

UNDER

the Resource Management Act 1991
(the RMA)

IN THE MATTER OF

an application for a Water
Conservation Order on the Hurunui
River and Lake Sumner (Hoka Kura) by
the New Zealand and North Canterbury
Fish and Game Councils and the new
Zealand Recreational Canoeing
Association

AND

IN THE MATTER OF

a submission by Te Rūnanga o Ngāi
Tahu, Te Rūnanga o Kaikōura, Te Ngāi
Tūāhuriri Rūnanga

STATEMENT OF EVIDENCE OF TE MARINO LENIHAN

Introduction

1. Kia ora koutou - My name is Shaun Te Marino Matthew Lenihan. I am from the Reuben whanau of Tuahiwi and the Rickus / Pohio whanau of Arowhenua. In terms of my standing rights to speak to the Hurunui Water Conservation Order, my mother is Gloria Waimarie Reuben (1947-2006). She was the eldest daughter of Marsden Te Marino Reuben (1914-1989). His father was Hamuera Te Au Mutu Rupene, 3rd child of Rupene Te Muru (also known as Rupene Kurii)¹. Rupene's father was Te Muru who died around 1874 at the ripe old age of 107 (or thereabouts). His death severed the last link with the generation of Māori who, in the eighteenth century, welcomed the first English whalers who settled on the South Coast of New Zealand. He was the last person to be buried at Kaiapoi Pā.
2. Through this whakapapa, through longstanding ahi-kā and through continued use of the waterways from generation to generation, my whanau – alongside other whanau of Ngāi Tūāhuriri and Ngāti Kuri – holds mana whenua over the Hurunui River and its associated water ways within our takiwa. We maintain our rights to

¹ Kaumatua #435 of Ngāi Tahu Whakapapa 'Blue Book' (1848 Census)

stand on the associated mahinga kai resources, and we now look to uphold our responsibilities as kaitiaki to protect those rights and resources on behalf of our present and future well-being.

3. I have a Bachelors of Arts (1995) and Law (1996) and for the last 9 years have worked professionally as an advocate for our values and interests in relation to resource management. From 2000 to 2005, I worked in the Iwi Relations Unit of the Auckland Regional Council, moving home at the request of Te Rūnanga o Ngāi Tūāhuriri (TNT) and Te Rūnanga o Ngāi Tahu (TRoNT) to work with Pegasus Town Ltd in the development of our ancestral landscape surrounding Kaiapoi Pā. Over the last 4 years I have also become involved in wider hapū and iwi resource management issues, particularly in regard to the protection and management of our waterways and the mahinga kai that they support.
4. Today, I stand alongside my elders and relations on behalf my whanau, our hapū and our iwi, in order to represent our values, our customs and our rights to the waters and mahinga kai of the Hurunui River catchment. These waterways, their surrounds and the natural resources that they sustain are, without any doubt whatsoever, hugely significant to our cultural heritage and future well-being.

Overview

5. My evidence will focus on the harvested natural resources of the Hurunui River and its associated waterways. It will talk to the traditional and contemporary importance of mahinga kai to Ngāi Tūāhuriri and Ngāti Kuri, and will illustrate why these waterways are of outstanding significance to our culture and identity in accordance with tikanga Māori.

Mahinga Kai - Defined

6. I wish to look first at the actual meaning of mahinga kai so that we are clear about the full extent of its importance to our culture and identity as Ngāi Tahu Whānui.
7. Linguistically, 'mahinga kai' is the derived nominal form of the expression 'mahi kai, which in turn is itself composed of the verb 'mahi' (to make, work at, do, procure) and it's incorporated object 'kai' (food, products, anything produced in profusion). In

evidence submitted to the Waitangi Tribunal during the Ngāi Tahu Claim, Dr Raymond Harlow explained that nominals such as ‘mahinga’ typically have as one of their meanings ‘the place where...’.² Thus the etymological meaning of the expression ‘mahinga kai’ is *“the foods and the places where those foods are produced or procured”*.

