

UNDER the Resource Management Act 1991 (the RMA)

IN THE MATTER OF various applications to take and use water for the purpose of irrigation in the Upper Waitaki catchment

AND

IN THE MATTER OF a submission by Te Rūnanga o Ngāi Tahu

STATEMENT OF EVIDENCE OF DAVID THOMAS HIGGINS

Whakapapa

Na Te Po, ko Te Ao

From eternity came the Universe

Na Te Ao, ko Te Ao Marama

From the Universe, the bright clear light

Na Te Ao Marama, ko Te Ao Turoa

From the bright clear light, the enduring light

Na Te Ao Turoa, ko Te Kore Te Whiwhia

From the enduring light, the void unattainable

Na Te Kore Te Whiwhia, ko Te Kore Te Rawea

From the void unattainable, the void intangible

Na Te Kore Te Rawea, ko Te Kore Te Taumaua

From the void intangible, the void unstable

Na Te Kore Te Taumaua, ko Te Kore Matua

From the void unstable, the void endowed with paternity

Na Te Kore Matua, ko Te Maku

From the void of paternity, came moisture

Na Te Maku, ka noho ia Mahoranui atea

From moisture, came limitless thought

Ka puta ki waho ko Raki

Then came the visible heavens

Na Raki, ka noho ia Poko haru a te Po

The visible heavens combined with the great abyss to produce the numberless sorceries and the ultimate calamity!!!

Ko Aoraki me Rakamaomao, tana a Tawhirimatea

Thence to Aoraki and the winds and weather

Ko Tu Te Rakiwhanoa

To the creator of the land

Ui ra ki Te Maha-a-nui a Maui

And the canoe of Maui

Ko Te Ao Takata!

And finally to people!

Tihei mauri ora!

I cough the breath of life!

Ko te kakahu o te Mauka Ariki o Aoraki

To the cloak that covers the mountain, Aoraki

Me to na whānau o Rakirua, Rakiroa, Rarakiroa

To the family and brothers

Na te Mauka o Kakiroa me Horokoau

Over to Mt Sefton and Mt Tasman

Ko te whānau o Kā Tiritiri o Te Moana

And to the rest of the family of the Southern Alps

Na te tane a Haupapa

To the male side of the Tasman Glacier

Raua ko te wahine a Aroaro kaehe

And to the female side and the Hooker Valley

Huri noa ki te awa tapu ki Ka Roimata o Aoraki

Then over to the source of the "Tears of Aoraki"

Na te roto o Pukaki, ko te roto tapu o Takapo

And on to the sacred lakes of Pukaki and Takapo

Na te roto o Ohou, ko te whenua o Te Manahuna

And to Lake Ohau and the valley of Te Manahuna

Ki ka huarahi ki te tihi o te Mauka o Te Rua Taniwha

And travelling the ancient path to the mountain, Te Ruataniwha

Huri noa ki Te Ao Marama!

And then to the world of light, Te Ao Marama!

Na te wharenuī o Te Whakaahua-a-raki nō Te Maiharoa

And on to the place of the whare of the chief, Te Maiharoa

Ko Te Poho o Rakitamau

And the burial mound on Māori Hummock

Na Te Kai Hikihiki, ki Otamatakou

And on to Otematata

Na Te Wharekuri, ki Te Awakino

And Te Wharekuri and Te Awakino

Na Te Kohurau, ki Oteake

And the mountain Te Kohurau and the place, Oteake

Na Ote kaieke, ki Te Maerewhenua

And Otekaieke and Duntroon

Na Te Awamoko, ki Te Puna o Maru

On to Te Awamoko and the settlement of Te Puna a Maru

Na Te Korotuaheka te kaika tuturu, ko te whare Tapu o Matiti

And finally arriving at the Waitaki river mouth and the house, Matiti

Tēnā koutou, tēnā koutou, kia ora tātou katoa!

Greetings to you all, greetings to us all!

Mihimihi – Introduction

Ko Te Rapuwai, Ko Waitaha, Ko Kāti Mamoe me Kāi Tahu tāku iwi

These are my tribal affiliations

Ko Kāti Huirapa,

Ko Te Aotaumarewa,

Ko Kāti Wairaki,

Ko Kāti Kuri,

Ko Kāi Tuhaitara,

**Ko Kāti Hāteatea,
Ko Kāi Te Rakitāmau,
Ko Kāi Te Rakiamoa,
me Kāi Tahumata tāku hapū**

These are some of my sub tribal affiliations

****Mihi****

Ko Moeraki me Waihao raua ko Te Waiateruati tāku turakawaewae

These are my most important places in this area

**Ko taku mokopuna ki te Tohuka Rakatira ko Te Mamaru raua me
Te Rehe i tēnei rohe**

I descend from these important chiefs

Ko Rawiri Higgins ahau

David Higgins is my name

Tēnei te mihi mahana ki a koutou

Warm greetings to you all

****Mihi****

1. I stand before you today to describe the traditional and cultural relationships that Kāi Tahu Whānui holds for the Upper Waitaki and Te Manahuna (The Mackenzie Basin).
2. I understand that during these hearings you have been informed that there is no Māori presence in the Upper Waitaki. I find these remarks insulting. I will show you that Kāi Tahu Whānui has continued a physical presence in, and strong relationship with, the Upper Waitaki right up until today.
3. The whakapapa and creation stories that I have recited are the words of my great-great-great-grandfather, Rawiri Te Mamaru of Moeraki, who was the Rakatira (chief) there in the mid 1800's following the death of the famous Kāi Tahu leader Matiaha Tiramorehu. My Tīpuna (ancestors) are

