



Kāti Huirapa Rūnaka ki Puketeraki

22 May 2014

Hon Nathan Guy
Minister for Primary Industries
C/- PO Box 2526
WELLINGTON

Tēnā koe e Te Minita,

Waikouaiti Mātaitai application

Please find attached our application for a Mātaitai near Waikouaiti in East Otago. The Mātaitai is to be known as the Waikouaiti Mātaitai. This area contains several traditional fishing grounds that are still of special significance to Kāti Huirapa ki Puketeraki today for customary food gathering.

The application is made in the name of our Papatipu Rūnanga. The takiwā of Kāti Huirapa ki Puketeraki centres on Karitāne and extends from Waihemo (Shag River) to Purehurehu (Heyward Point) and includes an interest in Otepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Whakatipu-Waitai with Rūnanga to the south.

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

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

We look forward to working with you on this application.

Naku noa,

Matapura Ellison
Chairperson – Kāti Huirapa Rūnaka ki Puketeraki

Form 4

APPLICATION FOR A MĀTAITAI

Applicant:

Kāti Huirapa Rūnaka ki Puketeraki
c/- Post Office,
KARITANE 9440

Area of Application (Identified Traditional Fishing Ground):

Waikouaiti River – refer to the description and map below.

Location:

Refer to the description and map below.

Relationship of the Applicant with the Fishing Ground:

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

Aims of management for the Mātaitai:

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

Tangata Tiaki / Kaitiaki nominated for the Mātaitai:

Brendan Flack
Leanne Simon
Prof. Khyla Russell
Aroha Ellison
David Ellison
Robert Greene
Rick Cameron
Suzi Flack
(C/- Post Office, Karitāne 9440)

Supporting Information

Location:

The Mātaitai will include the waters of the Merton Tidal Arm and surrounding wetland areas, the Kirikirihakahoro (Merton Stream) and the main Waikouaiti River west to the Waikouaiti Fishing Easement (refer to the map below).

Map of the proposed Mātaitai:



Special relationship between the Tangata Whenua and the traditional fishing grounds

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

Ko Hikaroroa te mauka
Ko Waikouaiti te awa
Ko Puketeraki te marae
Ko Kāti Huirapa te hapū

The Waikouaiti river is at the forefront of the cultural identity for the people of the Puketeraki marae. The river flows through a landscape rich in history and of unbroken connection since our tūpuna [ancestors] first set foot on this part of Polynesia.

Through our whakapapa, Kāti Huirapa, are connected to all aspects of the natural world. We descend from Ngā Atua [The Gods] that created the world and made it fit for humans to inhabit.

Waka [canoes] feature strongly in both pre-history and history in Te Waipounamu (South Island), which has previously been known as Te Waka a Aoraki and as Te Waka a Maui. These tūpuna names have since been supplanted by other names installed by subsequent waves of migration. However, these ancient names have never been lost. Instead, they are still there and point to a deep understanding and connection to the land.

Specifically, in Otago the hills and landscape features bear the names of the captains and the crews of three ancestral ocean-going canoes, the Uruao, the Takitimu and the Araiteuru and their deeds of exploration. The Araiteuru voyage is remembered in coastal Otago. The Moeraki boulders relate to the cargo of the doomed canoe, while Matakaea [Shag Point] is understood to be the place where the canoe finally sank and why the East Otago coast is named Te Tai o Araiteuru.

The mountains which stand before Puketeraki Marae bear the names of that centuries old crew. Hikaroroa, Paahatea, Ka Iwi a te Weka, Ruatupāpāku and Kā Tamariki a Hekura form the catchment that feeds the Waikouaiti River.

Because of its attractiveness (e.g. abundant food supplies) as a place to establish permanent settlements, including pā, the East Otago area was visited and occupied by our tūpuna. Waitaha explored and settled the land under the leadership of the tūpuna Rakaihautu and his son Rakihouia. Ngāti Māmoe were the next to arrive, followed by Ngāi Tahu. Through conflict and alliance, Waitaha, Ngāti Māmoe and Ngāi Tahu have merged in the whakapapa of Ngāi Tahu Whānui.

Battle sites, urupa and landscape features bearing the names of tūpuna record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Numerous pā, kāinga and nohoanga were established along this coastal area including (refer to attached map for numbered locations):

