

BEFORE THE FRESHWATER HEARING PANEL

UNDER the Resource
Management Act
1991

AND

IN THE MATTER of the Proposed
Otago Regional
Policy Statement
2021 (Freshwater
Planning Instrument
parts)

**STATEMENT OF EVIDENCE OF BRENDAN FLACK
ON BEHALF OF
TE RŪNANGA O MOERAKI
KĀTI HUIRAPA RŪNAKA KI PUKETERAKI
TE RŪNANGA O ŌTĀKOU
HOKONUI RŪNANGA**

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INTRODUCTION

MIHIMIHI

Tēna koutou katoa

Ko Hikaroroa te mauka

Ko Waikouaiti te awa

Ko Puketeraki te marae

Ko Kāi Te Ruahikihiki te hapū

Ko Kāi Tahu, Kāti Mamoe, me Waitaha kā iwi

Nō Puketeraki ahau.

QUALIFICATIONS AND EXPERIENCE

1. My name is Brendan Flack. I reside at Puketeraki, Karitāne and am a Takata Tiaki for Puketeraki Marae. As set out in my mihimihi, my whānau descend from some of the very first people that set foot on Te Waipounamu. As a whānau, we are actively involved in habitat restoration and fisheries recovery along Te Tai o Ārai-te-uru (the Otago coastline) and in its catchments. We lead many projects that deliver on the principles of kaitiakitaka and ki uta ki tai ecosystems-based management.
2. I give my evidence on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.
3. I am chair of the East Otago Taiāpure Management Committee. I am also chair of the Hauteruruku ki Puketeraki Ngā Waka Club. I also sit on the Komiti Kaupapa Taiao and Puketeraki Komiti Rapu Ara Hau. Alongside this, I am a contractor for the Ngāi Tahu Undaria Control Programme, a researcher on the He Pātaka Wai Ora Project, Pou Tuarā for the Coastal People: Southern Skies CoRE research project, and I work for Te Tiaki Mahinga Kai.¹

SCOPE OF EVIDENCE

4. My evidence addresses the following matters:
 - The takiwā of Kāti Huirapa Rūnaka ki Puketeraki.
 - The whakapapa relationship with the natural environment and the importance of managing wai māori and wai tai in an interconnected way.
 - Mahika kai and the role that mahika kai plays in the transfer of mātauraka between generations.
 - The impacts of land use on freshwater and the coastal environment.
 - The work that Kāti Huirapa Rūnaka ki Puketeraki, as kaitiaki, are doing to manage and restore mahika kai through the East Otago Taiāpure, Waikouaiti Mātaitai Reserve, and through He Pātaka Wai Ora; and
 - The role played by the Regional Policy Statement in providing for integrated management of wai māori and wai tai.

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI

5. The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemu River (Shag River) to Purehurehu Point (north of Heyward Point) and includes a shared interest in the greater harbour of Ōtākou. Our takiwā extends

¹ <https://www.mahingakai.org.nz/>

to the Main Divide where we share an interest in the inland lakes and mountains and along Te Mata-au with Ngāi Tahu ki Murihiku.

6. Kāti Huirapa ki Puketeraki has a deep and enduring spiritual connection to the Waikouaiti River. This paramount awa flows through our takiwā and has provided nourishment for the people for generations. The mountains that comprise the landscape surrounding the Puketeraki Marae are the headwaters of the Waikouaiti catchment and are named after ancestors who crewed ancient waka, including Hikaroroa, Paahatea, Ka Iwi a te Weka, Ruatupāpāku and Kā Tamariki a Hekura
7. The Waikouaiti River flows into Tauraka o Poti (Merton Tidal Arm), which was a major mahika kai for kāika and pā located on the coast north of the Otago Peninsula. The wetlands were a rich source of kai, including tuna (eels), mōhoao (black flounder), giant kōkopu and waterfowl. The wetlands were particularly valued as a spawning ground for inaka (whitebait).²
8. Other awa and coastal estuaries of significance to our hapū include Waiputai (Blueskin) Bay, Pūrākaunui inlet, Matainaka (Hawksbury Lagoon), Te Hapakupu (Pleasant River and Estuary), and the Waihemo (Shag River).