of Te Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu descent with hapū affiliations that extend across all of Te Waipounamu (the South Island).

4. I grew up on the Pā at Moeraki on the North Otago coast. My involvement with the Upper Waitaki began as a child whilst accompanying my Pōua (grandfather) and uncles on numerous gathering expeditions. These expeditions were usually to harvest tuna (eel), wai koura (freshwater crayfish) and on many occasions, supplejack vine which grew prolifically in the bush covered valleys of Hakataramea, Te Kohurau, Ohau, Te Ahuriri and amongst the foothills of Te Manahuna. Supplejack was traditionally used by my whānau from Moeraki to build crayfish pots.
5. The elders who regularly travelled on these expeditions included Ihaka Tipene Hampstead, Rawiri Renata, Tim Te Maiharoa, Pat Tumarū, Henare Davis Te Maire, Hastings Tipa, Thomas Tipa, Bill Dick, Johnny Tumarū, Jack Makoti, Joe Wesley, Johnny Wesley, Tarawai Wesley, Ted Te Maiharoa, Sandy Te Maiharoa and Joe Heath. All of these elders were cousins and descendants of those Tīpuna whose mātauraka (traditional knowledge) I share with you today.
6. It was on one of these trips that my uncle Henare Davis Te Maire explained to my cousin Kelly and I, the traditions and migration patterns of the inland titi (Hutton's shearwater). Seasonal harvesting of titi occurred regularly amongst our Tīpuna, particularly up in the hills around where the Benmore Dam now stands.
7. To keep us kids in check and to ensure that we did not venture too far away during these trips, we were continually bombarded with the gory details of the harvesting talents of the dreaded Pouakai!
8. When we got the chance though, we would be off down to the flats and we could be found picking rosehip berries, for pocket money at a shilling per sugarbag! Although extremely hard and thirsty work, we could make some real money on those trips!

9. During the period when Twizel was a bustling community, many northern Māori who worked on the power development scheme at Te Manahuna, requested a meeting place for their Māori community. Our Kāi Tahu kaumātua from Arowhenua, Waihao and Moeraki gave their blessing and “Te Whare Mahana” was opened and functioned for many years as a meeting place for our manuhiri (visitors) from the north.
10. In the 1980s, my cousin, the late Kelly Davis, and I were appointed as the original tribal representatives on the Lower Waitaki Working Party, which was a committee established by Electricorp to help mitigate issues related to Waitaki water use, and included representatives of many stakeholder and community organisations.
11. I am a past board member of the former Ngāi Tahu Māori Trust Board and gave evidence to the Waitangi Tribunal as part of the Kāi Tahu Claim (Wai 27) in the 1980s.
12. I am the Upoko (Appointed Traditional Leader) of Moeraki and my marae is situated on the Moeraki Peninsula. I inherited this position in the 1980s upon the death of my Pōua Rawiri Mamaru Renata and I have maintained this position ever since. Traditionally, the Upoko were the Rakatira (chiefs) and Tohuka (high priests) of our people and the role of Upoko is generally a lifetime position.
13. I am also currently the Moeraki representative on the Ngāi Tahu tribal council - Te Rūnanga o Ngāi Tahu.

The Paepae

14. The paepae is the orators bench on the marae and the place where the main speakers and kaumātua (elders) sit when speaking to manuhiri (visitors) on behalf of their people. The paepae is a place where kaumātua assist the tribal orators by providing them with the correct information and ensuring that Kāi Tahutaka is maintained.