1. Waikouaiti - *a kāinga adjacent to Matainaka Lagoon which was famous for its inaka [whitebait], tuna [eel] and pātiki [flatfish]*
2. Huriawa (Te Pā a Te Wera) - *a prime gathering site for pāua and finfish*
3. Hakariki - *an occupation site and notable food gathering site for tuna and kauru [from cabbage trees]*
4. Te Pari Koau/Tapari kōau - *a food gathering site for inaka, tuna and fern root*
5. Okania/Okauia - *a food gathering site for tuna, tui, kereru, fern root and tutu*
6. Pātamariki
7. Whakapatukutu
8. Te Tauraka a pōti - *a waka landing site*
9. Kirikiriwhakahoro - *a gathering site for tuna*
10. Kokonui
11. Te Taumata a puaka - *a gathering site for inaka and tuna and a cultivation site,*
12. Ohinepouwera - *an occupation site where Taoka's army amassed during the six-month siege of Te Pā a Te Wera on Huriawa*
13. Murimao - *a gathering site for pāua and tuaki which later became the site of the Waikouaiti Whaling Station,*
14. Te Rua a Karehu
15. Makuku
16. Te Awa Mokihi
17. Pipi te Oneroa - *an occupation and inaka, tuna and tuaki gathering site where the Waikouaiti River formally ran into the ocean on Puketeraki Beach*
18. Te Wai a Kupe
19. Whakamamora
20. Paritutae
21. Te Pā Hawea
22. Ohinetemoa, and
23. Matainaka - *a notable gathering area for inaka, pātiki and tuna.*

Māori land reserves allocated near the Waikouaiti River, through the Kemp's Deed of Purchase, included Waikouaiti (both the 1848 reserve created by Mantell and the 'half caste' reserve) [Number 24], Hawksbury [Number 1] and the Hawksbury Fishing Easement [Number 25] allocated in 1868 adjacent to Matainaka.

At the confluence of the North branch and South (Hakariki) branch of the Waikouaiti River, Kāti Huirapa were granted another fishing reserve in 1868. Known locally as 'the hatchery', the Waikouaiti Fishing Easement lies approximately 8 km from the mouth of the Waikouaiti River and this forms the western boundary of the Mātaitai.

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

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

The number of important pā, kāinga and nohoanga sites based in the area are a testament to the abundance and availability of kai from the lower reaches of the Waikouaiti River. Without areas like these, the reality is that Ngāi Tahu would never have had and continue to have a dominant presence in the area.

Hāpu members would travel from various kāinga along the coast to gather kai from the Waikouaiti River. The childhood of many Kāti Huirapa people was spent doing little else but assisting in the gathering of mahinga kai. In recent decades hapū members would usually travel to the river to gather by car, traditionally they would travel by horse and cart or on foot.

As well as the tuaki and pāua for which East Otago is famous, the lower reaches of the Waikouaiti River offered a bounty of mahinga kai especially tuna, whitebait (several species), pipi, tuatua, patiki (black flounder), mohao (spotted flounder), aua (yellow-eyed mullet), waikōura and kakahi (freshwater mussels). These species were a staple part of the whānau diet – at times it was this or nothing.

Eeling in the Waikouaiti was usually done by matarau (spear), hooping or feeling by hand or hinaki (eel trapping). Fishers were selective in what eels they caught. Eels that were about one metre long or longer were usually taken. The eels were taken home to the various kāinga, and shared amongst the immediate whānau, where they were cleaned. This removed all the slime off the eels. Eels were then cut into small pieces and were usually either fried in butter or grilled. Most eels were boned [pāwhara] and dried to be stored in a pātaka or in modern times, in the freezer.

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

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

Given its size and volume, the Waikouaiti nearly always provided a feed of eels and hapū members could harvest there at any time.

The Waikouaiti was a major white-baiting river for the hapū. For this reason alone the Waikouaiti was very precious.

Tuaki and pipi could be gathered in abundance in the sandy channels of the river. Black flounder and yellow-eyed mullet could be harvested in these areas also. Waikōura and kakahi were gathered at selected sites in the proposed Mātaitai (the scarcity of which means the Rūnanga wish to keep these locations confidential).

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

More recently, deer, pigs and goats are also harvested from the Waikouaiti River basin.

The value of mahinga kai from these fisheries has been handed down from our kaumatua and documented by many historians, including Herries Beattie, W. A. Taylor and anthropologists such as Dr Atholl Anderson. This value was acknowledged by the WAI 27 Waitangi Tribunal in their report in 1991 on the Ngāi Tahu Claim and substantiated by the Ngāi Tahu Claims Settlement Act 1998 provisions such as the ownership of Huriawa Peninsula, re-confirmed fishing access to Matainaka and the Statutory Acknowledgement over the Merton Tidal Arm.

The customary food gathering significance of these fisheries is documented in the Waitangi Tribunal evidence of Matapura Ellison, David Higgins, Dr George Habib and Dr Atholl Anderson. This evidence documents the mahinga kai importance of these water-bodies for the local hapū and Ngāi Tahu generally. This evidence states that the main species gathered were tuna (eels – using a range of methods such as spear and hinaki for bulk harvesting for trade and exchange), pātiki (flatfish), inaka (whitebait – both juveniles and adults) and aua (yellow-eyed mullet).

