tahu Whānui People of Waitaha, Kāti Mamoe and/or Kāi Tahu descent

Kaimoana Seafood

**Kaitiakitaka** The active protection and responsibility for natural and physical

resources by tangata whenua

**Kaitiaki** A person who upholds kaitiakitaka responsibilities

**Ki uta ki tai** A whole of landscape approach, understanding and managing

interconnected resources and ecosystems from the mountains to the

sea

Mahika kai The term "mahika kai" literally means "food works". It encompasses

the ability to access the resource, the site where gathering occurs, the act of gathering and using resources, and ensuring the good

health of the resource for future generations

Mana Whenua are those who hold mana – authority, prestige and

decision-making – over the whenua (land) and the moana (sea)

Māori The Indigenous people of New Zealand

Marae Traditional Māori meeting space

Mātaitai A spatial closure for the purposes of helping recognise use and

management practices of Māori in the exercise of non-commercial

fishing rights

Mauri The life-force or life-supporting principle

**Moana** Sea

Ngāi Tahu/Kāi Tahu Main South Island iwi.

**Rakatirataka** Chieftainship, the right to exercise authority

Rohe District, area

**Rūnanga/Rūnaka** Tribal council

**Taiāpure** A spatial closure to set aside coastal fishing areas which customarily

have been of special significance to an iwi or hapū as a source of food

(kaimoana) or for spiritual or cultural reasons

**Takiwā** District, area

Tangata whenua Indigenous people

**Taoka** Treasures

**Taoka species** Species that are considered treasures. A list of taoka species

was identified as part of the Ngāi Tahu Claims Settlement Act to recognise the particular importance of these species to Ngāi Tahu. However, not all of the species that are considered taoka are listed

Tapu Sacred, restricted

**Te Tai o Araiteuru** Southern coastal and sea area between the Waitaki and Mataura

rivers

**Te Waipounamu** The South Island of New Zealand

Tikaka-a-iwi Iwi customs and traditions

Wāhi taoka Treasured place

Wāhi tapu Sacred or restricted place

Wāhi tūpuna A place with ancestral significance

Waka Canoe

Whakapapa Genealogy

Whānau Family

Whenua Land

### References

Crooks, S., Herr, D., Tamelander, J., Laffoley, D., Vandever, J. (2011). Mitigating Climate Change through restoration and management of Coastal wetlands and near-shore Marine ecosystems. Challenges and opportunities. Environment Department Paper no. 121, World Bank, Washington DC.

Extractive Industries Transparency Initiative (2016). The EITI Standard. Available at https://eiti.org/files/english\_eiti\_standard\_o.pdf [Accessed 11 February 2016].

Erwin, K.L. (2009) Wetlands and global climate change: the role of wetland restoration in a changing world. Wetlands Ecol Manage (2009) 17:71-84.

Environmental Protection Agency (n.d.). Te Hautū: A Māori perspective. Available at www.epa.govt. nz/te-hautu/Pages/Te%20Haut%C5%AB.aspx [Accessed 11 February 2016].

Fraser Institute (2012). What are Impact and Benefits Agreements? Available at www. miningfacts.org/Communities/What-are-Impact-and-Benefit-Agreements-%28IBAs%29/ [Accessed 11 February 2016].

Gibson, G. and O'Faircheallaigh, C. (2015)
IBA Community Toolkit: Negotiation and
Implementation of Impact and Benefit Agreements.
Canada: The Gordon Foundation. Available at
http://gordonfoundation.ca/publication/669
[Accessed 11 February 2016].

International Council on Mining and Metals (2013). Position Statement on Indigenous People. Available at www.icmm.com/publications/icmm-position-statement-on-indigenous-peoples-and-mining [Accessed 11 February 2016].

International Finance Corporation (2011). Guide to Human Rights Impact Assessment and Management (HRIAM). Available at www.ifc.org/wps/wcm/connect/8ecd35004coc b230884bc9ec6f601fe4/hriam-guide-092011. pdf?MOD=AJPERES [Accessed 11 February 2016].