15. Today we intend to use the concept of the paepae to deliver our evidence and respond to any questions that you may ask. Sitting on the paepae today is our esteemed elder and my close relation Trevor Hapi Howse. Trevor has spent his lifetime gathering tuna (eels) predominantly around the traditional papa kaika of Tuahiwi north of Christchurch. Trevor was employed by the Ngāi Tahu Māori Trust Board from 1985 as the key land researcher for the evidence that we presented to the Waitangi Tribunal as part of the Kāi Tahu Claim (Wai27), and was one of the key negotiators for the Kāi Tahu Settlement. For the last twenty years Trevor has protected our cultural values on pastoral leases in the Upper Waitaki and Te Manahuna through the Tenure Review process.
16. Also sitting with us on the paepae is Pauline Reid. Pauline is the great-great-granddaughter of Rawiri Te Maire and Te Maiharoa, two of the most influential Tohuka of the Upper Waitaki and Te Manahuna. Pauline's earliest memories of the Waitaki is as a child travelling on the deck of an old Bedford truck with her other cousins visiting our cultural sites. Pauline's father, Henare Davis Te Maire, was an influential figure on protecting our cultural association with the area and passed on much of his information to many young ones, including myself. Pauline's brother, the late Kelly Davis, has also been instrumental in our efforts to restore our mahika kai in the Waitaki Catchment and to this day Pauline carries out this most important work.
17. In accordance with tikaka Māori (traditional protocols), when a question is put forward regarding our evidence, the speaker will initially respond. The tikaka of the paepae dictates that if Trevor, Pauline or myself can assist the speaker in answering the question then we will do so on behalf of all of our kaumatua.

The Ngāi Tahu Evidence

18. I will briefly introduce the evidence that we will be presenting today. I will be the first speaker and I will describe the cultural association that Kāi Tahu Whānui holds for the Upper Waitaki and Te Manahuna.
19. Paul Horgan, an Environmental Advisor for Te Rūnanga o Ngāi Tahu, will describe the approach Kāi Tahu Whānui has taken to assess the applications, discuss the concerns we have about the uncertainties and the adaptive management regime, and outline relevant case law that will be important to consider in applying sections 6(e), 7(a) and 8.
20. Di Robertson, an ecologist employed by Boffa Miskell, will discuss the results of her assessment of the ecological effects of the irrigation proposals upon the Ahuriri Delta and the Haldon Arm of Te Ao Mārama (Lake Benmore).
21. And our last speaker Mandy Waaka-Home of Kāti Huirapa will describe the aspirations of Kāi Tahu Whānui for the Waitaki catchment, the cultural significance of the Longfin Eel (tuna), our efforts to restore the Ahuriri Delta as a mahika kai, the strategic importance of the Haldon Arm and the Lower Takapo River for trapping tuna and the impacts of the proposed irrigation schemes upon our values.

Scope of Evidence

22. My evidence will focus on describing the cultural association that Kāi Tahu Whānui holds for the Upper Waitaki and Te Manahuna and will specifically address the following:
- a. An explanation of Kāi Tahu Whānui, including the contemporary structures of Te Rūnanga o Ngāi Tahu and the kaitiaki Papatipu Rūnaka who protect the interests of Kāi Tahu Whānui;
 - b. The information sources used in this submission to describe the Kāi Tahu Whānui cultural association with the Upper Waitaki and Te Manahuna;

- c. Specific cultural values located in the Upper Waitaki and Te Manahuna, including our mahika kai (traditional food and resource gathering sites), te ara tawhito (the ancient pathways), ka wāhi ikoa (traditional Māori placenames) and Māori archaeological sites;
- d. The occupation of Te Ao Mārama (Omarama) by the Waitaha Tohuka Te Maiharoa and his followers in protest of the Crown asserting ownership of the high country; and
- e. A summary of the efforts made by the last 8 generations of Kāi Tahu Whānui to protect and enhance our cultural association with the Upper Waitaki and Te Manahuna.

Kāi Tahu Whānui

23. Kāi Tahu Whānui is the collective of the individuals who descend from the primary tribal groups described as Waitaha, Kāti Mamoe and Kāi Tahu. Waitaha is used to denote those people who descend directly from the Waitaha Rakatira Rakaihautū who landed in the Uruao waka at the Boulder Bank near Nelson at about 850 A.D and then went on to create many of the lakes, mountain ranges and valleys throughout Te Waipounamu with his kō (digging stick).

24. Kāti Mamoe descend from an ancestor who is known in our whakapapa (genealogy) both as Hotu Mamoe and Whatua Mamoe. Kāti Mamoe migrated to Te Waipounamu from the east coast of the North Island at about the 16th or early 17th Century and merged with Waitaha through inter-marriage and conquest.

25. The arrival of Kāi Tahu to Te Waipounamu is more complex. Kāi Tuhaitara and Kāti Kurī, both hapū (sub-tribes) of Kāi Tahu, settled in the Te Whanganui-a-Tara area (Wellington) under the respective leadership of Tūāhuriri and Maru Kaitatea before migrating to Te Waipounamu. Maru Kaitatea established Kāti Kurī at Kaikōura and Tūrākautahi, the son of Tūāhuriri, established Kāi Tuhaitara at Te Kōhaka-a-kaikai-a-warō, commonly referred to as Kaiapoi Pā, north of Christchurch. With Kaikōura

and Kaiapoi Pā established, Kāi Tahu Whānui established manawhenua (tribal authority) in Te Waipounamu.

26. Over the following two generations there was regular fighting between Kāti Mamoe and Kāi Tahu, and even amongst Kāi Tahu themselves. All this fighting was accompanied by an equal amount of intermarriage and any careful study of our whakapapa shows that we were being welded into one interconnected people throughout the eighteenth century.

