



MAUNGAHAUMIA



PIWAKAWAKA



KOWHAI



TE NGAWARI 4

HAPU/IWI MANAGEMENT PLAN OF NGA ARIKI KAIPUTAHU

**Protecting the Health and Wellbeing of
Papatuanuku, Ranginui and Nga Ariki
Kaiputahi**

MANDATE

Nga Ariki Kaiputahi Hui A Iwi¹

Date: 28th January 2012

Time: 10.00am

Venue: Mangatu Marae, Mangatu

Chairman: Poua Puia

Secretary: Jasmine Puia

The Draft Hapu/Iwi Management Plan was presented to the Nga Ariki Kaiputahi Hui a Iwi.

Motion: Hapu/Iwi Environmental Project Team proceeds with the Hapu/Iwi Management Plan assuring that it aligns with the Tikanga of Nga Ariki Kaiputahi.

Moved: Julie O Donnell

Second: Jack Brown

No Objections/Carried

Nga Ariki Kaiputahi Hui²

Date: 3rd March 2012

Time: 10.00am

Venue: Mangatu Marae, Mangatu

Chairman: Poua Puia

Secretary: Leighton Packer

Final Hapu/Iwi Management Plan presented to Nga Ariki Kaiputahi Whanau.

Moved: Owen Lloyd

Second: Julie O Donnell

No Objections/Carried

¹ Refer to NKP Mins 28/01/12

² Refer to NKP Mins 03/03/12

Authors: Marise Lant and Karen Peneha

Hapu/Iwi Environmental Project Consultancy

Any queries relating to this IMP please do not hesitate to contact

mariselant@gmail.com or call 0220488720

The Hapu/Iwi Management Plan is subject to review at Nga Ariki Kaiputahi Hui-a-Iwi

Publication Date: 26th April 2012

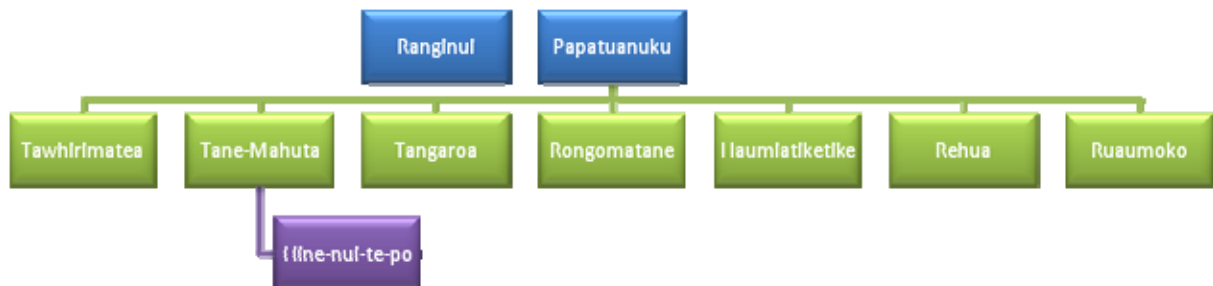
**"To Change the Face of the Landscape
Is To Change Who I Am"³**

³ Marise Lant

**THIS HAPU/IWI MANAGEMENT PLAN REMAINS THE
PROPERTY OF
NGA ARIKI KAIPUTAHU & THE
HAPU/IWI ENVIRONMENTAL
PROJECT CONSULTANCY**

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1.0 NGA PUKAPUKA O NGA ATUA



Detailed Best Management Practices are reflected in the Nga Ariki Kaiputahi, Ranginui, Papatuanuku, Tawhirimatea, Tane-Mahuta, Tangaroa, Rongomatane, Haumiatiketike, Rehua and Ruaumoko Manuals are an extension of this Hapu/Iwi Management Plan

2.0 HISTORY OF NGA ARIKI KAIPUTAHİ

NA TE AO

KO TE AO TUROA

TANA KO TE AO MARAMA NA TE KORE

TANA KO TE KORE TE KEREKERE

TANA KO TE TAUMAUA

TANA KO TE KORE TE MATUA

TANA KO TE KORE TE MATUA

TANA KO MAKU KA MOE I A MAHORA-NUI ATEA

KO RANGINUI KA MOE I A PAPATUANUKU

KO MAUNGAHAUMIA ME RAKA-MAO-MAO-TANA-A-TAWHIRI-MATEA

KA PUTA MAI A MANGATU RAUA KO WAIPA OA AWA

KO TE AO TANGATA

KO NGA ARIKI KAIPUTAHİ TE HAPU/IWI



Figure 1 Matariki

Arikinui
(
Arikiroa
(
Arikimatua
(
Arikitahito
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Puhinga
(
Ihingarau
(
Marutaiaroa
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Puatahi
(
Mumura
(
Waruhanga
(
Takitini
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Ruaneke
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Manuhiri
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Piringatahi
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Nukupawhero
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Ririwhare
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Rangipa
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Whawhati
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Whawhai
(
Taia
(
Rawiri Tamanui
(
Pera Uatuku

2.1 Nga Ariki Kaiputahi Rangatira Rawiri Tamanui

Rawiri Tamanui was born in the late 1700's and was a leader in the Mangatu/Turanga area during the 1820's to 1850's. Nga Ariki Kaiputahi tangata whenua are predominantly descended from Rangatira Rawiri Tamanui through his only son to have issue living, Pera Te Uatuku (sic)⁴.

Prior to the signing of Te Tiriti o Waitangi 1840, Rawiri Tamanui fought in a number of battles beside other Turanga kin groups. Throughout his lifetime, Rawiri Tamanui resided in various places, but he held his primary rights at Mangatu.

In the proximity of 1820, a Whakatohea Ope attempted to invade Otuhawaiki Pa which was located atop Areoma mountain ridge in the Mangatu Forest. The Whakatohea Ope surrounded the bottom of Areoma and encircled the hilltop fortress in an effort to starve out Nga Ariki Kaiputahi.

Nga Ariki Kaiputahi rations were diminishing. Whakatohea were blocking the only entrance. Rawiri Tamanui binded his chest with rope and under the cover of darkness, he was lowered down to an internal spring that seeped out of the cliff wall. Rawiri Tamanui accomplished this feat several times. Because of his courageous actions he provided a lifeline for his people and they were successful in fending off the Whakatohea attack.