8. While this meaning aligns essentially with how Ngāi Tahu understands ‘mahinga kai’, the Crown chose historically to interpret the term restrictively, regarding it simply in relation to “plantations” or “cultivations”. Thus, the Deed of Sales and purchase of most of modern Canterbury, Westland and Otago (including the Hurunui River) read:

“Ko o matou **kaainga nohoanga**, ko a matou **mahinga kai**, me waiho marie mo matou, mo a matou tamariki, mo muri iho I a matou...”³

9. The Deed was drafted in Māori by Henry Tacey Kemp, the Crown’s recently appointed Native Secretary, whose own ‘true translation’ of the aforementioned part of his deed read:

“...that our places of residence & **plantations** are to [be] left for our own use, for the use of our children, & to those who may follow after us...”
(emphasis added)

10. All ‘official translations’ thereafter continued in this vein and glossed over the essential promise that had been made to Ngāi Tahu both during the negotiations and again in the Māori text of the Deed; namely, that they would keep all their *“mahinga kai”* and *“kaainga nohoanga”* within the territory described. This was how Ngāi Tahu chiefs who negotiated this sale understood the Crown’s undertaking, and it was explained plainly enough to Kemp by John Tikao when he said:

² At the time of the Ngāi Tahu Claim hearing before the Waitangi Tribunal, Dr Harlow was a senior lecturer in linguistics at the University of Otago.

³ “Our places of temporary and permanent residence and our food gathering places are to be left to us without impediment for our children and for those after us.”

“If I accept your offer, I expect to have returned me the eel weirs, the mahinga kai, the places of settlement, the burial places, the landing places and also additional reserves out of the land.”⁴

11. This understanding was confirmed again in 1879 by Ngāi Tūāhuriri ancestor Natanahira Waruwarutu who, before the Smith Nairn Commission, stated that "mahinga kai is not confined to land cultivated but it refers to places from which we obtain the natural products of the soil without cultivating, you know, the plants that grow without being cultivated by man." Waruwarutu then amplified this statement by listing cabbage trees, fernroot, weka and berries as being forms of mahinga kai.⁵
12. With the benefit of hindsight, it is clear that our people understood “mahinga kai” in a much more holistic sense than what the Crown was prepared to acknowledge. Almost 150 years later, however, that discrepancy was recognised by the Waitangi Tribunal during the Ngāi Tahu Claim Settlement Process, and there is now general agreement that ‘mahinga kai’ includes the production and gathering of all foods and other natural resources, as well as the areas that they are sourced from.
13. It is noted, however, that the full extent of the cultural significance of ‘mahinga kai’ to Ngāi Tahu lies beyond just the sustenance which those places and their resources supplied the body, or the natural materials which were used in traditional arts and crafts. Mahinga kai also:
 - a) Constituted the principal component of the traditional economy;
 - b) Were vital in enabling our ancestors to pass on traditional knowledge (matauranga); and
 - c) Provide the means by which ahi kaa can uphold our mana as tangata whenua of each given area.
14. I would like to dwell a little further on each of these last 3 aspects so that the Commission can get a better idea of just how significant mahinga kai is to Ngāi Tahu’s culture and identity. Understanding this significance gives context to our collective wish to protect the outstanding values that the Hurunui River continues to hold.

⁴ Refer to WAI 27, Chapter 8 (Kemps Purchase) at paragraph 8.4.8.

⁵ Ibid at para 8.9.7.

Traditional Arts & Crafts

15. In terms of Ngāi Tahu's material culture (traditional arts & crafts) the Hurunui River supported a number of native flora taonga species which were used for food and apparel for those journeying to and from the West Coast or on hunting and gathering expeditions. For example:

Raupō (Bulrush)

16. When returning from such journeys or expeditions, our ancestors constructed relatively simple, yet highly buoyant reed boats (mokihi) from either raupō or korari (flax flower stalks). Historic accounts indicate that one mokihi could carry 'nine men and nine loads weighing about 400lb [a total weight of about 800kg]' and that this was not unusual.⁶ Indeed, the use of mokihi on the large southern rivers generally enabled a fast and relatively easy return trip.⁷

17. The reed itself could be found in abundance around the margins of the upper lakes, and significant stands of raupo remain today in such environments as 'Raupo Pond' to the east of Lake Sheppard.

