

Minutes of the Rangitāiki River Forum Meeting held in Council Chambers, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne on Friday, 29 September 2017 commencing at 10.00 a.m.

Present:

Chairman: M Vercoe (Te Rūnanga o Ngati Manawa)

Deputy Chairman: E Rewi (Te Runanga o Ngati Whare)

Appointees: Bay of Plenty Regional Council: Crs T Marr, K Winters, W Clark, D Love; M Araroa (Te Rūnanga o Ngati Awa), E August (Alternate, Ngati Tuwharatoa (BOP) Settlement Trust), N Rangiaho (Tuhoe), Cr G Johnston (Whakatāne District Council)

In Attendance: Bay of Plenty Regional Council: S Stokes (Eastern Catchments Manager), N Willems (Team Leader Eastern & Rangitāiki Catchments), S Bermeo (Senior Planner), M Lee (Planner - Water Policy), N Steed (Programme Leader - Statutory Policy), A Vercoe (Māori Policy Team Leader), H Simpson (Senior Treaty Advisor), M Stensness (Committee Advisor), Y Tatton (Interim Governance Manager), B Hughes (Manager Policy & Strategy, Te Rūnanga o Ngāti Awa), S Pickles (Regulatory Compliance Team Leader), S Mahupuku (Regulatory Project Officer), S McGhie (Principal Planner, Whakatāne District Council), C Fern, A Davies (Trustpower), D Petrie (Ministry for Primary Industries), S Kameta (Committee Advisor)

Apologies: Reverend G Te Rire (Ngati Tuwharetoa (BOP) Settlement Trust), Crs T Kingi, R Harvey (Alternate) (Taupō District Council), W Rangiwai (Alternate, Te Runanga o Ngati Whare), I Kahukiwa Smith, D Jones (Alternate) (Hineuru), T O'Brien (Alternate, Te Rūnanga o Ngati Awa), Cr M McDonald (Alternate, Bay of Plenty Regional Council); Staff: K O'Brien (Strategic Engagement Manager, Bay of Plenty Regional Council)

1 **Opening Karakia and Mihi/Welcome**

Cr Marr provided a karakia to open the meeting.

Miro Araroa gave a mihi to acknowledge and welcome newly appointed members Ngapera Rangiaho and Cr David Love.

2 **Apologies**

Resolved

That the Rangitāiki River Forum:

- 1 **Accepts the apologies of: Crs Tangonui Kingi, Rosie Harvey and Matemoana McDonald, Reverend Te Rire, Te Waiti Rangiwai, Ivy Kahukiwa-Smith, David Jones, Tuwhakairiora O'Brien tendered at the meeting.**

**Marr/Love
CARRIED**

3 **General Business and Tabled Items**

The following item was omitted in error from the agenda and was requested to be included as an item under Member Updates and Discussion:

- 1) Agenda Item 10.2: Discussion on potential for Mahinga Mataitai in the Rangitāiki River (Charlie Bluett, Ngati Awa Customary Fishing Authority).

4 **Order of Business**

The Chair advised Agenda Item 7.3 may be delayed to accommodate the arrival of the reporting officer.

5 **Declaration of conflicts of interest**

No conflicts of interest were declared.

6 **Previous Minutes**

6.1 **Rangitāiki River Forum Minutes - 15 June 2017**

Resolved

That the Rangitāiki River Forum:

- 1 **Confirms the Rangitāiki River Forum Minutes of 15 June 2017, as a true and correct record.**

**Winters/Clark
CARRIED**

7 **Reports**

7.1 **Appointments to the Rangitāiki River Forum and Treaty Settlement Update**

The report informed of additional members appointed onto the Forum and updated the Forum on the recently signed Deed of Settlement between Ngāti Tūwharetoa (Taupo) and the Crown.

Members discussed and requested that the Forum's Terms of Reference and Standing Orders be reviewed and that the timing of the reviews occur in 2018 and be cognisant of incorporating Ngāti Tūwharetoa (Taupō).