Areoma was re-named Herehereuma which commemorated Rawiri's heroic actions. "Here" meaning "to tie" or "bind" and "uma" meaning "chest". "To bind around the chest".

Rawiri Tamanui died of old age in 1863. He is buried in the Manuka-whi-tikitiki block behind Mangatu Marae on Te Rangi hill which overlooks the Mangatu district. Rawiri

⁴ Mangatu Title Determination Report – The Ngariki Kaiputahi Story.

Pera Te Uatuku is sometimes referred to as Pera Te Uetuku. For consistency, we use the first spelling.

Tamanui's effigy can be found in the middle of Te Ngawari wharenuī at Mangatu Marae as the Pou Tokomanawa. He was succeeded by his son, Pera Te Uatuku.

2.2 Nga Ariki Kaiputahi Rangatira Pera Te Uatuku

Pera Te Uatuku and his immediate whanau fought alongside Te Aitanga-a-Mahaki at Waerenga a Hika. He was arrested at Waituhi preparing to cross over to Waerenga a Hika. As a result of that conflict they were exiled as rebels who then later joined Te Kooti Rikirangi, becoming part of Te Whakarau.⁵

2.3 Other Tribe Affiliations

Nga Ariki Kaiputahi can connect with various kin groups in Turanga through inter-marriage. However, Nga Ariki Kaiputahi land rights are derived from a separate line of descent, back to the original occupants of the Mangatu region who predate the hapu of Te Aitanga-a-Mahaki. Te Aitanga-a-Mahaki never established their mana over the land.

History tells of the intertwining of Nga Ariki Kaiputahi and Te Aitanga-a-Mahaki. During an unspecified period of time, in the proximity of the 15th century the eldest son of Tauheikuri arrived in Mangatu.

Te Aitanga-a-Mahaki recognise that Nga Ariki Kaiputahi were the original inhabitants of the Mangatu area. Some Nga Ariki Kaiputahi members are intermarried with other hapu of Te Aitanga a Mahaki creating close connections between the bloodlines. Te Aitanga-a-Mahaki is linked to Nga Ariki Kaiputahi in the same way.

⁵ Mangatu Blocks Report- *J Haapu*

Nga Ariki Kaiputahi and Te Aitanga-a-Mahaki share the same ancestral mountain and rivers, Nga Ariki Kaiputahi call the mountain “Maungahaumia”, while Te Aitanga-a-Mahaki call it “Maungahaumi”

Nga Ariki Kaiputahi hold Mana Whenua rights primarily in the original number 1 Mangatu Block region but also in the neighboring Manukawhitikitiki, Whatatutu, Mangataikapua, and Rangatira blocks as they near the confluence of the Waipaoa and Mangatu Rivers. Nga Ariki Kaiputahi tribal boundaries overlap with those of Te Aitanga-a-Mahaki, particularly with the hapu Ngai Tamatea and Te Whanau a Taupara.

KO MAUNGAHAUMIA TE MAUNGA

KO MANGATU TE AWA

KO MANGATU TE MARAE

KO NGA ARIKI KAIPUTAHU TE HAPU/IWI

2.4 Nga Ariki Kaiputahi and the Native Land Court

An 1881 Native Land Court decision stated it was ‘satisfied that the land originally belonged to Ngariki and that they were completely broken as a tribe in the time of Ihu and his sons and again by Te Whiwhi Grandfather of Waaka Mahuika, and that since then, though they continued to dwell on the land they can only have done so in subjection of the conquerors.’ Nga Ariki Kaiputahi disputed that it was a ‘substantial mistake’. They were never a conquered tribe and that they held rights

under their own mana.⁶ This was substantiated by the Waitangi Tribunal 'Turanga Tangata Turanga Whenua' Report⁷.

Due to a judgment made in 1881 by the Native Land Court the long term effects on Nga Ariki Kaiputahi have resulted in a reduction of Hapu/Iwi lands and the integrity, autonomy and Kaitiakitanga status as a Hapu/Iwi has been threatened.

The 1881 decision made by the Native Land Court caused considerable prejudice; to Nga Ariki Kaiputahi's rights and ability to identify its self in a customary manner. Nga Ariki Kaiputahi continues to be substantial right holders in the land and their rights are exercised under their own Mana and Tino Rangatiratanga status.

In a further Native Land Court judgment, the court stated it was 'satisfied that the land originally belonged to Nga Ariki Kaiputahi'. It also noted that Nga Ariki Kaiputahi did have rights in Mangatu through their residence on the land.

Nga Ariki Kaiputahi has had many vigorous debates with the Crown over land rights. While Ngā Ariki Kaiputahi acknowledges that other groups hold mana whenua land rights in other rohe, Nga Ariki Kaiputahi continue to maintain their rights under their own mantle of mana.



Figure 2 Te Ngawari 4



Figure 3 Mangatu Marae Wharekai

⁶ Gisborne Minute Book 7, p201 (doc a21(b), pt1)

⁷ Turanga Tangata Turanga Whenua (volume 2). *Waitangi Tribunal 2004. Wai 814. October 2004. Judge JV Williams (presiding), MC Bazley, JW Milroy, A Parsonson*

3.0 OUR VISION

This Hapu/Iwi Management Plan (IMP) establishes the vision of Nga Ariki Kaiputahi towards exercising their Tino Rangatiratanga, Kotahitanga, Kaitiakitanga, Manaakitanga, Wairuatanga and Hauora values in respect of all maunga, whenua, awa, catchment areas and resources within the Mangatu rohe.

These principles represent the connection between Tangata Whenua and Turangawaewae. Lands known as Mangatu are of paramount importance to the Hapu/Iwi of Nga Ariki Kaiputahi.

As Nga Ariki Kaiputahi view the world holistically they have concerns regarding all eco systems that are or were present within and around their tribal boundaries. These concerns are focused on the values of Tapu, Mana, and Mauri. Nga Ariki Kaiputahi wants these values to be upheld and replenished if they become ignored and depleted.

In order to obtain and sustain that vision Nga Ariki Kaiputahi will produce detailed sustainable best management practice manuals i.e. Papatuanuku, Ranginui, Tawhirimatea, Tane-mahuta, Hine-nui-te-po, Tangaroa, Rongomatane, Haumiatiketike, Rehua and Ruaumoko.