Tī-Kouka (Cabbage Trees)

18. As already said today the dried leaves of the southern tī-kouka (cabbage tree) were known as 'pahau', given that they cling to the trunk of the tree like the beard of an old man. The leaves are extremely hard wearing and were perfect for weaving paraerae (scandals) for those traversing the main divide.

19. The soft pith of the tī-kouka was also harvested seasonally and could be reduced to a sweet porridge with or without the addition of the flour from the rhizome of the raupō reed (koareare). The sweet processed pith could be mixed with mashed fernroot (aruhe) to give a similar taste and consistency to gingerbread.⁸ Similarly, the root of the tī-kouka (more-tī) could be dug at anytime during the year, roasted,

⁶ Anderson, A. (1998). *The Welcome of Strangers: An Ethnohistory of Southern Maori AD 1650-1850*. p125.

⁷ Ibid at page 118.

⁸ Ibid at page 145.

scraped, opened and sprinkled with the juice of the flax flower (wai-korari) to be eaten then and there.⁹

20. Finally, I note the particular significance of this southern tī-kouka variety was acknowledged by our ancestors who named one of the main tributaries of the Hurunui Pahau.

Harakeke (Flax)

21. After water, harakeke (NZ flax) was the most used and valued natural resource of the traditional Māori world. For example:

- a) Its leaves were woven into functional daily items such as clothes, baskets and fishing nets.
- b) Its stalks (korari) were bundled and bound into river waka (mokihi).
- c) The strong fibre within the leaves (whitau, muka) was extracted and prepared for use in fine garments and rope.
- d) The gel, found within the base of each leaf, was utilised internally and externally for its recognised medicinal properties.

22. In relation to the Hurunui River, ladders constructed of harakeke and wood and used historically to get into the side gullies entering the Hurunui gorge were found in Māori Gully. The original name of the river – Huruhurunui (literally ‘a lot of hair’) – is said to have also derived from the use of harakeke and other native grasses in the woven cloaks worn by numerous travellers along the Hurunui River.

Economic Trade – Traditional

23. The nature of Ngāi Tahu’s trade took people from one end of the island to the other. For example, in Edward Shortland’s journey along the Canterbury Plains in 1844, he followed part of a mutton bird (tītī) exchange sequence in which the people of Waikouaiti sailed north with a cargo of poha-tītī to present to their relatives at Waiateruati (near present day Temuka) (see **Error! Reference source not found.**). Upon arrival, the locals were themselves fully preoccupied with the

⁹ Beattie, H. (1994). *Traditional Lifeways of the Southern Maori*. p297.

preparing the kauru (cooked cabbage tree pith), which was used in turn to reciprocate the mutton birds presented and received.

24. Known as **kai-hau-kai**,¹⁰ this traditional system of exchange was not simply a utilitarian mechanism for distributing resources beyond their source locality. It was, in fact, as important a social institution as economic. Thus, the distribution of commodities served to reinforce the social order. Gifts, for example, were presented to Rangatira (Chiefs) by local families responsible for particular mahinga kai, which in turn may have been used to host manuhiri (guests), enhancing the mana of the whole community.
25. An instance of local gift exchange was observed by Thomas Brunner in 1847, who commented that “the Natives seem particularly fond of giving and receiving presents and I think the first donor gets off best”.¹¹
26. Exchange events (kai-hau-kai) commonly involved formal speeches and feasting over several days, during which all kinds of social business could be transacted by hapū, whānau and individuals.
27. Not surprisingly, trade by Māori extended to European sealers, whalers and settlers when they began to arrive in the late 18th and early 19th Centuries. The primary item of trade was the potato, which cropped prolifically in the south and provided sufficient quantity for local Māori to be able to trade for sealing and small whaling boats.¹²
28. By the 1850's, however, when Europeans were arriving in much larger numbers and our own communities were now confined to the relatively small reserves that the Crown had set aside for them. Consequently, all forms of large scale trade and exchange between the two communities declined. Our ancestors could only

¹⁰ Kai-hau-kai refers not only to the system of trade, but is also a reference to the events where such trading took place and associated feasting.