International Labour Organization (1989).
Indigenous and Tribal Peoples Convention, 1989
(No. 169). Available at www.ilo.org/dyn/normlex/
en/f?p=NORMLEXPUB:12100:0::NO::P12100\_ILO\_
CODE:C169 [Accessed 11 February 2016].

IPIECA (2012). Indigenous Peoples and the oil and gas industry: Context, Issues and Emerging Good Practice. Available at www.ipieca.org/publication/indigenous-peoples-and-oil-and-gas-industry-context-issues-and-emerging-good-practice [Accessed 11 February 2016].

IRMA (n.d.) IRMA Standard for Responsible Mining (Draft 1.0) Chapter 5.3 Grievance Mechanism and Access to Other Remedies Available at www.responsiblemining.net/irma-standard/draft\_07-2014/chapter-5.3-grievance-mechanism-and-access-to-other-remedies/[Accessed 11 February 2016].

Kai Tahu ki Otago Natural Resource Management Plan (2005). Available at http://ecan.govt.nz/publications/Plans/

Lorz, A., Berkenbusch, K., Nodder, S. Ahyong, S, Bowden, D., McMillan, P., Gordon, D., Mills, S., Mackay, K. (2012). A review of deep-sea benthic biodiversity associated with trench, canyon and abyssal habitats below 1500 m depth in New Zealand waters. Ministry of Agriculture and Forestry: Wellington.

Mcreadie, P., Hughes, A. R., Kimbro, D.L. (2013). Loss of Blue Carbon from coastal salt marshes following habitat disturbance. PLoS ONE 8(7): e69244.

Ruckstuhl, K., Carter, L., Easterbrook, L., Gorman, A., Rae, H., Ruru, J., Ruwhiu, D., Stephenson, J., Suszko, A., Thompson-Fawcett, M and Turner, R. (2013). *Māori and Mining*. Dunedin: University of Otago Māori and Mining Research Team. Available at: https://ourarchive.otago.ac.nz/handle/10523/4362 [Accessed 11 February 2016].

Te Rūnanga o Ngāti Ruanui Trust (2014). *Best Practice Guidelines for Engagement with Māori*. Available at: http://ruanui.co.nz/environmental.aspx [Accessed 11 February 2016].

The Devonshire Initiative (2015). Beyond Zero Harm Framework: A Participatory Process for Measuring Community Well-Being. Available at: http://devonshireinitiative.org/wp-content/uploads/Beyond-Zero-Harm-Framework-151021.pdf [Accessed 11 February 2016].

United Nations Human Rights Office of the High Commissioner (2011). *Guiding Principles on Business* and Human Rights: Implementing the United

## Key Acts of Parliament

Nations "Protect, Respect and Remedy" Framework. Available at: www.ohchr.org/Documents/ Publications/GuidingPrinciplesBusinessHR\_EN.pdf [Accessed 11 February 2016].

United Nations (2008). *Declaration on the Rights of Indigenous Peoples*. Available at www.un.org/esa/socdev/unpfii/documents/DRIPS\_en.pdf. [Accessed 11 February 2016].

United Nations (2015). Sustainable Development Goals. Available at http://www.un.org/ sustainabledevelopment/sustainable-developmentgoals/ [Accessed 23 May 2017].

Vierros, M. (2013). Communities and blue carbon: the role of traditional management systems in providing benefits for carbon storage, biodiversity conservation and livelihoods. Climatic Change, 1-12.

The following Acts are available at www.legislation. govt.nz/

- Crown Minerals Act 1991
- Resource Management Act 1991
- Te Rūnanga o Ngāi Tahu Act 1996
- Ngāi Tahu Claims Settlement Act 1998
- Marine and Coastal Area (Takutai Moana) Act 2011
- Exclusive Economic Zone and Continental Shelf Act 2012