Ensuring that Kaitiakitanga is practiced in regard to these areas remains an inalienable responsibility carried out by Nga Ariki Kaiputahi as Mana Whenua. It is a guarantee of Nga Ariki Kaiputahi to fulfill such responsibility. The Crown and Local Government Bodies obligation to actively protect Nga Ariki Kaiputahi's vested interests and cultural practices are secured under Te Tiriti o Waitangi 1840.

Nga Ariki Kaiputahi ancestral maunga, whenua, awa, catchment areas, resources and minerals are 'Taonga Tuku Iho'.

All these gifts are from Nga Atua/IO/Matua Kore. Nga Ariki Kaiputahi are kaitiaki of these taonga and have inherited through whakapapa the responsibility of nurturing, protecting and providing for the mauri inherent in them. Nga Ariki Kaiputahi also carries the responsibility of ensuring our descendants are aware of, and prepared for the future role they will inherit.

3.1 Best Practice in Sustainable Resource Management

Best practice are a blend of important principles and values such as Tapu, Mana, Mauri, Rahui, Karakia and Tikanga that contribute to sustaining the balance of the natural world and the Nga Ariki Kaiputahi way of life.

To achieve the best outcome, best practice should uphold the cultural and spiritual principles and values of our people, actively involve the entire community, sustain survival strategies, be cost-effective and conserve the natural environment.

Nga Ariki Kaiputahi considers that it is best practice for resource consent applicants to engage in consultation with tangata/mana whenua. Through our Maori worldview perspective, we see ourselves as kaitiaki of our mana whenua.

3.2 This Hapu/Iwi Management Plan seeks to

- Apply Best Practice in Sustainable Resource Management.
- Include Nga Ariki Kaiputahi in decision making processes with governmental bodies and other stakeholders concerning all developments and environmental issues that fall within and around Mangatu lands.
- Document the relationship between whenua, maunga, awa, catchment areas and resources of Nga Ariki Kaiputahi.

- Establish a vision for future management of the whenua, maunga, awa, catchment areas and resources under a Tiriti o Waitangi partnership.
- Establish an action plan for Nga Ariki Kaiputahi for achieving that vision.
- Provide a base frame work for advancing Nga Ariki Kaiputahi participation in the management of environmental and physical resources.
- Assist Nga Ariki Kaiputahi in acquiring the administrative capacity and scientific/technical expertise to facilitate their participation in resource management.
- Encourage the establishment of collaborative management structures that contribute to integrated ecosystems/management and planning processes.
- Enhance existing collaborative management structures, where appropriate.
- Facilitate sound decision making in advisory and other processes related to a number of areas of Kaitiakitanga and of cultural significance to Nga Ariki Kaiputahi.
- Strengthen relationships through improved information sharing among Nga Ariki Kaiputahi, the wider community, other Iwi such as Te Aitanga-a-Mahaki, Gisborne District Council (GDC) and other stakeholders.
- Contribute to local government policies held with a broader objective of improving the quality of life for Nga Ariki Kaiputahi.

3.3 What is a Hapu/Iwi Management Plan (IMP)?

This IMP is a legal document that recognises records and authenticates the legal right of Nga Ariki Kaiputahi as tangata/mana whenua to exercise their vision for the descendants of Nga Ariki Kaiputahi.

3.4 Who is the Hapu/Iwi Management Plan for?

This IMP is for the collective voice of Nga Ariki Kaiputahi Hapu/Iwi. In regard to Kaitiakitanga, responsibility of Nga Ariki Kaiputahi and the Hapu/Iwi Environmental Project Consultancy Team.

As an IMP prepared by a Hapu/Iwi based structure, it is represented by its own collective. Implementation of this IMP will require the on-going support and participation of Nga Ariki Kaiputahi and GDC if it is to be successful.

In response, Nga Ariki Kaiputahi anticipate that the implementation of this IMP for the Mangatu rohe can serve as a model for other marae and Hapu/Iwi in their participation of the management of areas and resources they hold Kaitiakitanga responsibilities for.

3.5 Why do we need a Hapu/Iwi Management Plan?

Prior to contact with Settlers and the signing of Te Tiriti o Waitangi in 1840, the interaction between people and the natural environment of maunga, whenua, awa and resources were governed by tikanga o nga Kaitiakitanga. Tikanga is practiced by tangata whenua who hold mana whenua status over their lands. Nga Ariki Kaiputahi holds mana whenua status over Mangatu lands.

Changes in attitudes, practices and approaches to resource management in recent years at global, national and local levels have created opportunity in legislation for Nga Ariki Kaiputahi to now begin to resume active practice of their responsibilities and values in regards to their maunga, whenua, awa, catchment areas and resources in partnership with the Crown and Local Government Bodies.

The values of Nga Ariki Kaiputahi are an essential ingredient of a pathway towards sustainable management and are to be found at all levels of the Resource Management industry, including United Nations Forums and Declarations⁸.

Nga Ariki Kaiputahi will assist with creating a framework towards building a well-developed District Plan with local bodies, agencies and stakeholders.

Despite this affirmation, a decade after the passage included in the Resource Management Act 1991 Part 2 s8 in reference to Te Tiriti o Waitangi, Nga Ariki Kaiputahi still feel relatively powerless to ensure the long term health of our community and customary environment. In the past this powerlessness has on occasion, translated into frustration.

For a number of years the GDC has considered and granted permits to extract water from our customary and culturally significant rivers to service growing businesses and communities in the Tairāwhiti District.

Nga Ariki Kaiputahi, are strongly opposed to decisions made without engagement and consultation with the Hapu/Iwi from the outset.

This IMP will provide means for Nga Ariki Kaiputahi to articulate its vision for the overall future management of their Taonga Tuku Iho and propose direction for how this might be achieved.

3.6 What does the Hapu/Iwi Management Plan provide?

Through the IMP, Nga Ariki Kaiputahi will participate effectively in the decision making processes for maintaining aboriginal customary rights over its Taonga Tuku Iho.

⁸ The United Nations Declaration of Indigenous Peoples Rights

The IMP provides policy to guide the fulfillment of that vision. Such policy is aimed at providing for the ongoing development of a comprehensive framework from which Nga Ariki Kaiputahi can engage in management as Kaitiaki over their Taonga Tuku Iho and to ensure fulfillment of their Kaitiakitanga responsibilities.