¹¹ Supra at fn 6 (Welcome of Strangers) at page 128.

¹² Supra at fn 6 at page 129.

produce very little from the inadequate areas of land that were left with,¹³ and were progressively denied access to their former mahinga kai sites – whether through the institution of a new and exclusive property rights regime or habitat loss as the landscape was drained for agriculture.

29. Despite these changes, it is important to emphasise that the cultural values and traditions associated with mahinga kai have survived the times. Our people do continue to hunt and gather traditional delicacies and natural resources, and do keep alive the essence of this notion we call kai-hau-kai. For example, the eels are currently migrating out to sea (tuna heke) and large numbers are being caught and preserved to stock family pataka (food stores). Many of these tuna will also be passed on to relations travelling down to the tītī islands for the annual mutton bird harvest. In time, these gifts will be returned, no doubt with interest. Others too, up and down the country, will also receive preserved tuna from our hunters and gatherers, in anticipation of a return in time when they come to harvest their own local kai. Whether it is tio (oysters) from Bluff, scallops from the Marlborough Sounds, inanga (whitebait) from Te Tai Poutini (the West Coast) or crayfish from Kaikoura, the key points to note are:
- a) The traditions of kai-hau-kai are alive and well, and
 - b) The practice of this custom is a continuing source of mana for those who give and receive, as well as those who receive and give.

Economic Trade – Contemporary

30. The traditional use of natural resources for trade should not be seen exclusively as ‘non-commercial’. Quite the opposite in fact. Customary practices have in part always been about economics. It stands to reason therefore that there is also a fiscal value that can potentially be tagged with our traditional mahinga kai practices. Inanga (whitebait) and tītī (mutton birds) are two very clear cases in point.

31. The issue of commercial or economic gain through ‘trade’ in customary take aside, however, the NZ fishing industry has identified the projected increased demand for

¹³ Supra at fn 6, page130. It was noted by the Waitangi Tribunal in the Ngāi Tahu Claim that the largest of the Maori reserves set aside for Ngāi Tahu at Kaiapoi was a mere 2640 acres, averaging only 11.53 acres per person (approximate population of 230). By comparison, however, a similar area of land was also set aside at Waikouaiti by Mantell for just one man, John Jones. Compare this to the land actually requested for by the Kaiapoi Maori (containing around 220,000 acres) which was later divided among just 13 European run holders.

farmed fish (aquaculture) that throughout the world, and this presents flax-roots Ngāi Tahu with an opportunity to draw upon our customs, traditions and experiences with our customary fisheries to get involved in that economy, adding value back into our local communities as well as the national economy. Of course, the full potential of such opportunities will only be realised if the mauri of our waterways is protected and enhanced so that our reputation and produce is second to none. It is not rocket science. Our ancestors have experienced already.

Pollute the water.

Pollute the resources in the water.

Destroy one of our nation's key economic advantages.

Matauranga Māori

32. Knowledge of our environment and the resources it holds has been built up and passed down from generation to generation. Where best to go and when, in order to get a good quality resource in sufficient numbers to be able to feed yourself, your whanau, or your manuhiri, and also have sufficient surplus to be able to then trade with your relations for the resources they harvest?

33. Hunting and gathering food and natural resources is governed by tikanga – practices that express the values and principles of our culture in relation to our particular world view, including the rights and responsibilities of people and their communities. For example:

- a) Leave your breeding stock so that the resource is sustained from generation to generation;
- b) Do not collect kai-moana while menstruating, nor harvest harakeke while it rains;
- c) Kina are ripe when the kowhai blooms;
- d) Never work certain kai-mataitai where you collect from (e.g. discarding old shells back on the shellfish beds);
- e) Acknowledge food or resources received by presenting food or resources in return (*viz-a-viz* kai-hau-kai).