WHAKAPAPA RELATIONSHIP WITH WAI MĀORI AND WAI TAI

9. Kāi Tahu understand that everything is interconnected through whakapapa. That interconnectivity goes back to the atua, Raki, Papatūānuku, and Takaroa. It's important to understand that relationship, its deep interconnectedness, and dynamics, particularly that Papatūānuku was first married to Takaroa, atua of the moana and coastal environment.
10. The connection between the atua of the land and sea and the primacy of Takaroa in our creation traditions requires us to manage these interconnections between land and moana appropriately.
11. The concept of ki uta ki tai is used to describe holistic natural resource management from the inland mountains to the coast, recognising all environmental elements are interconnected and must be managed as a whole. It is not just about what happens along the awa, but also recognises that what happens on the land impacts what happens in the water, both wai māori and wai tai. It is a way of understanding the

² Ngāi Tahu Claims Settlement Act 1998, Schedule 60, Statutory Acknowledgement for Te Tauraka Poti (Merton Tidal Arm).

natural environment, including how it functions, how people relate to it and how it can be looked after appropriately.

12. We, as kaitiaki, do not have a problem with understanding the interconnectedness of the whole river catchment, and the connection between what happens in our rivers and what happens on the coast. Our rivers do not abide by local authority jurisdictional boundaries; the catchments are more complex and interconnected.
13. The past, the present, and the future of our awa and coastal estuaries are also connected and our aspirations for their management is intergenerational.

KAITIAKITAKA

14. Our kaitiaki role is an inherited one passed down through our whakapapa and grounded in our rakatirataka rights as mana whenua. Kaitiakitaka is something that is inherent.
15. My whānau have a strong connection to the coastal areas where Kāti Huirapa Rūnaka ki Puketeraki is now based. Those Kāi Tahu that are the haukāika in a specific area have a particular responsibility on behalf of the rest of the iwi to look after those areas they have a special relationship with. For us, that is the coastal and estuarine areas around Puketeraki, and the wider catchments that they are part of.
16. Kāti Huirapa is heavily involved in the restoration of riparian areas, including those along our awa and around the wetlands and saltmarshes that end up filtering some of the effects of land uses before they reach the ocean.

MAHIKA KAI

17. Kāi Tahu culture is anchored in seasonal mahika kai. Historically, Kāi Tahu whānau travelled all over Te Waipounamu gathering different kai at different times of the year. Our whakapapa links reflect this aspect of our culture and means that we have kaitiakitaka responsibilities throughout the island.
18. Mahika kai is more than just food gathering for Kāi Tahu. It is about intergenerational knowledge and the transfer of mātauraka, which is all about doing. If you read it in a book, it just does not cut it, so being able to actually go back and engage in those activities is really important. We see it with the revival of voyaging and waka, and in the language, so it is all interconnected. It is about having an opportunity to get in there with a purpose.

19. A lot of our contemporary mahika kai activities are grounded in kaitiakitaka. Due to the connection between the health of the environment and the health of our culture, we actually have the most to lose if the taiao continues to be degraded.

IMPACTS OF LAND USE ON FRESHWATER AND THE COASTAL ENVIRONMENT

20. The fact that we, as kaitiaki, are in the coastal environment daily means that we can see changes happening over time. This constant presence is really important for our people because it means that we aren't able to turn our backs on what is happening out there.
21. We are seeing an increase in sedimentation, a reduction of freshwater inputs into our saltmarshes, and declining water quality. We have also seen an increased frequency of marine heatwaves, and invasive species like gorse, lupins, and undaria are doing better than our native species.
22. When we started seeing things changing at the coast, we started looking at what was happening in the wider catchment. These changes are linked to activities happening on land, including forestry, the use of synthetic fertilisers, mining, and wastewater discharges. We are having to deal with the consequences of these activities to restore fisheries and coastal habitat for mahika kai.
23. The impacts of these land-based activities are changing our relationship with the environment. Mining, for example, is causing a whole range of consequences for our rivers and coastal areas. Dewatering operations and rerouting of water sources related to mining activity is a contributor to flow reduction and an overall reduction in the amount of water within our catchment. This all results in more contaminants entering, and then remaining in, our rivers and coastal areas.
24. The Warrington and Waikouaiti wastewater treatment plants (WWTP) are located in low-lying coastal areas, adjacent to the ocean and our kaimoana areas. The wastewater plants are approximately a metre above the mean high tide line now, and as climate change causes the sea level to rise there is a greater risk that these wastewater plants will contaminate the coastal environment and our kaimoana areas.
25. We are working in partnership with the Dunedin City Council to investigate long-term options for all the Northern Wastewater Schemes to address the impacts of this infrastructure on Te Tai o Arai Te Uru and our kaimoana areas.
26. All of these land-based impacts on the coastal environment, combined with increasing pressure on the marine environment from over-fishing and the effects of climate change, means that our traditional mahika kai areas are disappearing. If our mahika kai species disappear, we cannot pass our mātauraka down to the next

generation or use mahika kai to reconnect our whānau that have become disconnected from their own cultural practices.