This IMP contains recommendations for action by various agencies to ensure the successful implementation of this stratagem. As well as expanding responsibilities that requires engagement with Nga Ariki Kaiputahi on a broad range of issues.

These issues include but are not limited to the recognition and mapping of places of spiritual and cultural significance, land management, air and water pollution, habitat planning and management, environmental assessment and endemic species at risk including assisting in policies focused on fisheries management.

3.7 Where is the area covered by the Hapu/Iwi Management Plan?

This IMP covers all tribal lands, waters and resources of Nga Ariki Kaiputahi. It is impossible to separate the management of the physical and the meta-physical, the tangible and intangible, or the social consequences from the ecological and economic.

The Mangatu, Waipaoa and Waingaromia Rivers are part of an integrated system that encompasses the catchment of the Mangatu area. It includes the bedrock, the soil, the water, the fauna and flora, the atmosphere and all the attributes people have brought here with the communities they have established.

4.0 KAITIAKITANGA

As Kaitiaki, the health and wellbeing of the natural environment is paramount to Nga Ariki Kaiputahi. The Piwakawaka bird and Kowhai tree are important kaitiaki of Nga Ariki Kaiputahi.



Figure 5 Omapere

Nga Ariki Kaiputahi yearns to restore the Mangatu ngahere back to its pre-colonised condition to be preserved for our mokopuna and the future of native wildlife that are endemic to the natural habitats of this ecosystem.

Cumulative effects and disturbances, removal or indirect removal of habitat and the impact on wildlife are to be monitored on a regular basis. Sustainable best management practices are to be upheld and documented in disturbed areas.

All groups that are participating in possible changes that may affect our environment must include Nga Ariki Kaiputahi and engage with the Nga Ariki Kaiputahi Hapu/Iwi Environmental Project Consultancy to employ sustainable best management practice policies to counteract any environmental effects.

All groups outside Nga Ariki Kaiputahi are encouraged to work alongside the Hapu/Iwi to adopt these practices and include them through practical engagement and consultation processes.

The prevention of exploitation in native flora and fauna use requires a reduction in access so that ground cover is disturbed as little as possible. The avoidance of harvesting and pruning of natural shade cover and maintaining such shade and

insulating soil/duff layers will increase the likelihood that natural conditions will remain stable.

Monitoring mechanisms must be in place to avoid and limit the introduction of non-native species into the area.

Nga Ariki Kaiputahi encourages natural re-vegetation by indigenous flora and fauna and avoids the removal of vegetation, topsoil and seed source unless it is for Te Ao Maori and Te Ao Wairua purposes.

4.1 Papatuanuku Manual

Loss of wetlands, peat lands, riparian lands, productive capacity, contaminants onto land, erosion & sedimentation, growth & settlement, waste and extractive industries

4.1.1 Objectives

The Papatuanuku Manual shall address objectives of implementing sustainable best management practices for ground based seismic exploration in and around Mangatu:

- Reduce net footprint persistence of corridors on the landscape;
- Reduce creation of new public access and associated impacts on wildlife;
- Reduce surface disturbance and soil erosion thereby reducing reclamation needs and promoting natural regeneration;
- Reduce creation of travel corridors for predators
- Manage the access needs of industrial, commercial, recreational and subsistence users;
- Reduce timber fiber loss;
- Ensure Fish and Wildlife and Habitat Management needs are met;
- Control the introduction of invasive and foreign plant species;

- Ensure heritage resources are identified, avoided and protected; and allow access to areas for geophysical exploration which cannot tolerate the impact of conventional seismic.

Nga Ariki Kaiputahi as Kaitiaki over their maunga, whenua, awa and resources will seek to ensure that all policies through The Papatuanuku Manual are supported through the continuing presence of these lines. Nga Ariki Kaiputahi engagement processes with Oil & Gas companies will through its Sustainable Best Practices Manuals continue to strive and ensure that their Taonga Tuku Iho and the descendants of the Hapu/Iwi are protected.

The movement of oil and gas exploration and development activity in and on Mangatu lands along with little or no exploration activity, are to be managed away from any existing infrastructure.

Management of heavy loads across the Mangatu landscape without creating roads or linear footprints.

Winter months when snow and ice protect the ground surface, vehicles that can negotiate rough terrain while exerting little pressure on the grounds surface will provide critical support for off-road oil and gas operations.

In terrain that is sensitive to vehicle and equipment such as wetlands, the type and size of tires or tracks, the proximity of the vehicle to the ground, and the weight of the vehicle are important and Nga Ariki Kaiputahi would like these to be considerations when crossing the lands.

Across large areas of the landscape where there is no road access, it is the responsibility of parties granted access to avoid direct ecological effects but to also prevent indirect effects including habitat fragmentation and isolation, linear edge effects on vulnerable species, and induced human access.

There are a variety of reasons including soil and root disturbance, soil horizon mixing, exposure and melting of thaw unstable ground, creation of depressions and pooling of water due to excess vehicle.

Use of non-native plants for reclamation, and regeneration by non-native plants accidentally introduced through such things as inadequately washed equipment needs to be stringent in practices.

4.1.2 Management of Oil & Gas Exploration

Hapu/Iwi Environmental Project Consultancy representatives will engage in the consultation process to ensure that all legislative requirements and safety mechanisms are in place with Oil & Gas operators and local government bodies.



Figure 6 Apache Oil & Gas Project (TAG Apache website)

4.1.3 Seismic Exploration

The Papatuanuku Manual is intended to provide Nga Ariki Kaiputahi and other interested parties with up-to-date information about best management practices for oil and gas exploration around the region.

This Part of the Plan should not be considered as complete. There are both known and unknown sources of data which have not yet been incorporated and topics which have not yet been treated or addressed.

New versions of this document will be updated as time and resources permit. By nature many specific Sustainable Best Management Practice's (BMPs) become obsolete as "better" BMPs become available.

Nga Ariki Kaiputahi will endeavor to continue to have input into these management practices with Oil refineries and Local Councils as Kaitiaki over the lands, minerals and resources.