27. The end result of this process was peace being made between Kāi Tahu and Kāti Mamoe through the Kāi Tahu Ariki (chief), Te Hautapuniotu, and the Kāti Mamoe Ariki, Te Rakiihia, at Poupoutunoa, near Clinton. This peace was largely negotiated by Huaroto, the wife of Te Rakiihia. In the peace the mokopuna (granddaughter) of Te Rakiihia, Kohuwai, married Honekai, the son of Te Hautapuniotu.

28. Some of the Kāti Mamoe people resented this peace between the two leaders and split off. They were led by the brothers of Te Rakiihia. However, the new alliance held and the objectors were driven from their lands and have held no mana (authority) amongst us since. The resultant union of Kāti Mamoe and Kāi Tahu has held from that time and despite a little regional turbulence within us from time to time, Kāi Tahu Whānui are one people.

29. All members of Kāi Tahu Whānui can trace their ancestry back to those Kāi Tahu kaumātua alive at the time of the 1848 tribal census and we primarily acknowledge the main roots of Waitaha, Kāti Mamoe and Kāi Tahu.

Te Rūnanga o Ngāi Tahu

30. Te Rūnanga o Ngāi Tahu is a body corporate established under section 16 of the Te Rūnanga o Ngāi Tahu Act 1996 (the Act). The purpose of the Act was to provide for, amongst other things, the incorporation of Te Rūnanga

o Ngāi Tahu for the benefit of Kāi Tahu Whānui and for the recognition of Te Rūnanga o Ngāi Tahu as the representative of Kāi Tahu Whānui.

31. Section 2 of the Act defines the members of Kāi Tahu Whānui as “the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Kāti Ruahikihiki.”
32. Section 7 of the Act sets out the objective test as which individuals are members of Kāi Tahu Whānui. They are in essence the descendants of the kaumātua who were alive in 1848.
33. Section 9 of the Act establishes that the members of Te Rūnanga o Ngāi Tahu are the Papatipu Rūnaka of Kāi Tahu Whānui that are in operation from time to time.
34. Section 13(1) of the Act stipulates that every member of Kāi Tahu Whānui is entitled to be a member of each Papatipu Rūnaka of Kāi Tahu Whānui to which he or she can establish entitlement by descent.
35. Section 3 of the Act states:

This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provision of this Act.
36. Section 15(1) of the Act states:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.
37. In the pre-amble to the Ngai Tahu Claims Settlement Act 1998 (the Settlement Act) it states that “Ngāi Tahu is today, and was at the time of the signing of the Treaty, the tāngata whenua within the boundaries already confirmed in the Te Runanga o Ngai Tahu Act 1996.” In paragraph 7 of section 6 of the Settlement Act (recording the Crown’s apology) Kāi Tahu is recognised “as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”

38. The Ngāi Tahu Takiwā is defined in section 5 of the Te Rūnanga Act. In general terms it covers the majority of Te Waipounamu excluding a relatively small area in the Nelson Marlborough region. It clearly covers the area which is the subject of this hearing.
39. It has therefore been clearly affirmed in statute that the members of Kāi Tahu Whānui include members of Waitaha and Kāti Mamoe. That all of those persons are entitled to belong to a Papatipu Rūnaka and to participate via those representative bodies in these processes. That the sole representative of Kāi Tahu Whānui, the iwi that is tākata whenua within the Ngāi Tahu Takiwā is Te Rūnanga o Ngāi Tahu.
40. Te Rūnanga considers itself to be an important and active member both of Te Waipounamu communities and of New Zealand society as a whole. In all its undertakings, including its participation in resource management processes, Te Rūnanga o Ngāi Tahu is dedicated to the sustainable management of resources and the achievement of sound environmental outcomes. Our overarching objective is to build a stronger environmental, economic, social and cultural base for Kāi Tahu Whānui.

Kaitiaki Papatipu Rūnaka

41. Papatipu Rūnaka are regional collective bodies that were established by Kāi Tahu Whānui in the nineteenth century to assist the progress of Te Kerēme (The Kāi Tahu Claim) and today act as the governing councils of the traditional Kāi Tahu hapū and marae-based communities. There are 18 Kāi Tahu Papatipu Rūnaka and each Papatipu Rūnaka is responsible for protecting the tribal interests in their respective takiwā (area), not only on behalf of their own hapū but on behalf of the entire tribe.
42. The various applications and proposals to take and use water for irrigation in the Upper Waitaki and Te Manahuna affects the takiwā of three Papatipu Rūnaka; Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

43. The takiwā of Te Rūnanga o Arowhenua centres on Arowhenua and extends from the Rakaia to the Waitaki, sharing interests with Kāi Tūāhuriri ki Kaiapoi between the Hakatere (The Ashburton River) and the Rakaia, and thence inland to Te Ao Mārama (Omarama) and Kā Tiritiri o Te Moana (The Main Divide).
44. The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to the Waitaki, and extends inland to Te Ao Mārama and Kā Tiritiri o Te Moana.
45. The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from the Waitaki to Waihemo and inland to Kā Tiritiri o Te Moana with shared interests inland with neighbouring Rūnaka.