In response to a query regarding resourcing the Forum for capacity, Interim Governance Manager Yvonne Tatton advised that remuneration of meeting fees would be built into Regional Council's Governance budget and that Governance and Māori Policy staff would work closely with others to review the Terms of Reference and

Standing Orders. In regard to the Rangitāiki River Catchment programme body of work, the Forum would be kept abreast of activity and funding needed to achieve the objectives and actions of Te Ara Whānui o Rangitāiki. Eastern Catchments Manager Simon Stokes noted an understanding of Iwi partners' work was missing and needed to be factored into the programme. Consideration of including Te Kawa o Te Urewera into the programme was noted and acknowledged as bringing strength to the programme and Te Ara Whānui o Rangitāiki.

Correction

An error was noted within the amended Terms of Reference on page 4 of the agenda, where 'Tūhoe Te Uru Taumataa' should be corrected to 'Tūhoe Te Uru Taumatua'.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Appointments to the Rangitāiki River Forum and Treaty Settlement Update;**
- 2 Notes the following appointments onto the Forum:**
 - a. Ngapera Rangiaho as the member for Tūhoe Te Uru Taumatua;**
 - b. Councillor David Love as an additional member and Councillor Matemoana McDonald as the replacement alternate member for Bay of Plenty Regional Council.**
- 3 Notes that the Rangitāiki River Forum's Terms of Reference membership have been updated accordingly.**
- 4 Notes the recent Deed of Settlement signed by Ngāti Tūwharetoa (Taupō) and the Crown on 8 July 2017 and that a further update will be provided to the Forum, prior to legislation coming into force.**
- 5 Requests a review of the Terms of Reference and Standing orders to be brought back to the Forum for consideration.**

**Araroa/Marr
CARRIED**

7.2 General Matters

The report provided an update on general matters concerning the Forum and the catchment. Additional to the report, Eastern Catchments Manager Simon Stokes advised that new National Environmental Standards for Plantation Forestry would be introduced in May 2018. A report on implications to areas of the catchment would be provided at a future Forum meeting.

Mr Stokes introduced Scion representative Andrew Dunningham who gave a brief overview of Scion's government-funded project for exploring effective engagement and co-development solutions to address complex challenges of climate change mitigation and adaptation at a catchment scale. Mr Dunningham explained climate change goals nationally had progressed slowly, with the Minister for Primary Industries wanting further progress to be made. Input from the Forum was being sought on effective engagement. Mr Stokes assured members the project would not interfere with Council or Forum business and that Scion would report back to the Forum on progress made on the project.

Further to the Chair's activity, members were informed that on the Chair's behalf, Deputy Chair Earl Rewi had recently presented at the Maori Co-Governance Forum in Wellington on Co-Governance operational matters and how the Forum intended to achieve its purpose and work together.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, General Matters.**

**Marr/Love
CARRIED**

Order of Business

It was noted that Agenda Item 7.4 would be received next. Agenda Item 7.3 'Update on Proposed Change 3 to the Regional Policy Statement' would be deferred to accommodate the arrival of the reporting officer.

7.3 **Rangitāiki Catchment Programme: Annual Report 2016/2017 and Annual Work Plan 2017/2018**

Refer PowerPoint Presentation Objective ID A2708333.

Team Leader Eastern & Rangitāiki Catchments Nancy Willems presented key highlights on work achieved against the 2016/2017 Annual Work Programme and work to be implemented for the 2017/2018 Annual Work Programme for the Rangitāiki River Catchment.

Advice and clarification was provided on the following matters:

- 1) Repairs to flood damaged fencing, including subsidised fencing, was not covered by insurance. Staff would look to assist where possible and process funding where criteria allowed.
- 2) The application submitted to the Ministry for the Environment for wetland funding had been granted \$1.5 million, with 50 percent funded by Regional Council based on existing budget available in the Rangitāiki Catchment fund.
- 3) Surveillance monitoring was being carried out to control and mitigate wallaby incursions, with strong wording to be incorporated into the Whirinaki-Putaki management plan.
- 4) A literature review of all research and alternative options for fish passage had been taken into account in phase 2 implementation of Te Hekenga Nui o Te Tuna.