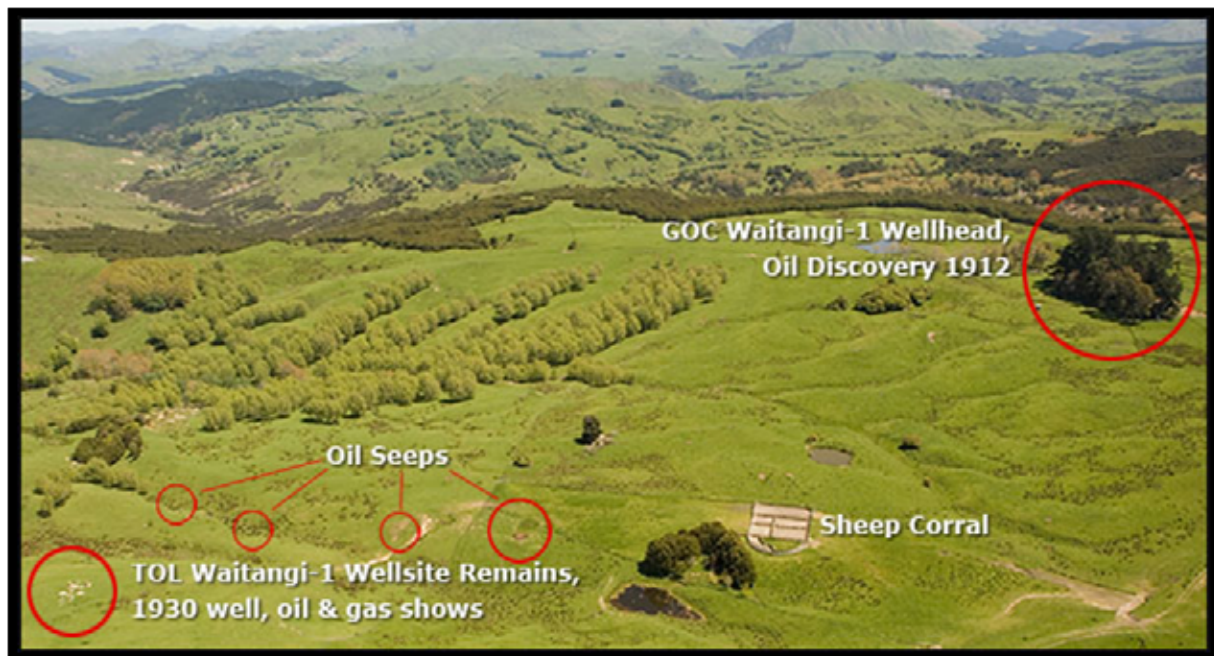


Figure 7 Waitangi Hill (TAG Apache website)

4.1.4 Fracturing and Best Management Practices

- Type of Wells to be used should be consistent with charging of flow back
- A report of the type of chemicals to be stored and used onsite
- A monitoring plan of how the storm water run offs are to be managed
- Iwi emergency evacuation plan in the event of a chemical accident occurring
- On-going maintenance report of what casings and equipment are used to
- Ensure chemicals are well protected and kept out of touch with the environment.

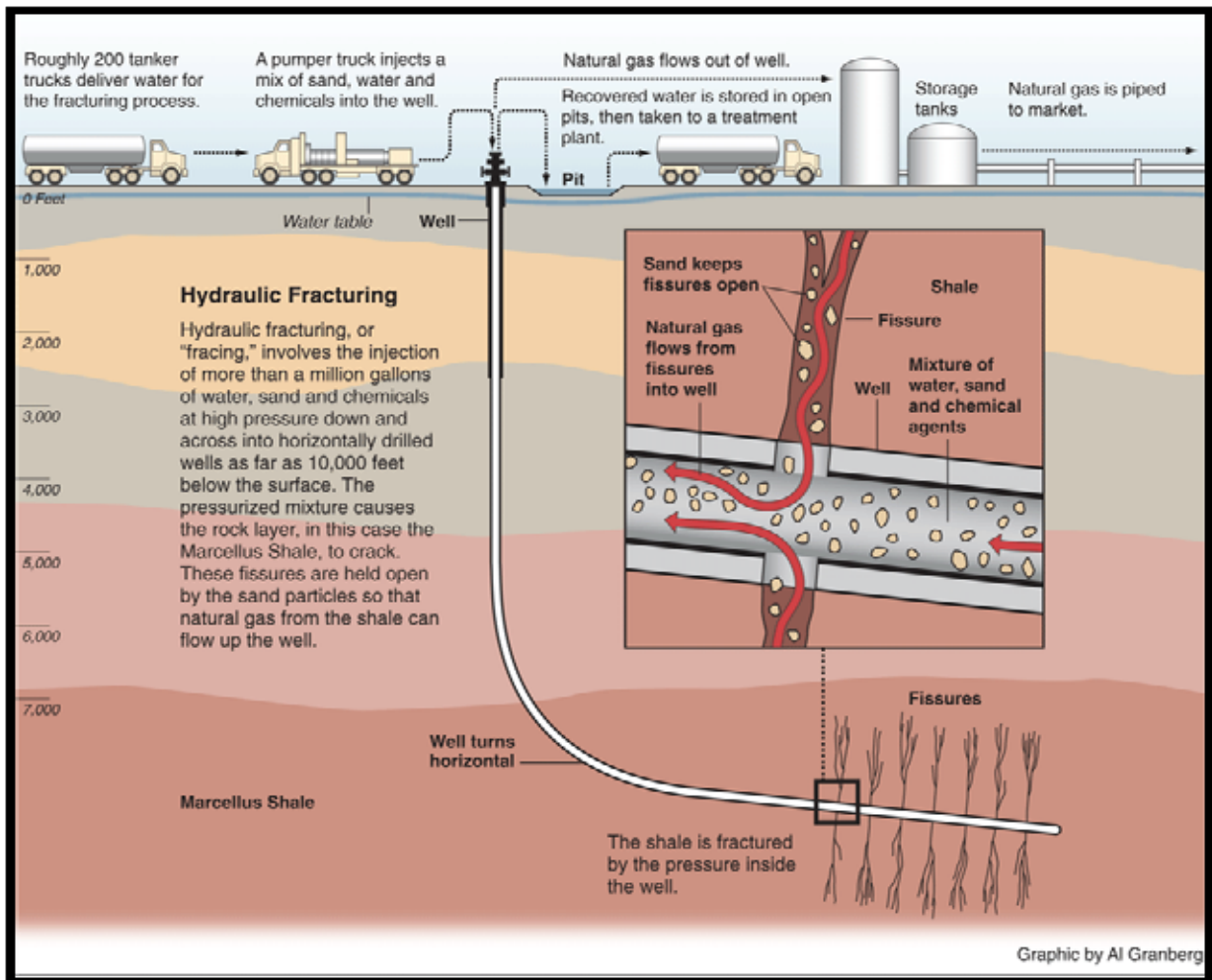


Figure 8 Hydraulic Fracturing Best Management Practices website

Detailed Best Management Practices are reflected in the Nga Ariki Kaiputahi, Papatuanuku Manual an extension of this Hapu/Iwi Management Plan.