Sources of Information

46. The information that I present today is from some of the most respected and influential Kāi Tahu Rakatira and Tohuka of the nineteenth century, including Hipa Te Maiharoa, Rawiri Te Maire, Te Huruhuru, Te Warekorari, Matiaha Tiramorehu, Rawiri Te Mamaru, Te Rehe and Hori Kerei Taiaroa.
47. In the nineteenth century, their information was recorded onto written material such as maps, manuscripts and submissions, which have survived throughout the generations. Whilst researching the evidence that we presented to the Waitangi Tribunal for the Kāi Tahu Claim, much of this information was gathered and collated together. Over the past five years I have been specifically working with my fellow kaumātua and staff from Te Rūnanga o Ngāi Tahu, recording and mapping all of this information. Much of the historical evidence that I present to you today can be traced back to one or more of these influential and knowledgeable Tohuka. The words that I share with you today are their words not mine.

Mahika Kai – *Traditional Gathering of Foods and Resources*

48. Kāi Tahu collectively describes mahika kai as the gathering of foods and other resources, the places where they are gathered and the practices used in doing so. Over many generations Kāi Tahu Whānui developed food gathering patterns based on the seasons and lifecycles of various birds, animals and plants. These patterns are similar to the seasonal calendar on the screen, which reflects a general calendar for Te Waipounamu based on one known by Hone Taare Tikao recorded in the 1920s.
49. The Upper Waitaki and Te Manahuna were a fundamental component of these systematic seasonal food gathering patterns. A particular example is that during the months from May to August, specific Kāi Tahu families traveled to the Upper Waitaki catchment to harvest tuna, weka and other resources. The reason families harvested tuna and weka during this time was because the fat content in these species was at its highest level, which placed far more value on these species as kai because the higher fat content made the preservation process much easier. As well, the tuna whaka heke (migration) on the coast would have also been completed for the season by this time.
50. The map on the screen shows some of our ancient mahika kai and occupation sites in the Upper Waitaki and Te Manahuna. Every ancient site on the map can be traced back to at least one of our written records that have survived from the nineteenth century. In the late nineteenth century, a series of meetings were held with Kāi Tahu kaumātua and the following foods were recorded as being harvested in the Upper Waitaki and Te Manahuna:

Āruhe (Bracken Fern Root)	Pūrau (Māori Onion - <i>Bulbinella gibbsii</i>)
Kākāpō (Night Parrot)	Pūtakitaki (Paradise Shelduck)
Kauru (Cabbage Tree Root)	Taramea (Speargrass)
Kiore (Polynesian Rat)	Titi (Huttons Shearwater)
Kōareare (Raupō/Bulrush)	Tuna (Eel)
Kōwhiowhio (Blue Duck)	Turnips
Papaī (Type of Speargrass used as a vegetable food)	Weka (Woodhen)
Pora ('Māori Cabbage')	Wai koura (Freshwater crayfish)

51. These ancient mahika kai and occupation sites were established by our Tīpuna of Te Rapuwai, Kāti Hawea, Waitaha and Kāti Mamoe and are located by significant food gathering areas, such as lakes, lagoons, wetlands and streams. These ancient occupation sites were gradually utilised by Kāi Tahu families during their mahika kai hikoi, in which foods, such as weka, tuna, wai koura and all other birds were harvested. Resources such as supplejack (kareao) were gathered to build hinaki (fish traps), raupō (bulrush) were harvested to build mokihi (rafts) and taramea (speargrass) to make a form of perfume. Some of these ancient occupation sites are still used today by Kāi Tahu Whānui.

Ara Tawhito – *The Ancient Pathways*

52. Kāi Tahu Whānui utilised the ancient and complex series of trails throughout Te Waipounamu that connected settlements with one another, and settlements to resource gathering areas. Trails followed food resources so foods could be gathered and consumed to sustain people on their journeys. These trails became the arteries of economic and social relationships for Kāi Tahu Whānui, and are now followed by most of today's main transportation routes. There are many ancient trails associated with the Upper Waitaki and Te Manahuna, and I will now explain each trail individually.