The Chair posed the question to Forum members on how they wished to guide and take ownership of the work programme. Mr Stokes further queried for consideration and feedback, what activities Iwi would likely pick up within the work streams. Members acknowledged the comments made and noted biosecurity would be critical to the programme, with due consideration needed on flood impacts and subsequent constraints placed on Regional Council's Long Term Planning.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the report, Rangitāiki River Catchment Programme: Annual Report 2016/2017 and Annual Work Plan 2017/2018;**
- 2 **Endorses the Rangitāiki River Catchment Programme: Annual Work Plan 2017/2018.**

**Rewi/Love
CARRIED**

7.4 **Update on Proposed Change 3 to the Regional Policy Statement**

Refer Tabled Document Numbers 1 and 2.

Programme Leader (Statutory Policy) Nassah Steed presented the report and update on Proposed Change 3 to the RPS (PC3). Mr Steed advised that the release date for notification of Council's decisions to PC3 was Tuesday, 17 October 2017 and that the closing date for lodgement of appeals to the Environment Court was 1 December 2017. Members were advised of key changes made to PC3, as a result of the hearing committee's recommendations and advised that the recommendations supported the majority of submission points made by the Forum and Iwi. Copies of the Hearing Committee's recommendations report and PC3 tracked change version 7.3b were provided to members (Tabled Document Numbers 1 and 2).

Clarification was provided on the following matters:

- 1) Commercial fishing quota was not part of the PC3 submissions process. The mechanism for seeking compensation for loss of commercial revenue rested with the Ministry for Primary Industries.
- 2) The change made to Objective 7 had shifted focus to the maintenance and enhancement of amenity values, to translate the language into RMA policy, which was considered equivalent to naturalness under case law.
- 3) Relevant resource management decision making processes (e.g. for dam consent renewals) would need to have regard to the provisions in the interim, prior to the provisions being implemented by district and regional plans, where upon they would have regulatory bite in resource consent decision making processes.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the report, Update on Proposed Change 3 to the Regional Policy Statement.**

**Winters/Johnston
CARRIED**

7.5 **External Presentation: North Island tuna fishery review and tuna fishery management within the Rangitāiki River Catchment**

Refer PowerPoint Presentation Objective ID A2708329

Ministry for Primary Industries (MPI) In-Shore Senior Analyst Duncan Petrie presented a summary of the stock assessment and management of tuna fisheries across the North Island and Bay of Plenty sub-catchment, in anticipation of seeking input from tangata whenua prior to development of proposed options for the North Island Tuna review.

Information was presented on short and longfin tuna classification, quota management areas (QMAs), catch limits and allowances, Eel Statistical Areas (ESAs), modelling and monitoring methodology for tuna and elver recruitment, including limitations and trends; and percentages of longfin and shortfin tuna habitat fished commercially.

The following points and clarification was provided:

- 1) MPI tuna monitoring was taken below dam structures, updated on a three-year cycle using standardised catch per unit effort (CPUE) trends, face to face interviews with fishermen and included the abundance of legal size tuna in each ESA that was commercially fished, which excluded gazetted areas for mahinga mataitai, Department of Conservation estates and areas closed to commercial fishing by MPI. It was noted that CPUE data did not take into account tuna outside catch areas.
- 2) 17.4 percent of longfin habitat in the Bay of Plenty ESA (AE) was commercially fished, which was significantly lower than previously thought. The total maximum area impacted by commercial fishing was noted at 23.9 percent. Mr Petrie considered that banning commercial fishing in area AE would not make a difference to the overall abundance of longfin tuna.
- 3) CPUE trends for area AE showed an upward trend for shortfin tuna and flat trend for longfin. It was acknowledged that the trend results may not be on par with the aspirations of Iwi and tangata whenua.
- 4) Trap and transfer trends of longfin tuna showed consistent fluctuations, which could be attributed to weather conditions and the tuna lifecycle. From a scientific perspective the trend was assessed as stable. It was noted that target reference points were based on maximum takes and that MPI were in the process of engaging with Iwi and hapū to look at where those management target levels should be set.
- 5) Recreational takes were difficult to establish and were not recorded. Feedback would be sought on whether customary and recreational takes should be increased if they were seen to be higher than the current limit and allowances.
- 6) MPI had been challenged on the large scale management of the fishery. Given the strong views put forward by North Island Iwi and hapū, consultation was being undertaken at the sub-catchment level.
- 7) The majority of commercial fishers used net only for sustainable management purposes. Future considerations were being considered for GPS tracking of fishers however, challenges were noted around commercial sensitivities for areas that had low numbers of fishers.
- 8) Mahinga mataitai would in effect ban commercial fishing, was considered to be the best way to manage a fishery and could be exercised by Iwi through the Ngāti Awa Customary Fishing Authority.
- 9) Customary takes were determined by Iwi, hapū and marae.