The above Tribunal evidence makes reference to the Waikouaiti Fishing Reserve/Easement that was established adjacent to this key water body at the confluence of the Hakariki and Waikouaiti. Such was the extreme importance of these fisheries for supporting the Ngāi Tahu kāinga nohoanga in the district. This reserve was one of the original 1868 Māori fishing reserves established in the Kemp's Deed area by Judge Fenton of the Native Land Court for the exclusive use of the beneficial owners. The Fenton reserves were allocated to provide local hapū members with ongoing access to the mahinga kai of the surrounding fisheries.

The above Tribunal evidence makes strong reference to the 'Taiaroa' 1880 Mahinga Kai Report – an 'areas of significance' exercise facilitated by a Crown Commission within the land area covered by the Kemp's Deed of Purchase. The 1880 report documents the extent of nohoanga (seasonal food gathering campsites) throughout Canterbury and Otago, and the kai associated with each place. These campsites were located to facilitate the gathering of kai from adjacent water-bodies and lands (the gathering area was largely dictated by the proximity of neighboring nohoanga and the return distance that could be travelled from the campsite in a day). The nohoanga were established to ensure harvesting was spread throughout the range of water-bodies and lands to avoid localised or serial depletion. The nohoanga named in the 1880 report are also referred to in Herries Beattie (1945) *Maori Placenames of Canterbury* and W.A. Taylor (1950) *Lore and History of the South Island Maori*.

The 1880 report states that the main fish species gathered in the water-bodies of the proposed Mātaitai (adjacent to the named nohoanga) were tuna (eels), pātiki (flatfish), inaka (whitebait – both juveniles and adults) and aua (yellow-eyed mullet). Other mahinga kai resources that were gathered from these nohoanga included weka, putakitaki, harakeke and fernroot.

The Mātaitai area was identified in the 'Rāhui Areas Programme' (Cooper Report, 1986) as an area that needed to be closed to commercial eel fishing such was the significance of the lagoon for customary fishing.

The Otago Iwi Management Plan refers to the customary importance of these water-bodies for harvesting fisheries resources.

These water-bodies are acknowledged in the Ārai Te Uru Eel Management Plan as areas of particular importance for customary fishing. They are also mentioned in the East Otago Taiāpure application as areas of particular importance for customary fishing.

These water-bodies also featured significantly in interviews with Ngāi Tahu kaumātua, Tangata Tiaki/Kaitiaki and fishing experts during the 'areas of significance' identification phase of the Ngāi Tahu Customary Fisheries Protection Areas Project, such was the continued importance of this area for customary fishing.

Ngāi Tahu whānau still wish to protect and fish in these water-bodies today. The main mahinga kai gathered from the Waikouaiti today is still whitebait, tuna, tuaki, pipi, tuatua, black flounder and yellow-eyed mullet. These mahinga kai values are the main reason the tribe used its settlement to designate a statutory acknowledgement over the Merton Tidal Arm. This mechanism is used to assist Ngāi Tahu input and participation in Resource Management Act (RMA) matters. The main reason why the Rūnanga has been so heavily engaged in RMA

processes for the East Otago area is to ensure that there is water of suitable quality to gather kai from and a strong enough water flow so our native fish can migrate when they need to at particular times of the year to spawn so our hapū members can exercise our traditional fishing use and management practices in the future.

Kāti Huirapa has established a Taiāpure – Local Fishery that overlaps with the mātaimai application area (refer to the map above to identify the overlap). Applied for in 1992, and finally granted in 1999, the East Otago Taiāpure has worked tirelessly to gain the trust of the East Otago community by including 50% community membership in its management committee.

Kāti Huirapa has a proven track record of customary fisheries management through its Taiāpure and fisheries advocacy over the past generations, having successfully implementing two suites of regulations to help restore its ailing fisheries.

In 2012, the Taiāpure Committee successfully challenged the resource consent granted to Port Otago Limited, in the Environment Court, tightening the conditions around the dumping of dredge spoil a few kilometres from the mouth of the Waikouaiti River.

In April 2013, Kāti Huirapa lead the communities of coastal East Otago in one of the largest pāua reseeding operations in New Zealand's history (over 500,000 pāua were seeded). Testament indeed, that the people of Kāti Huirapa Ki Puketeraki are not only committed to, but also have the resources to successfully manage their traditional ancestral fishing grounds through a Mātaimai.

For decades now, the people of Waikouaiti and of Karitane have been increasingly excluded from this important food-gathering area, and have witnessed the degradation of our waterways to the detriment of our mana and rangatiratanga. This application is intended to provide an umbrella mechanism (much like the Taiāpure) to begin to rectify this situation. It is our intention to manage the Mātaimai with the involvement of the local community and in particular with the East Otago Taiāpure Management Committee.

Discussions with the representative body for ANG 15 commercial fishers

We have discussed this application with the South Island Eel Industry Association (SIEIA). We look forward to receiving a submission from SIEIA during the commercial fisher consultation period.