53. The Waitaki River – from the mouth of the Waitaki River, follow the Waitaki until reaching Otematata. From here, follow the Waitaki north into Te Manahuna. Unfortunately, the creation of Lake Benmore inundated this part of the trail and the following ancient occupation sites; Te Kai Hikihi, Tatauhe, Pihakawaro, Te Ana o Kaitaoka and Te Kara. Upon arriving at Te Manahuna the Ohau, Pukaki or Takapo Rivers could be followed to their respective lakes and catchments.
54. The Ahuriri River – from the mouth of the Waitaki River follow the Waitaki until reaching Otematata. From here travel west along the Waitaki, then follow the Ahuriri, then cross over the mountain range between the Ahuriri and Lake Hawea, and into Upokotauia (The Hunter River). From here all the ancient occupation and mahika kai settlements of Lakes Wanaka and Hawea became accessible. This trail is also of extra special significance because the highly valued pounamu (greenstone) resources of Te Tai Poutini (The West Coast) were accessible through Tiori Patea (Haast Pass).
55. The Hakataramea River – from the mouth of the Waitaki River follow the Waitaki until reaching the Hakataramea. From here follow the Hakataramea, then over the Hakataramea Pass into Te Manahuna.
56. Te Kopi o Opihi (Burkes Pass) – from the mouth of the Opihi River follow the Opihi, then over Te Kopi o Opihi (Burkes Pass) into Te Manahuna.
57. Te Manahuna (MacKenzie Pass) – from the mouth of the Opihi River follow the Opihi until reaching Te Ana a Wai, which is incorrectly publicly recorded as the Tengawai River. Follow Te Ana a Wai, then over Te Manahuna (MacKenzie Pass) and into the MacKenzie Basin.

Māori Archaeological Sites in the Upper Waitaki and Te Manahuna

58. The New Zealand Archaeological Association (NZAA) is an incorporated society, which includes students, amateurs, professionals and institutions involved or interested in archaeology. The NZAA Site Recording Scheme is the most comprehensive database of archaeological sites in Aotearoa. The scheme contains information for over 55,000 Māori and European archaeological sites. The Site Recording Scheme is endorsed by the New Zealand Historic Places Trust and Te Papa Atawhai (the Department of Conservation), and has been described by the Parliamentary Commissioner for the Environment as “a database of major national significance”.

59. The map on the screen shows the Māori archaeological sites recorded in the NZAA Site Record Scheme located in the Upper Waitaki and Te Manahuna. These archaeological sites are predominantly the remains of old cooking areas and ancient settlements, the locations of where artefacts have been found, ancient rock art drawings, caves and rock shelters. As you can see from the map these Māori archaeological sites are located on the ancient pathways and by our ancient occupation sites. These archaeological sites are tangible reminders of our ancient occupation and use of the Upper Waitaki and Te Manahuna.

The Heke – *The Migration*

60. From 1844 to 1864 the Crown purchased the bulk of Te Waipounamu from Kāi Tahu Whānui in eight major land purchases. In 1848, Henry Tacey Kemp, acting on behalf of the Crown, purchased about 14 million acres of land for 2,000 pounds, generally known as ‘The Kemps Purchase’.

61. The boundaries of the Kemps Purchase were not well defined at the time and the exact area purchased by the Crown has always been a contentious issue for Kāi Tahu Whānui. Our people have always believed that the boundaries of the Kemps Purchase area was a line from Maukatere (Mount Grey) in North Canterbury to the mountain Mauka Atua,

located by Lake Mahineraki in Otago, and then to the eastern coastline excluding Te Pātaka a Rakaihautū (Banks Peninsula). However, the Crown asserted ownership from the eastern coastline all the way inland to the Main Divide.

62. Our raketira who signed the Kemps Purchase believed that the inland boundary was inland as far as could be seen from their coastal kāika, being the foothills of the high country. Our raketira intended that the lands beyond the foothills were not to be sold. For Kāi Tahu Whānui, the high country is known as 'The Hole in the Middle' referring to our opinion that this high country land, including the Upper Waitaki and Te Manahuna, was never sold.
63. Te Maiharoa was a Waitaha Tohuka (man of knowledge) and along with the following Tohuka, Pohio, Te Mamaru, Te Maire and Patuki, paved the way for the safety of their people to continue their mahi mahika kai and inland hīkoi over these lands through a hīkoi whakanoa to spiritually cleanse this area.
64. Te Maiharoa along with the elders of the tribe at the time, firmly believed that a large portion of the high country had not been sold. In 1877 Te Maiharoa led more than one hundred of his followers to peacefully camp in the high country to protest against the Crown asserting ownership of the Canterbury and Otago high country. Te Maiharoa and his followers travelled along the Waitaki River before deciding to camp at Te Ao Mārama in the upper reaches of the Waitaki Valley near the junction of the Ahuriri River and the Omarama Stream. Sod huts, huts made from a framework of manuka thatched with tussock and a hall named Te Whakaahua-a-raki were constructed as the nucleus for the settlement, and paddocks were also fenced off for stock and cultivations. The Ahuriri River was a significant mahika kai for the Te Ao Mārama Settlement, particularly for tuna.

65. Te Maiharoa was given the title “Patu Whenua”, and his followers occupied the Te Ao Mārama settlement for nearly one year before finally being forcibly removed by an armed constabulary. Te Maiharoa negotiated with Topi Patuki, Rawiri Te Mamaru and Hori Kerei Taiaroa to finally settle his people at the ancient kaika of Korutuaheka located on the southern bank of the Waitaki River mouth.