Mr Petrie advised he would be seeking input from Iwi, hapū and tangata whenua as much as possible, prior to development of proposed options for the North Island Tuna review, which would inform the discussion document that was due to be released for public consultation in February-March 2018. Mr Petrie noted pre-engagement with Iwi comprised face to face meetings with the Ngāti Awa Customary Fishing Authority and the Rangitāiki River Forum, followed by email correspondence to Iwi and interested stakeholders.

Mr Petrie was available to contact for any questions about the review. Submissions on the discussion document would be compiled for submitting to the Minister who would make his recommendations, which would be put forward to Cabinet for decision.

Members provided the following comments:

- 1) Monitoring of fisheries needed to be at the sub-regional catchment level as opposed to the existing ESAs.
- 2) Quota allocation on the basis of population was not seen as appropriate for customary take and sustainable fishery as a whole.
- 3) Te Ohu Kaimoana was noted as another avenue for MPI to engage on the review.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the presentation, North Island tuna fishery review and tuna fishery management within the Rangitāiki River Catchment.**

**Araroa/Rangiaho
CARRIED**

Adjournment

The meeting adjourned at 12:26 pm and reconvened at 12:58 pm.

7.6 Rangitāiki River Catchment Activity Update

Team Leader Eastern & Rangitāiki Catchments Nancy Willems presented the report on general matters and operations occurring within the catchment. Ms Willems highlighted key points from the report, including advice that TrustPower Limited's *'Upstream and downstream fish passage options report (September 2017)'* had been finalised as part of completion of certification of their consent conditions, with copies made available at the meeting.

Clarification and comments were raised on the following points:

- 1) It was confirmed that biodiversity funding grants required a legal protection agreement to be made with the landowner.
- 2) Work was progressing with TrustPower and others on fish passage options, with a review of all literature and research. A desire to see work ramped up was noted. Comment was made seeking a review of TrustPower's original consent conditions in regard to the requirement to provide for fish passage.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Rangitāiki River Catchment Activity Update.**

Love/Marr
CARRIED

7.7 Rangitāiki River Wetland Restoration Project

The report provided an update on the Rangitāiki River Wetland Restoration Project, which was initiated from the successful application for funding to the Freshwater Improvement Fund, of which the Forum had supported. Eastern Catchments Manager Simon Stokes noted the tight management structure and pending process and deadline for funding commitments to be confirmed by January 2018.

Further to the project structure outlined in the report, Mr Stokes sought the Forum's involvement to act as a sponsor to the overall project, noting quarterly reports would be provided to the Forum. Mr Stokes asked if one or two members wished to participate and support the business owner (Mr Stokes) on behalf of the Forum. He advised that involvement would include attending steering group type meetings and expected time and resource for members would be minimal.

Forum members were supportive of Mr Stokes's proposal. The following nominations were put forward, acknowledging the area of interest was situated above the dam, within the members' rohe and area of interest:

- 1) **Maramena Vercoe** was nominated by Cr Winters and seconded by Cr Marr.
- 2) **Earl Rewi** was nominated by Cr Clark and seconded by Cr Marr.
- 3) **Ngapera Rangiaho** was nominated by Elaine August and seconded by Cr Clark.