34. Maintaining our mahinga kai sites and resources, and continuing to practice the tikanga that guides and governs each resource is an important means of passing

our cultural values, knowledge and understanding on to our children and their children in turn. The health of the river and its ecology is vital to ensure the relevance of this knowledge in contemporary times and into the future. Thus the health of Ngāi Tahu culture is threatened by anything which degrades the traditional areas, heritage and ecosystem values of the river.

35. In contemporary times, Ngāi Tahu has begun a cultural renaissance to recognise and replenish its traditions, culture and relationships. It is vital to the future of Ngāi Tahu to ensure that sufficient natural resources continue to be available to provide places and experiences for young Ngāi Tahu to practice the activities of their tupuna, learn the skills used to manage the environment, know their cultural values, and take pride in the knowledge that their elders have retained to pass along to them.
36. Mahinga kai is key to our identity as Tangata Whenua of Te Wai Pounamu (the South Island). It is our duty as kai-tiaki to preserve and maintain healthy local resources, and the continuation of our traditions is absolutely vital for the survival of our culture.
37. The Hurunui River, its tributaries and lakes are one of the last relatively untouched waterways in our takiwā. Waterways yield mahinga kai resources directly, provide the ecosystem support for mahinga kai species, and nourish and replenish other highly significant mahinga kai environments, including forests and coastal areas.
38. The availability of sufficient quantities of clean fresh water for these purposes, therefore, is essential to the maintenance of mahinga kai resources and their related cultural values.

Mana¹⁴

¹⁴ Mana is what our leaders have that allows them to weave people together in common purpose and action. Mana is what our whanau, hapu and iwi uphold in order to be able to exercise rangātiratanga (chiefly authority) over our lands, waters, fisheries, and other taonga. Mana can be inherited from your tupuna (ancestors) through their deeds and demeanour, and can also be earned through your own. Mana is not something that can be assumed or taken. Rather, it is something that given by those around you. Mana is respect given and respect earned. It is the foundation stone of long term leadership and strong communities.

39. The relationship between mana and mahinga kai is simple. It is the ability to provide hospitality to your whanaunga (relations) or manuhiri (guests), looking after them in that time honoured tradition of giving people a good feed of locally grown or procured delicacies. In the Māori world, this is known as **mana-a-kii-tanga**¹⁵ and it is another key corner stone of our culture.
40. In most instances, individual iwi or hapū will be known for their local specialty foods that make up part of their tribal identity and association with the lands and waters of their takiwa (traditional territory). Those particular species have an intrinsic value which cannot be substituted and which is often expressed through pepeha and whakataukī (tribal sayings). For example:

“Te Kete Ika a Rakaihautu literally means ‘The Fishing Basket of Te Rakaihautu’ and this sayings refers to Lake Ellesmere and speaks of the abundance of tuna and other kai-roto formally found in this lake.

Mahinga Kai – Resources of the Hurunui

41. At this junction, however, I would like to pause for a moment to highlight the essential point of my evidence so far: namely, that mahinga kai are fundamental to our culture and identity as Ngāi Tahu Whānui, and are therefore outstanding significance in accordance with tikanga Māori.
42. I will now look at the mahinga kai resources of the Hurunui River.
43. Traditionally, the Hurunui River was known particularly for its tuna (eel) and inanga (whitebait).¹⁶ Indeed, it is said that whitebait used to be so plentiful that a rider could lean down from his horse and scoop up a whole hat full to take home for lunch.¹⁷
44. Kaiapoi Māori frequented the mouth during the 19th Century, catching kahawai, crayfish (koura), butterfish (matohe), guffy (paketi), groper (hapuku) and, going into

¹⁵ Quite literally, this term refers to the ‘mana derived through word of mouth’. How well did you look after your guests? What will they tell others when they move on or back to their own people? Generally speaking, however, it refers to plain old ‘hospitality’.