Ahikāroa – *Keeping the Fires Burning*

66. Following the Kemps Purchase in 1848, Kāi Tahu Whānui experienced a series of injustices, including the Crown denying access for our Tīpuna to our traditional mahika kai, and the depletion of kai and other resources due to pollution and environmental change. In spite of this, successive generations of Kāi Tahu Whānui have continually worked to protect and restore our cultural association with the Upper Waitaki and Te Manahuna. I will show that these efforts have been carried out firstly at an iwi (tribe), hapū (sub-tribe) and then whānau (family) level.

67. As a result of 8 successive Kāi Tahu generations fighting against the injustices suffered by our people from the time of the Crown land purchases, a settlement was reached in 1998 between Kāi Tahu and the Crown. There are three specific mechanisms contained in the Kāi Tahu Settlement to acknowledge and recognise our relationship with the cultural landscape of Te Waipounamu; Statutory Acknowledgements, Dual Place Names and Nohoaka.

68. Statutory Acknowledgements are an acknowledgement by the Crown of the particular cultural association that Kāi Tahu Whānui holds for specific areas and ensures that Te Rūnanga o Ngāi Tahu is informed when a proposal may affect one of these areas. The Statutory Acknowledgements in the Upper Waitaki and Te Manahuna are Aoraki (Mount Cook), Hakataramea River, Lake Ohau, Lake Pukaki, Lake Takapo, Mahi Tikumu (Lake Aviemore), Te Ao Mārama (Lake Benmore), Waitaki River and Whakarukumoana (Lake MacGregor).

69. Under the Kāi Tahu Settlement, Dual Place Names are names that are now joint English / Māori names that are to be included on official maps, road signs and explanatory materials. The one exception is Aoraki / Mt Cook, where the Kāi Tahu name comes first. The Dual Place Names in the Upper Waitaki and Te Manahuna are Aoraki / Mt Cook, Kurow Hill / Te Kohurau and Mackenzie Pass / Manahuna.

70. Nohoaka refers to the traditional resting places used by our Tīpuna. Under the Kāi Tahu Settlement, nohoaka have been given contemporary meaning through the establishment of temporary campsites near areas of cultural significance, where any Kāi Tahu person or family can camp with certain restrictions. The nohoaka in the Upper Waitaki and Te Manahuna are located at the Ahuriri River, Lake Ohau, Lake Pukaki, Mahi Tikumu (Lake Aviemore), Ohau River, Takamoana (Lake Alexandrina), Te Ao Mārama (Lake Benmore) and Whakarukumoana (Lake MacGregor).

71. I will now outline the efforts made by our local hapū to restore our mahika kai in the Upper Waitaki from the 1980s to today.

- Before 1990 we produced a report describing our association with the Lower Waitaki which was subject to the then Electricorp Lower Waitaki Development;
- A Memorandum of Understanding (MOU) was agreed between the Ngāi Tahu Maori Trust Board and Electricorp in approximately 1987;
- In 1989 the three kaitiaki Papatipu Rūnaka were members of the Waitaki Working Party. With the expiry of the Order in Council authorising hydro electricity generation in the Waitaki there was a need for Electricorp to apply for water rights permitting the ongoing operations of the existing Waitaki Power Scheme. Water rights were granted in 1990 and subsequently deemed to be resource consents when the RMA was enacted in 1991. The outcomes that we negotiated were to include funding for a catchment wide mahika kai

survey and the erection of Elver passes on the three Lower Waitaki Dams;

- By being a signatory to the Waitaki Agreement (that set out the mitigation negotiated between Electricorp and the respective agencies and organisations of the Waitaki Working Party), Kāi Tahu also indirectly supported a range of initiatives for which other agencies assumed primary responsibility. This includes Project River Recovery to protect braided river habitats for birds, including those birds classed as taonga species pursuant to the Ngai Tahu Claims Settlement Act 1998 and the restoration of flows in the Upper Ohau River. In return it also meant that the other signatories to the Waitaki Agreement supported our mahika kai restoration intentions;
- In 1993 the mahika kai survey was completed by Charles Mitchell and Kelly Davis;
- From the early to mid 1990s Elver passes based on the design of Charles Mitchell were installed on dams; and
- We established the Waitaki Native Fish Committee, which initially had two key functions. Firstly, to install a new fish pass system at Waitaki to trap elvers for relocation in the upper catchment and secondly to implement a programme to trap breeding migrants and move them to the lower river to enable their whaka heke. A research component was also added to the downstream trap and transfer programme. As part of this mahi regular hīkoi have been undertaken to monitor the success of fish passage initiatives.