## **Appendix 1** Terrestrial Taonga Species under the Ngāi Tahu Claims Settlement Act 1998

#### Birds

Name in Māori	Name in English	Scientific name
Hoiho	Yellow-eyed penguin	Megadyptes antipodes
Kāhu	Australasian harrier	Circus approximans
Kākā	South Island kākā	Nestor meridionalis meridionalis
Kākāpō	Kākāpō	Strigops habroptilus
Kākāriki	New Zealand parakeet	Cyanoramphus spp
Kakaruai	South Island robin	Petroica australis australis
Kakī	Black stilt	Himantopus novaezelandiae
Kāmana	Crested grebe	Podiceps cristatus
Kārearea	New Zealand falcon	Falco novaeseelandiae
Karoro	Black-backed gull	Larus dominicanus
Kea	Kea	Nestor notabilis
Kōau	Black shag	Phalacrocorax carbo
	Pied shag	Phalacrocorax varius varius
	Little shag	Phalacrocorax melanoleucos brevirostris
Koekoeā	Long-tailed cuckoo	Eudynamys taitensis
Kōparapara or Korimako	Bellbird	Anthornis melanura melanura
Kororā	Blue penguin	Eudyptula minor
Kōtare	Kingfisher	Halcyon sancta
Kōtuku	White heron	Egretta alba
Kōwhiowhio	Blue duck	Hymenolaimus malacorhynchos
Kūaka	Bar-tailed godwit	Limosa lapponica
Kūkupa/Kererū	New Zealand wood pigeon	Hemiphaga novaeseelandiae
Kuruwhengu/Kuruwhengi	New Zealand shoveller	Anas rhynchotis
Mātā	Fernbird	Bowdleria punctata punctata and Bowdleria punctata stewartiana and Bowdleria punctata wilsoni and Bowdleria punctata candata
Matuku moana	Reef heron	Egretta sacra
Miromiro	South Island tomtit	Petroica macrocephala macrocephala
Miromiro	Snares Island tomtit	Petroica macrocephala dannefaerdi
Mohua	Yellowhead	Mohoua ochrocephala

### Birds

Name in Māori	Name in English	Scientific name
Pākura/Pūkeko	Swamp hen/Pūkeko	Porphyrio porphyrio
Pārera	Grey duck	Anas superciliosa
Pateke	Brown teal	Anas aucklandica
Pīhoihoi	New Zealand pipit	Anthus novaeseelandiae
Pīpīwharauroa	Shining cuckoo	Chrysococcyx lucidus
Pīwakawaka	South Island fantail	Rhipidura fuliginosa fuliginosa
Poaka	Pied stilt	Himantopus himantopus
Pokotiwha	Snares crested penguin	Eudyptes robustus
Pūtakitaki	Paradise shelduck	Tadorna variegata
Riroriro	Grey warbler	Gerygone igata
Roroa	Great spotted kiwi	Apteryx haastii
Rowi	Ōkārito brown kiwi	Apteryx mantelli
Ruru koukou	Morepork	Ninox novaeseelandiae
Takahē	Takahē	Porphyrio mantelli
Tara	Terns	Sterna spp
Tawaki	Fiordland crested penguin	Eudyptes pachyrhynchus
Tete	Grey teal	Anas gracilis
Tīeke	South Island saddleback	Philesturnus carunculatus carunculatus
Tītī	Sooty shearwater/Muttonbird/ Hutton's shearwater Common diving petrel South Georgian diving petrel Westland petrel Fairy prion Broad-billed prion White-faced storm petrel Cook's petrel Mottled petrel	Puffinus griseus and Puffinus huttoni and Pelecanoides urinatrix and Pelecanoides georgicus and Procellaria westlandica and Pachyptila turtur and Pachyptila vittata and Pelagodroma marina and Pterodroma cookii and Pterodroma inexpectata
Tītitipounamu	South Island rifleman	Acanthisitta chloris chloris
Tokoeka	South Island brown kiwi	Apteryx australis
Toroa	Albatrosses and Mollymawks	Diomedea spp
Toutouwai	Stewart Island robin	Petroica australis rakiura
Tūī	Tūī	Prosthemadera novaeseelandiae
Tutukiwi	Snares Island snipe	Coenocorypha aucklandica huegeli
Weka	Western weka	Gallirallus australis australis
Weka		
vveka	Stewart Island weka	Gallirallus australis scotti