¹⁶ Ngāi Tahu Claims Settlement Act 1998: Schedule 21 Statutory Acknowledgement for Hurunui River.

¹⁷ McRae, S. (1993). *Hurunui: Source to Sea*. p108.

winter, beautiful salmon.¹⁸ Similarly, local Ngāi Tahu used the Hurunui River to also collect birds, birds' eggs and kanakana (lampreys) for community food supply.¹⁹

45. The significance of the lower and upper reaches of the Hurunui River as mahinga kai is highlighted by the presence of a historic tauranga waka (canoe landing site) at the mouth, and a nohoanga (seasonal camp site) at the outlet of Hoka-kura (Lake Sumner) into Wai-tete-moroiti (Loch Katrine). Both features indicating intensive traditional resource use.

46. The following table shows the native fisheries species found during investigations of the Hurunui river catchment. It specifically lists the names given by our ancestors for the different forms that eels take during their life cycle and/or because of the habitat that they live in, highlighting the significance the tuna has to our people.²⁰

Table 1: The Native Fisheries Species Found During Investigations of the Hurunui River Catchment.

Ngāi Tahu Name	Common Name	Description
Tuna	Long or Short -finned Eel	
- Arokehe		<i>Kind of eel</i>
- Hao		<i>Kind of eel</i>
- Hore-para		Big black eel
- Horihori-wai, Tuna pakeha		A white bellied eel
- Kiri-rua		Big black eel
- Kokekehe		<i>Kind of eel</i>
- Korakiraki		<i>Kind of eel</i>
- Kotokoto		Biggest kind of eel
- Kouka		<i>Kind of eel</i>
- Manawa		<i>Kind of eel</i>
- Mairehe		Greyish eel
- Matamoi		Conger eel

¹⁸ Ibid at p108

¹⁹ Te Rūnanga o Kaikōura Water Policy

²⁰ Names were recorded by Herries Beattie in his discussions with Ngāi Tahu elders throughout the island, later edited by Athol Anderson and published in "Traditional Lifeways of the Southern Maori"

- Ngoiro		<i>Kind of eel</i>
- Papa-aka		<i>Kind of eel</i>
- Reko, Riko		<i>Kind of eel</i>
- Take harakeke		Migrating eel
- Tuna heke		<i>Kind of eel</i>
- Tuna kai noke		A yellow eel
- Tuna-tai		'Wooden' eel
- Tuna-rakau		<i>Kind of eel</i>
- Tanu-hau		"stockwhip" eel
- Weko		Small kind of eel
- Winiwini hao		
Kanakana, Tuere	Lamprey, Blind eel	
Paraki, Ngāiore*	Common Smelt	
Taiwharu*	Giant Kokopu	
Kokopu	Banded Kokopu	
Koaro	Koaro (Mudfish)	
Inanga*	Whitebait	
Mata	Common river galaxias	
	Short-jawed Kokopu	
	Torrent Fish	
Piripiri pohatu*	Red-finned Bully	
	Giant Bully	
Kokopu / Hawai*	Blue-gilled Bully	
	Common Bully	
	Upland Bully	
Kahawai	Kahawai	
Aua	Yellow-eyed Mullet	
Kokopara	Cockabully	
Moho-ao	Black Flounder	
Patiki, Patotara, Raututu	Yellow-bellied Flounder	

* denotes culturally significant species indentified in the Ngāi Tahu Claim Settlement Act 1998.