The nominees accepted their nominations, which were supported by Forum members. In accepting the nomination, the Chair advised they would be mindful to seek advice and involve other members on any matters that may arise where they may have manawhenua and interest, which was acknowledged.

Resolved**That the Rangitāiki River Forum:**

- 1 Receives the report, Rangitāiki River Wetland Restoration Project;**
- 2 Appoints Maramena Vercoe, Earl Rewi and Ngapera Rangiaho to support the business owner (Simon Stokes) in the project.**

Winters/Marr
CARRIED

7.8 Freshwater Futures Update

Refer PowerPoint Presentation Objective ID A2702681.

Water Policy Planners Michelle Lee and Santiago Bermeo provided the report and a presentation on national and regional activity, including the Rangitāiki catchment in

relation to implementing the National Policy Statement for Freshwater Management (NPS-FM). The following advice was provided in regard to matters reported:

- Hearing of submissions for the Region-wide Water Quantity Plan Change (Proposed Plan Change 9) that were scheduled in November may be deferred to early-mid 2018.
- Information and updates on workshop progress of the Rangitāiki Freshwater Futures Community group, which was established to inform development of implementing the NPS-FM in the Rangitāiki Water Management Area (WMA), were available online for interested people, who could subscribe to receive updates. The Forum could expect to receive regular updates on progress at each Forum meeting.
- Catchment modelling to support development of freshwater objectives and limit-setting was in its first stage of exploring a range of future scenarios. Modelling would look at land use change, management and mitigation practices and would rely on a range of inputs, including climate and soil data to estimate water quality and quantity outcomes and resource use.

Discussion was raised on how Te Mana o te Wai (TMotW) and Mātauranga Māori would be incorporated into resource management planning to provide for tangata whenua values and the health and mauri of water, in the context of implementing the NPS-FM. It was noted that TMotW initially featured within the preamble of the NPS-FM and that the recent amendments had clarified its meaning and increased its emphasis. TMotW was an over-arching principle of the NPS-FM, giving priority to the health of waterways and the environment. Although expressed in Te Reo Māori, it was not an exclusively Māori concept.

The NPS-FM implementation process required local interpretation of TMotW values to be identified with the Freshwater Futures community group, tangata whenua and the community, which had been progressed in the Rangitāiki WMA. The latest NPS-FM amendments also required monitoring plans, to measure progress towards achieving freshwater objectives set under the NPS-FM, to contain methods that include Mātauranga Māori. It was noted that the Regional Council was in the process of developing a Mātauranga Māori framework, which was expected to assist with this mahi.

Members were referred to MfE's guidance on TMotW and monitoring frameworks, which were available online at: <http://www.mfe.govt.nz/publications/fresh-water/fact-sheets-changes-freshwater-nps-2017>

Attendance

Cr G Johnston left the meeting at 1.40pm.

The following comments were noted:

- 1) A two-way understanding of Mātauranga Māori and western science practices was needed when establishing indicators and setting limits;
- 2) Mātauranga Māori could be interpreted as a sensory and narrative representation of the numeric attributes of western science outputs.
- 3) Hearing Commissioners would need to gain a good understanding of these concepts prior to hearing submissions.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, "*Freshwater Futures Update*".

Love/Rewi
CARRIED

Order of Business

With the leave of the Forum, the Chair advised that Members Updates and Discussion items (Item 10.1 and 10.2) would be received next on the agenda before Item 9.4. To accommodate the guest presenter, item 10.2 would be taken first.

8 Member Updates and Discussion**8.1 Potential for establishing a Rohe Awa and Mahinga Mataitai (Charlie Bluett, Ngāti Awa Customary Fishing Authority)**

At the request of Ngāti Awa member Tuwhakairiora O'Brien, Ngāti Awa Customary Fishing Authority (NACFA) representative Charlie Bluett addressed the Forum to seek dialogue and input from the Forum on the potential for establishing a Mahinga Mataitai (mataitai) within the Rangitāiki River to improve the management and sustainability of tuna fishing.