THE WAIKOUAITI MĀTAITAI AND EAST OTAGO TAIĀPURE

27. The East Otago Taiāpure and the Waikouaiti Mātaimai Reserve are a means of reinvigorating our rakatirataka and our kaitiakitaka over the awa and coastal estuaries within our takiwā.
28. Taiāpure and mātaimai are customary fisheries management tools. The East Otago Taiāpure was established in 1999.³ Its original purpose was to protect and restore our pāua population. Over time though, that purpose has broadened because we needed to focus on more than just pāua to make a change to their health.
29. The Waikouaiti Mātaimai Reserve was established in 2016.⁴ This is a freshwater mātaimai that includes the waters of Te Tauraka o Poti (Merton Tidal Arm) and surrounding wetland areas, Kirikirihakahoro (Merton Stream), and the main Waikouaiti River west to the Waikouaiti Fishing Easement at the confluence of the north and south branches. The lower reaches of the reserve overlap with the East Otago Taiāpure.⁵
30. After generations of being excluded from decision-making on our own whenua and moana, these management tools allow us to be active kaitiaki and takata tiaki within our takiwā in ways that reflect kaitiakitaka concepts and tools such as utu (reciprocity), and rāhui (periodic restrictions). The goal is to restore and maintain a healthy and abundant fishery for us and our children after us.
31. These fishery management tools also create opportunities for us to engage in mahika kai activities more freely than we can in other areas, as we have more flexibility and control over what is harvested, and the timing of restrictions to that harvesting.
32. We at Kāti Huirapa ki Puketeraki realise the importance of corroborating our mātauraka and anecdotal evidence with research. That research supports us to create regulations and other management tools that help us protect and restore our mahika kai in ways that align with our mātauraka and tikaka.
33. A key feature of our taiāpure and mātaimai is the amount of research that we are doing within them, including the CoRE climate change project Coastal People: Southern Skies, research related to pāua, and mahi on ocean acidification and sea level rise in partnership with universities and other researchers. This is one of the

³ Refer to Appendix 2.

⁴ Refer to Appendix 3.

⁵ Refer to Appendix 4.

reasons that we are so aware of the different impacts of land uses on our waterways and coastal environments at Puketeraki.

34. Our work within the mātaimai and taiāpure is being hindered by activities within the wider catchment. The combination of sedimentation, low water flows, water contamination, and discharges are all impacting on the effectiveness of our restoration and research efforts. In addition, flood gates and other structures impact on the natural functions and mauri of awa and wetlands as well as fish passage. We need effective management of land-based activities to improve the health of our awa, coastal habitats and tidal estuaries.

HE PĀTAKA WAI ORA

35. He Pātaka Wai Ora, now in its third decade, is a two-hundred-year project to address historic degradation in the Waikouaiti Catchment and restore our relationship with this ancestral awa. The results of this research are being used to plan restoration projects on and next to the Waikouaiti River and is helping us to enhance habitats for mahika kai.

36. This project was spurred by what we could see was a decline in the health of the Waikouaiti river. Our backs had been turned to the awa because of the loss of access through development and fencing off of the land along its banks. Whānau could see the degradation increasing and felt impotent to do anything about it. We decided we needed to take responsibility to change this.

37. He Pātaka Wai Ora understands the importance of the practice of mahika kai to maintain mātauraka, recognising that mātauraka is passed on by active practising, and the physical act of being there. It gets our people out and into the river, appreciating it and being concerned about the effects on it, and so re-establishing the relationship with the awa.

38. We initially used Western methods to corroborate the anecdotal evidence of our kaumātua. Subsequently, we have also incorporated cultural health monitoring into the project. Understanding the connection between and mixing of wai tai (salt water) and wai māori (freshwater) is an important part of He Pātaka Wai Ora. It is interconnected with our work in the taiāpure to restore the coastal mahika kai. We understand that the health of the estuaries and the coastal waters is a direct reflection of the health of the awa.