47. The significance of the Hurunui River and its associated waterways today lies in the fact that this eco-system has yet to be substantially altered by intensive water abstractions and the inevitable associated land use practices which continue to drain wetlands, destroy riparian margins, and pollute the waterways by allowing nutrient rich run-off to flow back into them, accelerating the growth of periphytons, which can then choke a stream and kill our key mahinga kai species.²¹

48. The simple fact that the Hurunui River has yet to be exploited by land use practices that have degraded the mauri of our rivers elsewhere means that this traditionally significant mahinga kai environment continues to be of outstanding significance to our culture today. We know that there are lakes within this catchment that still have not been colonized by introduced species (e.g. Waikiwi / Lake Marion), and we know that the most significant species from a conservation viewpoint are the longfin eels and the upland longjaw galaxias (i.e. whitebait).²² We also know that these are key mahinga kai species – today as much as yesteryear – and we wish to ensure that their habitat is protected from further degradation so that they can flourish for future generations to enjoy and learn from.

49. The following 2 tables highlights those species identified by Ngāi Tahu as of particular cultural significance as taoka bird and plant species, found within the Hurunui River Catchment, given special status as such in the Ngāi Tahu Claim Settlement Act 1998. Please note this list is not exhaustive and more native species have been identified within the upper Hurunui, the lakes, and the lower reaches of the river than are recorded here.

Table 2 : Lists of Birds Found within the Hurunui River Catchment (Draft Hurunui River Catchment: Takata Whenua Values Report by Hana Crengle p27).

Ngāi Tahu Name	Common Name
Mohua*	Yellowhead
Kaka*	Kaka
Karearea*	Falcon

²¹ Biggs, B. (2000). *New Zealand Periphyton Guideline: Detecting, Monitoring and Managing Enrichment of Streams*. p10.

²² Jellyman, D. (Date Unknown). *Statement of Evidence, Water Conservation Order Application, Hurunui River*.

Koekoea*	Cuckoo
Kea*	Kea
Roroa*	Great spotted Kiwi
Kakariki*	Parakeets
Kakaruai*	SI Robin
Tītipounamu*	SI Rifleman
Ruru Koukou*	Morepork
Piwakawaka*	SI Fantail
Kamana*	Crested Grebe
Korimako	Bellbird
Kowhiowhio	Blue duck
Kotare	Kingfisher
Putakitaki	Paradise Shelduck
Poaka	Pied Stilt
Tara	Terns
Tete	Grey Teal
Pateke	Brown Teal
Tui	Tui
Pukeko/Pakura	Swamp hen
Karoro	Black-backed gull
Kereru	Native Pigeon

Table 3: Lists of Plants Found within the Hurunui River Catchment (Draft Hurunui River Catchment: Takata Whenua Values Report by Hana Crengle p30).

Ngāi Tahu Name	Common Name
Tikumu	Mountain Daisy
Aruhe	Fernroot
Harakeke	Flax
Karamu	Coprosma
Tawhai/Tawai	Beech
Raupo	Raupo
Ponga	Tree fern
Mamaku	Tree fern
Kanuka	Kanuka
Ngāio	Ngāio
Ti kouka	Cabbage Tree

Wharariki	Mountain flax
Wiwi	Rushes
Wi	Tussock

Mahinga Kai – Habitat Required

50. The essential point here is that key mahinga kai species identified above depend on the whole river system, making use of different sections of the river during the various stages of their life cycles. Thus:

Young glass eels move into the river in spring and early summer; adults migrate downstream to the sea to spawn during February to July. Juveniles use the main river, particularly in the lower reaches, for early growth, and tend to move upstream and into deeper pools as they grow larger. Eels can climb the falls in the Sisters Stream, gaining access to Lakes Taylor and Sheppard.²³

51. In terms of the five species of whitebait that occur in the Hurunui:

Generally, juveniles enter the river in spring and early summer; larvae go to the sea from February onwards. The species have different habitat requirements while they are in the river system; the entire river system from the lower reaches of the river to the bouldery headwater tributaries is used.²⁴

52. For both of these species, access to the sea is important – for eels, it is essential. If water abstractions are allowed to intensify on the Hurunui River, then the risk of the narrow river mouth closing is greatly increased. There is no science behind this statement, just common sense and a realization that this is exactly what has occurred to other rivers in our takiwa (c.f. Waipara River).