We must not compromise our cultural values

We must take action

We must stop damage occurring

We must restore, improve and protect our tribal lands⁹

⁹ Dixon, Te Maru and Peneha

4.2 Tane-Mahuta Manual

Loss of forest ecosystems, native plants and animals. Animal and plant pests.

Erosion of the hillsides is some of the worst in the country. To counteract this effect it is the expectation of the Hapu/Iwi that native trees such as

Totara and Manuka be planted on these slopes by any users of the land old and new. It will eventually stabilise the hillside and hinder the fall of sediment into the rivers and tributaries running through Mangatu lands. As well as encouraging native birds to repopulate their species. Minimise clearing of vegetation in surrounding areas and insulating layers. Leave in place smaller vegetation, topsoil, root, stock, seeds, endangered or protected species and species used by Nga Ariki Kaiputahi for traditional practices.



Figure 9 Mangatu River and Forest

Sustainable productivity of the land is encouraged, and replanting of local native tree species is to be endorsed in unproductive areas of land. On-going rejuvenation projects are to be introduced by groups alongside Nga Ariki Kaiputahi that will offset against any misuse of the land. Maintain



Figure 10 Erosion along the Mangatu Riverbank

Rahui over respective areas to restrictive access. This is to ensure

opportunity for re-growth and the rejuvenation of native flora and/or fauna.

Detailed Best Management Practices are reflected in the Nga Ariki Kaiputahi, Tane-mahuta Manual an extension of this Hapu/Iwi Management Plan.

4.3 Tangaroa Manual

Loss of river & stream habitats, water pollution, water use and loss of fisheries.

It is essential that water quality control is kept at a high standard and water levels do not fall below the accepted level that our native freshwater species require to survive such as the Tuna and Inanga. Nga Ariki Kaiputahi objects to the polluting of their sacred rivers and streams. Nga Ariki Kaiputahi also objects to the disposal and release of contaminated waters within their tribal boundaries.

It is asked that all new farmers fence their livestock away the river in the winter months, due to animal effluent adding too much nutrients to the water. Riparian strips are to be maintained on a regular basis by those using the land with local bodies provide monitoring systems to manage this area.

The Hapu/Iwi objects to permits issued by local bodies where adequate safety measures are not in place such as emergency Iwi plans to protect areas outlined as customary land and culturally significant sites by the Hapu/Iwi of Nga Ariki Kaiputahi.

Local government bodies must include Nga Ariki Kaiputahi in this process before submitting permits for groups to access within the rohe of Nga Ariki Kaiputahi.



Figure 11 Mangatu River



Figure12 Flooded Mangatu Riverbank at Mangamaia

Permits to extract water from the Mangatu, Waipaoa and Waingaromia Rivers must be done so in close consultation with consideration to the Iwi/Hapu's cultural concerns which are recognised as paramount.

Detailed Best Management Practices are reflected in the Nga Ariki Kaiputahi, Tangaroa Manual an extension of this Hapu/Iwi Management Plan.

4.4 Hine-nui-te-po Manual



Figure 13 Te Ngawari 3

Wahi tapu loss, loss of heritage sites, features, places & landscapes, current heritage management systems, accessibility to wahi tapu and heritage sites and customary use, loss of traditional knowledge & practice and intellectual property rights and genetic engineering.

All Waahi tapu and heritage sites are to remain untouched. These sites are sacred to Nga Ariki Kaiputahi but they are not limited to the map provided. A tour will be provided to any interested parties with the consent of Nga Ariki Kaiputahi as to locations of Waahi tapu sites. The GDC should look to assist the Iwi/Hapu in clear signage to be advertised in these areas.