72. Aside from the mahika kai restoration efforts of our local hapū we have also been working through other available channels to protect and restore our cultural association with the Upper Waitaki and Te Manahuna. Specific examples include:

- Since 2004 Kāi Tahu, Outward Bound and kaitiaki Rūnaka have been running the Aoraki Bound programme. Since this course began over a hundred Kāi Tahu Whānui have followed the ancient pathways from our ancestral pā at Anakiwa in the Marlborough Sounds to our

ancestral mauka Aoraki (Mt Cook). This involves paddling waka (canoes) the length of Pukaki, sleeping under the shadows of Te Tari o Mauka Atua (The Ben Ohau Range) and hīkoi along Te Awa Whakamau (Tasman River) to the feet of Aoraki (Mt Cook);

- Over the last twenty years we have been visiting Pastoral Leases in the Upper Waitaki and Te Manahuna as part of the Tenure Review process to protect our mahika kai and wāhi tapu on these pastoral leases;
- Restoring our traditional names. Examples include the naming of the recently established Conservation Parks; Ahuriri, Te Rua Taniwha and Te Kahui Kaupeka;
- The establishment of the Ngāi Tahu Rock Art Trust to protect our tuhituhi neherā (ancient rock art drawings) throughout Te Waipounamu, which in the case of the Waitaki is of national significance;
- Building a strong working relationship with Te Papa Atawhai (the Department of Conservation) to protect our cultural values on land managed by the Department in the Upper Waitaki and Te Manahuna;
- During the construction of the Upper Waitaki Electricity Scheme, the local community sought and were granted permission from local Kāi Tahu for a community meeting place, referred to as a marae in the Twizel township, Te Whare Mahana, for the many Māori who did not hold manawhenua that worked on the scheme. Permission for the establishment of the complex was granted by the elders of the three kaitiaki hapū within the takiwā;
- A regional eel management plan was prepared for the Waitaki and South Canterbury region;
- The development of a range of communication initiatives to educate the community of our association with the Waitaki and Te Manahuna;
- The assessment of Whitaui within harakeke in the Lower Waitaki;
- The initial assessment of the Cultural Health Index has been undertaken;

- To retain our cultural association with the Upper Waitaki and Te Manahuna all three Papatipu Rūnanga run a programme of regular hikoi to the catchment; and
- All three Papatipu Rūnanga participate in field trips and resource management activities within the catchment.

73. There is no better example of a whānau protecting and restoring our presence in the Upper Waitaki and Te Manahuna than that of the family of my late and dear cousin Kelly Davis from Waihao. Kelly's great-great-grandfather, Rawiri Te Maire, was an invaluable source of Māori history, traditions and place-names, in particular for the interior of Te Waipounamu. His information is one of the key sources presented in this submission.

74. Kelly's father Henare Davis Te Maire was also a strong advocator for protecting Kāi Tahu interests in the Upper Waitaki, particularly the protection of our tuhituhi neherā (ancient rock art drawings), some of which have been destroyed through the Waitaki hydro development. Kelly's sister Pauline recalls her father Henare taking them on hīkoi throughout the Upper Waitaki showing her and her siblings sites of cultural significance.

75. Kelly was a staunch advocate for the protection of Kāi Tahu cultural values and was a renowned expert on mahika kai, the Waitaki River and the ancient craft of constructing mokihi (rafts made from raupō and other materials). Kelly also appeared in many hearings similar to this one and was instrumental in our efforts to restore our mahika kai in the Waitaki catchment. Kelly and I were the first tribal representatives on the Electricorp working party in the early 1990s. Kelly was involved in educating young Kāi Tahu about the traditions of the Waitaki and organised many rakatahi wānanga and hīkoi right up until his untimely death in 2007. These wānaka were instrumental in the development of the Aoraki Bound Programme.

76. Uncle Tim Te Maiharoa was a renowned expert on the ancient craft of building mokihi and taught many people during his lifetime, including Kelly and myself. Mokihi are rafts made from raupō (bulrush) or kōrari (flax flower stalks), which were one of the main methods used to transport foods and other resources from the Upper Waitaki to the coastal settlements and were even used well into the twentieth century by local Māori shearers.

77. Recently there has been a resurgence of interest in the construction and use of mokihi and many wānaka (training sessions) have been held at local marae where experts teach rakatahi about the construction and traditions of mokihi. The photograph on the screen is of Kelly teaching two rakatahi how to use a mokihi, which they constructed at a wānaka held at Temuka in the year 2000.

Conclusion

78. I am sure that you now have a greater understanding of the strong cultural relationship that Kāi Tahu Whānui holds for the Upper Waitaki and Te Manahuna. I have described the locations of our ancient occupation and mahika kai sites, our traditional resources, our ancient pathways and our ancient archaeological sites. I have also shown that generations of Kāi Tahu Whānui have continually used these lands and fought to preserve, restore and enhance our cultural relationship with the Upper Waitaki and Te Manahuna.

79. It is the responsibility of this generation to continue the work of our Tīpuna to ensure that the cultural and historical association that Kāi Tahu Whānui holds for the Upper Waitaki and Te Manahuna are protected and preserved for our future generations – mō tātou, ā, mō kā uri ā muri ake nei (for us and our children after us).