### **Plants**

Name in Māori	Name in English	Scientific name
Akatorotoro	White rata	Metrosideros perforata
Aruhe	Fernroot (bracken)	Pteridium aquilinum var esculentum
Harakeke	Flax	Phormium tenax
Horoeka	Lancewood	Pseudopanax crassifolius
Houhi	Mountain ribbonwood	Hoheria lyalli and H. glabata
Kahikatea	Kahikatea/White pine	Dacrycarpus dacrydioides
Kāmahi	Kāmahi	Weinmannia racemosa
Kānuka	Kānuka	Kunzia ericoides
Kāpuka	Broadleaf	Griselinia littoralis
Karaeopirita	Supplejack	Ripogonum scandens
Karaka	New Zealand laurel/Karaka	Corynocarpus laevigata
Karamū	Coprosma	Coprosma robusta, coprosma lucida, coprosma foetidissima
Kātote	Tree fern	Cyathea smithii
Kiekie	Kiekie	Freycinetia baueriana subsp banksii
Kōhia	NZ Passionfruit	Passiflora tetranda
Korokio	Korokio Wire-netting bush	Corokia cotoneaster
Koromiko/Kōkōmuka	Koromiko	Hebe salicfolia
Kōtukutuku	Tree fuchsia	Fuchsia excorticata
Kōwahi Kōhai	Kōwhai	Sophora microphylla
Mamaku	Tree fern	Cyathea medullaris
Mānia	Sedge	Carex flagellifera
Mānuka Kahikātoa	Tea-tree	Leptospermum scoparium
Māpou	Red matipo	Myrsine australis
Mataī	Mataī/Black pine	Prumnopitys taxifolia
Miro	Miro/Brown pine	Podocarpus ferrugineus
Ngaio	Ngaio	Myoporum laetum
Nīkau	New Zealand palm	Rhopalostylis sapida
Pānako	(Species of fern)	Asplenium obtusatum
Pānako	(Species of fern)	Botrychium australe and B. biforme
Pātōtara	Dwarf mingimingi	Leucopogon fraseri
Pīngao	Pīngao	Desmoschoenus spiralis
Pōkākā	Pōkākā	Elaeocarpus hookerianus
Ponga/Poka	Tree fern	Cyathea dealbata
Rātā	Southern rātā	Metrosideros umbellata
Raupō	Bulrush	Typha angustifolia

#### **Plants**

Name in Māori	Name in English	Scientific name
Rautāwhiri/Kōhūhū	Black matipo/Māpou	Pittosporum tenuifolium
Rimu	Rimu/Red pine	Dacrydium cypressinum
Rimurapa	Bull kelp	Durvillaea antarctica
Taramea	Speargrass, spaniard	Aciphylla spp
Tarata	Lemonwood	Pittosporum eugenioides
Tawai	Beech	Nothofagus spp
Tētēaweka	Muttonbird scrub	Olearia angustifolia
Tī rākau/	Cabbage tree	Cordyline australis
Tī Kōuka		
Tīkumu	Mountain daisy	Celmisia spectabilis and C. semicordata
Tītoki	New Zealand ash	Alectryon excelsus
Toatoa	Mountain Toatoa, Celery pine	Phyllocladus alpinus
Toetoe	Toetoe	Cortaderia richardii
Tōtara	Tōtara	Podocarpus totara
Tutu	Tutu	Coriaria spp
Wharariki	Mountain flax	Phormium cookianum
Whīnau	Hīnau	Elaeocarpus dentatus
Wī	Silver tussock	Poa cita
Wīwī	Rushes	Juncus all indigenous Juncus spp and
		J. maritimus



## **Appendix 2** Marine Taonga Species from the Ngāi Tahu Claims Settlement Act 1998

#### Marine mammals

Name in Māori	Name in English	Scientific name
Ihupuku	Southern elephant seal	Mirounga leonina
Kekeno	New Zealand fur seals	Arctocephalus forsteri
Paikea	Humpback whales	Megaptera novaeangliae
Parāoa	Sperm whale	Physeter macrocephalus
Rāpoka/Whakahao	New Zealand sea lion/ Hooker's sea lion	Phocarctos hookeri
Tohorā	Southern right whale	Balaena australis