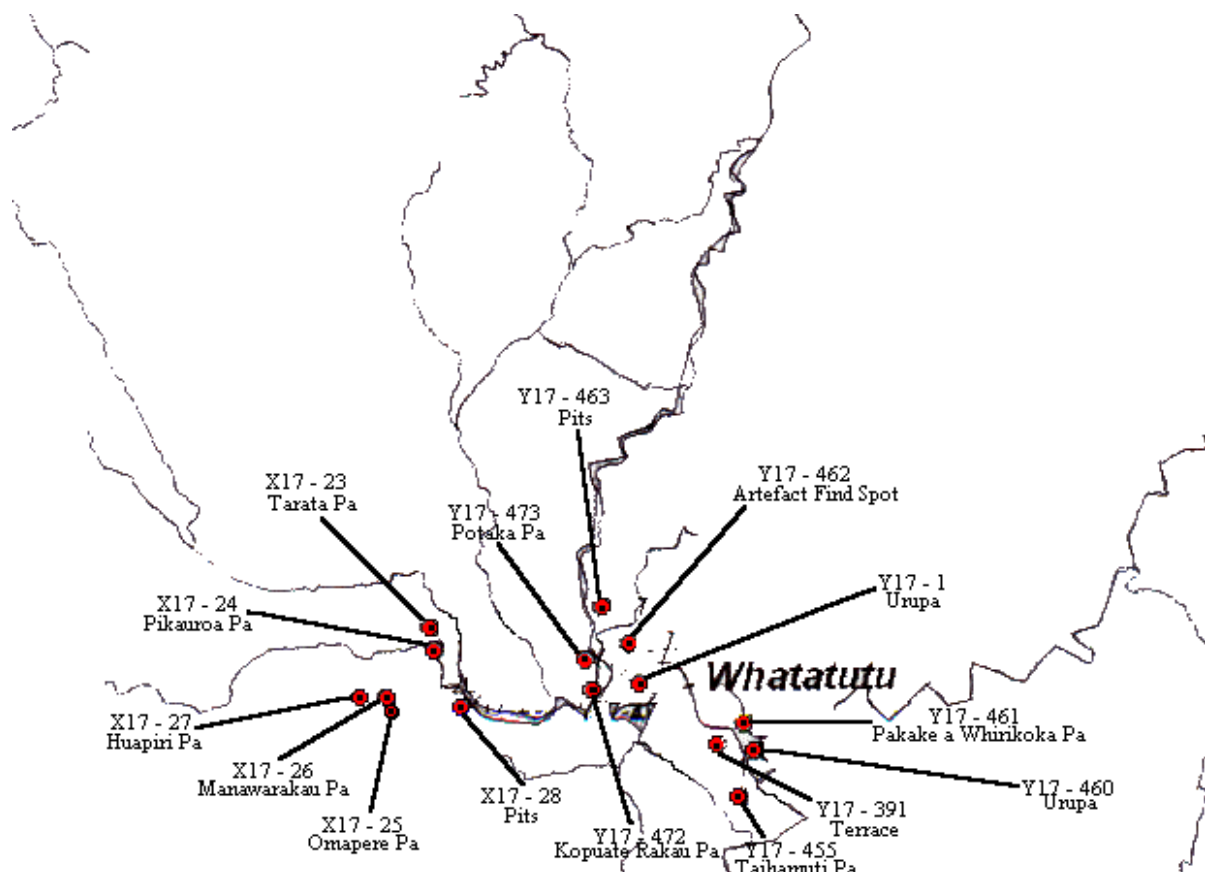


Figure 14 Mangatu Registered Archeological Sites

Detailed Best Management Practices are reflected in the Nga Ariki Kaiputahi, Hine-nui-te-po Manual an extension of this Hapu/Iwi Management Plan but are not limited to the above map.

5.0 LEGISLATION

5.1 United Nations Declaration of Indigenous Peoples Rights 2007

On April 20th 2010 New Zealand endorsed and acknowledged the rights of indigenous peoples. Nga Ariki Kaiputahi tribal members recognise these rights and as indigenous peoples of Aotearoa they align themselves with the United Nations Declaration of Indigenous Peoples Rights.

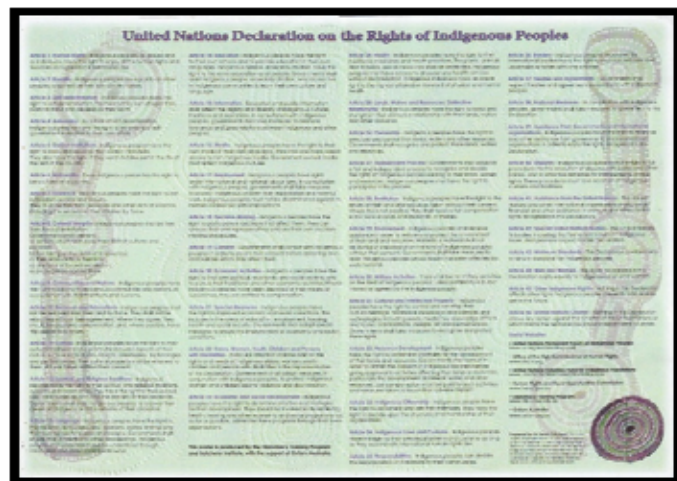


Figure 15 United Nations Declaration of Indigenous Peoples

Article 3

Nga Ariki Kaiputahi Hapu/Iwi, have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development

Article 5

Nga Ariki Kaiputahi Hapu/Iwi, have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 8

1. Nga Ariki Kaiputahi Hapu/Iwi and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

Any form of forced assimilation or integration;

Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 11

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Nga Ariki Kaiputahi Hapu/Iwi, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 18

Nga Ariki Kaiputahi Hapu/Iwi, have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 24

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Nga Ariki Kaiputahi individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realisation of this right.

Article 25

Nga Ariki Kaiputahi Hapu/Iwi, have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Nga Ariki Kaiputahi Hapu/Iwi, have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or

other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with Nga Ariki Kaiputahi Hapu/Iwi, concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognise and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Nga Ariki Kaiputahi Hapu/Iwi, shall have the right to participate in this process.

Article 29

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Nga Ariki Kaiputahi Hapu/Iwi, without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of Nga Ariki Kaiputahi Hapu/Iwi, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 31

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with Nga Ariki Kaiputahi Hapu/Iwi, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Nga Ariki Kaiputahi Hapu/Iwi, have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the Nga Ariki Kaiputahi Hapu/Iwi, concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilisation or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

5.2 The Resource Management Act 1991(RMA) & Nga

Ariki Kaiputahi

All proposals for developments within Nga Ariki Kaiputahi tribal boundaries and surrounding areas need to take into account the Purpose and Principles of the RMA.



The purpose of the RMA is to promote the sustainable management of natural and physical resources. **Figure 15 Resource Management Act 1991**

According to the Purpose of the RMA Part2 s5(a), (b), (c) states

“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 wellbeing and for their health and safety while

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(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.

This suggests to Nga Ariki Kaiputahi that in terms of their customary lands and fishing grounds these will be protected.

The RMA focuses on the effects that activities have on the environment. Under Part 3 s17(1), every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person.

A strength identified under the RMA that deals with the natural balance of the environment and concerns Nga Ariki Kaiputahi and Te Tiriti o Waitangi matters is found under Part 2 s2(b) which states to safe guarding the life supporting capacity of air, water, soil and ecosystems

The interests of Nga Ariki Kaiputahi are also recognised as a matter of national importance as stated in Part 2 s6 (e)

In achieving the purpose of the RMA, all persons exercising functions and powers under it in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance... the relationship of Maori and their culture and traditions with ancestral lands, water, sites, Wahi tapu and other taonga

And Part 2 s6 (f)

In achieving the purpose of the RMA, 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... the protection of historic heritage from inappropriate subdivision, use, and development

Decision-makers are to *'recognise and provide for'* the relationships between Nga Ariki Kaiputahi and their Taonga Tuku Iho

Part 2 s7 requires decision makers to have particular regard to how Nga Ariki Kaiputahi view the way in which the land is to be used.

Part 2 s7(a), (e) provides for kaitiakitanga to be recognised and states

In achieving the purpose of the RMA, 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 kaitiakitanga and the heritage value of sites.