Mr Bluett advised that NACFA was responsible for the sustainable management of customary fishing in their rohe and were considering implementing a mataitai on the Rangitāiki River, which was a customary tool available to them under the Kaimoana (Customary Fishing) Regulations. A mataitai would allow for implementation of bylaws to sustainably manage fishing within it, which could exclude commercial fishing within the mataitai and allow customary and recreational fishing to continue. Mr Bluett noted examples observed of other mataitai operating successfully. If a Rohe Awa and mataitai were to be installed, NACFA hoped to extend the area from the head of the river out to sea.

It was noted that the proposal was a matter for Iwi members to consider and that further opportunity was needed for them to discuss and form a view of the proposal with their Iwi organisations, before coming back together to discuss further. Te Rūnanga o Ngāti Awa Manager Policy & Strategy Beverley Hughes undertook to prepare a report. It was suggested that an opportunity may be available for Iwi to discuss the matter further at a future meeting of the Mai i ngā Kuri a Whareki Tihirau (Customary Fishing) Regional Forum.

8.2 Water Ownership and Allocation (Miro Araroa)

Te Rūnanga o Ngāti Awa member Miro Araroa and Manager Policy & Strategy Beverley Hughes brought to members' attention, matters of concern and interest to Ngāti Awa in relation to water ownership and allocation:

- Mr Araroa related comment from recent discussions with Regional Council staff who confirmed there were no water over-allocation issues below the Matahina dam, which had alleviated prior concerns.
- Over-allocation of water above the dam was identified as a problem that was affecting the ability of iwi with recently returned settlement land to have access to water for their land use activities.

- Mr Araroa described the desire of a Maori Land Trust below Matahina Dam that was researching the possibility of changing their current land use from dairying to manuka tree growing, to be supported by the installation of a bore.
- Ms Hughes referred to the Mataatua Declaration on Water which underpinned the rights of Maori confirmed in Treaty of Waitangi Article II regarding decision-making about the use of water, access to water and occupation of space in, under and on water.
- Concern was raised regarding the process being used by proposed purchasers of Otakiri Springs water bottling plant given the current state of freshwater management provisions and the implications of Treaty of Waitangi Article II (a discussion proposed to be had between Ngāti Awa, other iwi and central government agencies) and the desire to avoid being an iwi authority that sets precedents in terms of those issues within a 20 days consenting statutory timeframe.
- It was noted that the cultural impacts assessments (CIA) currently being prepared by Ngāti Awa were taking those matters into account in expressing the relationships of Ngāti Awa with the water resources relevant to those consents.
- The value of cultural impacts assessments in the consenting process and greater understanding of the status of Maori in respect to their decision-making rights for matters relating to Article II of the Treaty of Waitangi (including water) were identified as key integrating factors to be taken into account when giving effect to existing statutes and regional and district planning tools.

Ms Hughes advised that Ngāti Awa would be contacting Iwi partners to schedule a time to meet and further discuss the above matters.

9 Report

9.1 Whakatāne District Recovery Update

Refer PowerPoint Presentation Objective ID A2708496.

The report provided an update on current activity of the Whakatāne District Recovery Project. A presentation was delivered by Eastern Catchments Manager Simon Stokes who was seconded into the Whakatāne District Recovery Project as Natural and Rural Environment Lead. An overview of progress made was provided, along with depictions of road damage at Horomanga Bridge, Galatea Road below the Matahina Dam and at Te Whaiti.

Mr Stokes advised the recovery process was a long way from completion and that the effects on flood affected people was still substantial. Mr Stokes noted some areas of the awa had changed and may not be able to be rectified; with due consideration required on maintaining natural realignment and adhering to Department of Conservation strict guidelines. A thorough analysis of river scheme and non-river scheme repairs and prioritisation had been completed totalling \$18 million.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Whakatāne District Recovery Update.**

**Miro/Rewi
CARRIED**

Closing karakia

The meeting closed with a karakia provided by Cr Marr.

The meeting closed at 2:56 pm.