53. Given these experiences, we believe today that the best mechanism to prevent further degradation to our mahinga kai habitats and fisheries is the Water Conservation Order. Relying on regional plans has not worked so far.

Rights to Mahinga Kai and How Best to Recognise and Provide for Them

54. Traditionally, rights to mahinga kai derived through whakapapa and use. These rights were provided for in common law when New Zealand was settled by the British and were specifically recognized in the Treaty of Waitangi itself which said:

²³ Mosely, MP. (2002). *Hurunui River Instream Values and Flow Regime (Report RO 2/1 January 2002)*. p69.

²⁴ Ibid.

ARTICLE TWO (English Text)

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

55. Later, such rights were incorporated into the Crown's Sale and Purchase agreement of Canterbury (see above), and more recently have been acknowledged again by the Crown pursuant to Ngāi Tahu's long standing Treaty grievance / claim and subsequent settlement.

56. With respect to the Hurunui, we presently have to rely on the regional council plans to recognize and provide for our ancestral relationship with this environment (c.f. the obligations contained in Part II of the RMA). As previously indicated, the ability for ECan to fulfill these obligations is questionable when we look to the other rivers in our takiwā.

57. We are left with degraded waterways as priority interests are given to water users and their land use. We need to protect what relative pristine waterways we have left. Again, it is not rocket science:

Pollute the water

Pollute the resources in the water

Destroy one of our nation's key economic advantages

Conclusion

58. Mahinga kai values, practices and resources are fundamental to the identity and culture of Ngāi Tahu.

59. The survival of traditional knowledge relating to mahinga kai is dependent on the survival of the ecology and resources to which it relates.

60. The health of the river and its ecology is therefore absolutely vital to ensure the relevance of this knowledge both now and into the future.

61. Thus, if the Hurunui River's ecosystem is degraded any further, then a highly significant corner stone of Ngāi Tahu's culture will be threatened.

62. Most, if not all other rivers in Ngāi Tūāhuriri's takiwā have already been degraded by such things as excessive water abstractions, drainage of wetlands, clearance of natural riparian margins, pollution and insensitive adjacent land-use practices (e.g. dairy farming, waste water oxidation ponds, industry).

63. To help avoid such a threats with regards the Hurunui River, a Tangata Whenua Values Report was prepared for Environment Canterbury in 2002 (Hana Crengle) in which a number of outcomes were identified including:

- a) Protect mahinga kai values significant to Ngāi Tahu within the catchment of the River, and the ecology that supports those mahika kai values.
- b) Designate the whole of the Hurunui River as outstanding for its heritage values to Ngāi Tahu, with special significance applied to the Upper Hurunui Catchment area upstream of the Mandamus River confluence, the gorges, the Hurunui Lakes, especially Hoka Kura, and the wahi tapu locations in and adjacent to the river mouth.
- c) Protect the outstanding Ngāi Tahu heritage values within the Hurunui River Catchment from interference and any further degradation.
- d) Preserve the existing stability, character, and ecological conditions of the Hurunui River Catchment, the waterways, their margins, and adjacent landscape.
- e) Preserve access to Ngāi Tahu heritage values by the members of Te Rūnanga o Kaikoura and Te Ngāi Tūāhuriri Rūnanga, in order to protect future opportunities for Ngāi Tahu use of the River, including mahika kai, heritage experience, and inter-generational education.
- f) Preserve the existing course of the Hurunui River to ensure continuity in terms of its function as a traditional inter-tribal boundary.
- g) Avoid the following effects:
 - Loss of values or unnatural alteration to the unique character Ngāi Tahu attach to the whole of the Hurunui River Catchment, particularly the Upper Hurunui Catchment upstream of the Mandamus confluence, and the coastal river mouth.

- Loss of access to or damage to wahi tapu and wahi taoka values and sites of significance to Ngāi Tahu within the Hurunui River Catchment, in particular the outstanding heritage features that follow the path of the ancient trailway, the gorges above the Mandamus confluence, and the headwaters of the main river and all tributaries.