The term 'kaitiakitanga' is defined in the RMA as meaning

The exercise or guardianship by the tangata whenua of an area in accordance with Tikanga Maori in relation to natural and physical resources.

Part 2 s8 incorporates principles of Te Tiriti o Waitangi in decision making and states

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.

When preparing or changing a regional policy statement, regional or district plan, the regional council and/or territorial authority are to take into account the Nga Ariki Kaiputahi Hapu/Iwi Management Plan and shall have regard to Part 5 s61,2(a) and (2A), s66,2(c), and sec 74,2(b).

Nga Ariki Kaiputahi will actively participate in the development or change of regional policy statements, regional and district plans prepared by GDC, so Nga Ariki Kaiputahi can ensure their relationships with their Taonga Tuku Iho are 'recognised and provided for'.

5.3 The Resource Consent Process

It is best practice for resource consent applicants to consult with Nga Ariki Kaiputahi where proposals might affect matters as set out in sections 6(e) and 7(a) of the RMA.

Where Nga Ariki Kaiputahi have a legitimate interest in, or are affected by, a particular application, they have a right to being included in the decision-making process.

- Nga Ariki Kaiputahi's resource management unit mandated to deal with these areas will be known as the Hapu/Iwi Environmental Project Consultancy group which will act on behalf of the Iwi.
- GDC to develop an ongoing positive relationship with the Hapu/Iwi Environmental Project Consultancy which will be involved in the development of Iwi Management Plans in order to assist other Iwi.
- The Hapu/Iwi Environmental Project Consultancy will assist Nga Ariki Kaiputahi in making submissions on the long term GDC community plans and annual plans prepared by GDC and GDC to support the involvement of Nga Ariki Kaiputahi with these consultation processes.
- GDC to provide a weekly summary report of resource consent applications with intentions to develop or use resources on or within the boundaries of 'Te Aitanga a Mahaki' to the Hapu/Iwi Environmental Project Consultancy.
- The Hapu/Iwi Environment Project Consultancy on behalf of Nga Ariki Kaiputahi will note down any applications that Hapu/Iwi may have an interest in.
- The Hapu/Iwi Environment Project Consultancy on behalf of Nga Ariki Kaiputahi will provide a letter to GDC when it considers the Hapu/Iwi to be an affected party.

- GDC to begin public notification processes and further engage in consultation with the Hapu/Iwi Environmental Project Consultancy who will provide feedback to the Hapu/Iwi of Nga Ariki Kaiputahi.
- Resource consent applicants and GDC requiring Hapu/Iwi consultation are charged on a user pays basis for the time involved in consultation.
- Detailed Resource Consent Processes are reflected in the Nga Ariki Kaiputahi, Consultation Management Manual an extension of this Hapu/Iwi Management Plan.

5.4 Te Tiriti o Waitangi 1840

5.4.1 Tino Rangatiratanga

Under Article 2 of Te Tiriti o Waitangi the Crown guarantees Nga Ariki Kaiputahi exclusive and undisturbed possession and control of their lands and fisheries. Nga Ariki Kaiputahi members have a long association with their lands dating back to continual occupation by our tipuna for several hundred years before the signing of Te Tiriti.

Nga Ariki Kaiputahi considers their customary lands and fishing grounds as Taonga Tuku Iho.



Figure 16 Te Tiriti o Waitangi 1840

5.5 The National Policy Statement on Freshwater Management 2011

The proposed Nga Ariki Kaiputahi Iwi Management Plan is in accordance with the objectives of the Government's National Policy Statement for Freshwater Management. The discharge of waste water into Nga Ariki Kaiputahi ancestral grounds and the surrounding areas is contemplated to be tapu.

Objective 1 – Enabling the Well-Being of People and Communities

To ensure that Freshwater Resources are managed in a way that enables the people and communities of New Zealand to provide for their social, economic and cultural well-being, and their health and safety

Objective 2 – Improving the Quality of Fresh Water

To ensure the progressive enhancement of the overall quality of Freshwater Resources, including actions to ensure appropriate Freshwater Resources can attain or exceed acceptable swimming standards

Objective 3 – Recognising and Protecting Life Supporting Capacity and Ecological Values

To ensure the life supporting capacity and ecological values of Freshwater Resources are recognised and protected from inappropriate:

Taking, use, damming or diverting of fresh water;

Land-use Development;

Discharge of contaminants.

Objective 4 – Addressing Freshwater Degradation

To control the effects of Land-use Development and discharges of contaminants to avoid further degradation of Freshwater Resources

Objective 5 – Managing Demand for Fresh Water

To ensure that demands (including social, economic and cultural demands) for fresh water are sustainably managed in a manner that has regard to the following:

Available supply of fresh water:

The need to provide for resilience against the biophysical effects of climate change (such as through infrastructure for supply, storage and distribution of fresh water):

The adverse effects that arise from those demands

Objective 6 – Efficient Use of Fresh Water

To ensure that allocated fresh water is used efficiently, particularly in terms of the following:

Avoiding wastage

Avoiding excessive contamination

Facilitating opportunities to increase benefits from the use of fresh water

Does not negatively impact on customary and ecological fresh water values

Objective 7 – Hapu and Iwi Roles and Tangata Whenua Values and Interests

To ensure that Iwi and hapu are involved, and Tangata Whenua Values and Interests are identified and reflected, in the management of Freshwater Resources including the matters specified in Objectives 1–6.

Objective 8 – Ensuring Effective Monitoring and Reporting

To ensure that regional councils and territorial authorities undertake effective monitoring and reporting of the matters specified in Objectives 1–7.

6.0 REFERENCES

Gisborne Minute Book 7

Mangatu Blocks Report

Te Tiriti o Waitangi 1840

Te Ture Whenua Maori Act 1993

The Crown Minerals Act 1991

The Environment Act 1996

The Forests Act 1949

The Hazardous Substances and New Organisms Act 1996

The Local Government Act 2002

The National Policy Statement on Freshwater Management 2011

The Nga Ariki Kaiputahi Constitution

The Ngariki Kaiputahi Story

The Resource Management Act 1991

The Treaty of Waitangi 1840

The United Nations Declaration of Indigenous Peoples Rights 2007

The Waitangi Tribunal Report 'Turanga Tangata Turanga Whenua' 2004

Treaty of Waitangi Act 1975

Treaty of Waitangi (Fisheries Claims) Settlement Act 1992