### Taonga fish species

Name in Māori	Name in English	Scientific name
Kāeo	Sea tulip	Pyura pachydermatum
Koeke	Common shrimp	Palaemon affinis
Kōkopu/Hawai	Giant bully	Gobiomorphus gobioides
Kōwaro	Canterbury mudfish	Neochanna burrowsius
Paraki/Ngaiore	Common smelt	Retropinna retropinna
Piripiripōhatu	Torrentfish	Cheimarrichthys fosteri
Taiwharu	Giant kōkopu	Galaxias argenteus

### Taonga shellfish species

Name in Māori	Name in English	Scientific name
Pipi/Kākahi	Pipi	Paphies australe
Tuaki	Cockle	Austrovenus stutchburgi
Tuaki/Hākiari, Kuhakuha/ Pūrimu	Surfclam	Dosinia anus, Paphies donacina, Mactra discor, Mactra murchsoni, Spisula aequilateralis, Basina yatei, or Dosinia subrosa
Tuatua	Tuatua	Paphies subtriangulata, Paphies donacina
Waikaka/Pūpū	Mudsnail	Amphibola crenata, Turbo smaragdus, Zedilom spp

## Biographies



**Edward Ellison (ONZM)** is a respected Kāi Tahu and Ōtākou Rūnanga leader who has served on numerous

organisations including the New Zealand Conservation Authority, the QEII National Trust, the Environmental Protection Authority and the University of Otago's Council. He was the inaugural Deputy Kaiwhakahaere to Te Rūnanga o Ngāi Tahu and a member of the Ngāi Tahu Treaty Settlement negotiating team. Edward is the Chair of Kai Tahu ki Otago Ltd and along with Emeritus Professor Khyla Russell, is leading the Kāi Tahu response to plans for marine protected areas along the Otago and wider coastline.



**Dr Lyn Carter** is an Executive Member of Kāti Huirapa Rūnaka ki Puketeraki and leads various initiatives in relation to the

environment and membership connectivity. Lyn is a Senior Lecturer in the School of Māori, Pacific and Indigenous Studies at the Unviersity of Otago and has published in areas of landscape, environment, and Treaty of Waitangi settlements. Her latest research is on climate change.



Suzi Flack is a member of Kāti Huirapa Rūnaka ki Puketeraki and leads many environmental projects and activities. She is

a member of the environmental management committee and is an instigator of Hauteruruku ki Puketeraki Waka Club which aims to attract whānau to be involved in all aspects of waka culture. Suzi is the manager of Tumai Ora Whānau Service which provides wellbeing services across East and North Otago.



**Kathryn Gale** is affiliated to Ngāti Kahungunu and Ngāi Tūhoe and was born and raised in Otago. She has a Masters of

Applied Science in Environmental Management from the University of Otago and is a resource management officer and researcher for Kai Tahu ki Otago Ltd. Kathryn is involved in a number of resource management projects and is currently working on research examining how land use affects water and the effects of this on mahika kai in waterways in Otago.



**Dr Katharina Ruckstuhl** is an Executive Member of Kāti Huirapa Rūnaka ki Puketeraki and alternate member of Te

Rūnanga o Ngāi Tahu. She has several governance and leadership roles including serving on the New Zealand Oil and Gas community Southern panel. Katharina leads Kāti Huirapa Rūnaka's Oil and Gas Committee and has published in this area including editing Māori and Mining, a resource book for iwi and the general public. Katharina is a senior researcher at the University of Otago.



Emeritus Professor Khyla Russell who affiliates to both Kāti Huirapa Rūnaka ki Puketeraki and Ōtākou Rūnanga has

long-standing experience in all matters related to environmental management of ocean resources. She is the former Kaitohutohu of Otago Polytechnic and has served on a number of advisory bodies such as the Health Research Council and the Otago University Centre for Sustainability.