39. The cost of focusing on restoration of the awa and of mahika kai is that when we access mahika kai we often return it because the numbers are not there to support

harvest. The resource will not currently sustain whānau: in my father's childhood, for example, tuna was a kai that would be eaten up to three or four times weekly for breakfast, but now, if even one whānau took tuna for breakfast we know that the population would soon be gone. The cost to individual whānau is that they are not accessing that kai, with all the benefits that go along with collecting that kai, such as the physical work and the ability to share both the kai and mātauraka. When you go through a period of restoration, you have to restrict your taking of tāoka resources, which impacts on manaakitaka and the well-being of coastal communities generally.

40. We have taken a staged, conservative approach to many of our mahika kai species because of the pressure on them. Mahika kai populations and their habitats have to be healthy to withstand the threats of the future, such as sedimentation, temperature rises and sea level rise. If we can restore the hauora and mauri of their habitats and build up thriving and abundant populations of mahika kai species, they will hopefully be more resilient to those challenges.

MANAGEMENT OF WAI MĀORI AND WAI TAI IN THE REGIONAL POLICY STATEMENT

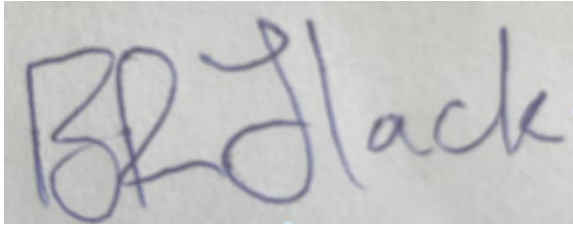
41. The requirement to give effect to Te Mana o te Wai is a positive shift towards protecting and restoring the health and well-being of the awa within our takiwā. The challenge for the Regional Policy Statement will be ensuring there is clear direction on the responsibilities of land and water users to give effect Te Mana o te Wai.
42. The Regional Policy Statement also needs to recognise and provide for integrated management of wai māori and wai tai.
43. Kāi Tahu understand that the natural environment is interconnected through whakapapa. These connections require us to manage the connections between whenua, wai māori and moana appropriately. Healthy waterways are required to provide for the health of the estuaries, coastal habitat and kaimoana at the bottom of catchment.
44. The Waikouaiti Mātaitai Reserve and the East Otago Taiāpure overlap, enabling integrated management of the Waikouaiti River from the confluence of the North and South branches to the coast.
45. In contrast, the current boundaries of the Freshwater Management Units (FMU) do not support integrated management within our takiwā. The catchments that impact on water quality and coastal habitats within the East Otago Taiāpure are split between the Dunedin and Coast FMU and the North Otago FMU. The boundary

between these FMUs fails to recognise the interconnection between the Waikouaiti Mātaitai Reserve and the East Otago Taiāpure.

46. The Waikouaiti catchment must be part of the Dunedin and Coast FMU to enable integrated management of wai māori and wai tai within our takiwā.
47. It is also important that the FMU boundaries include the estuarine systems. The management of the awa and their catchments cannot just be focused on outcomes within the freshwater part of the system; the health of the awa is seen in the health of the estuaries and we also need to be able to set outcomes for the health of these areas. The health of the estuarine habitats can only be restored by managing what happens in the catchments that feed them.

CONCLUSION

48. Kāi Tahu understand that everything is interconnected from the headwaters of the East Otago catchment to Te Tai o Arai Te Uru. My concern is that the effects of land-based activities on our food basket, the coast, are often missed or ignored. The reality is that what happens on the land impacts what happens in the coast.
49. The Regional Policy Statement must provide clear direction on the management of activities to give effect to Te Mana o te Wai and to protect our coastal habitats. For me, key changes required are that the Waikouaiti Catchment must be included within the Dunedin and Coast FMU to enable integrated management of the catchments that impact on water quality and coastal habitats within the East Otago Taiāpure, and the FMU boundaries must be drawn to include the estuarine areas so that outcomes for the health of those areas can be built into management of the catchments.
50. Integrated management is required to protect our awa, wetlands, estuaries, and coastal habitats. Through the Waikouaiti Mātaitai Reserve and the East Otago Taiāpure, and He Pātaka Wai Ora, we are working towards maintaining a healthy and abundant fishery for us and our children after us and ensuring that we are able to pass our mātauraka down to the next generation.

A photograph of a handwritten signature in blue ink on a light-colored, textured surface. The signature reads "Brendan Flack". The letters are connected and written in a cursive style. The "B" is large and has a loop, the "r" is small and loops back, the "e" is a simple oval, the "n" is a tall loop, the "d" is a simple oval, the "a" is a simple oval, the "c" is a simple oval, the "k" is a simple oval with a tail.

Brendan Flack

28 JUNE 2023

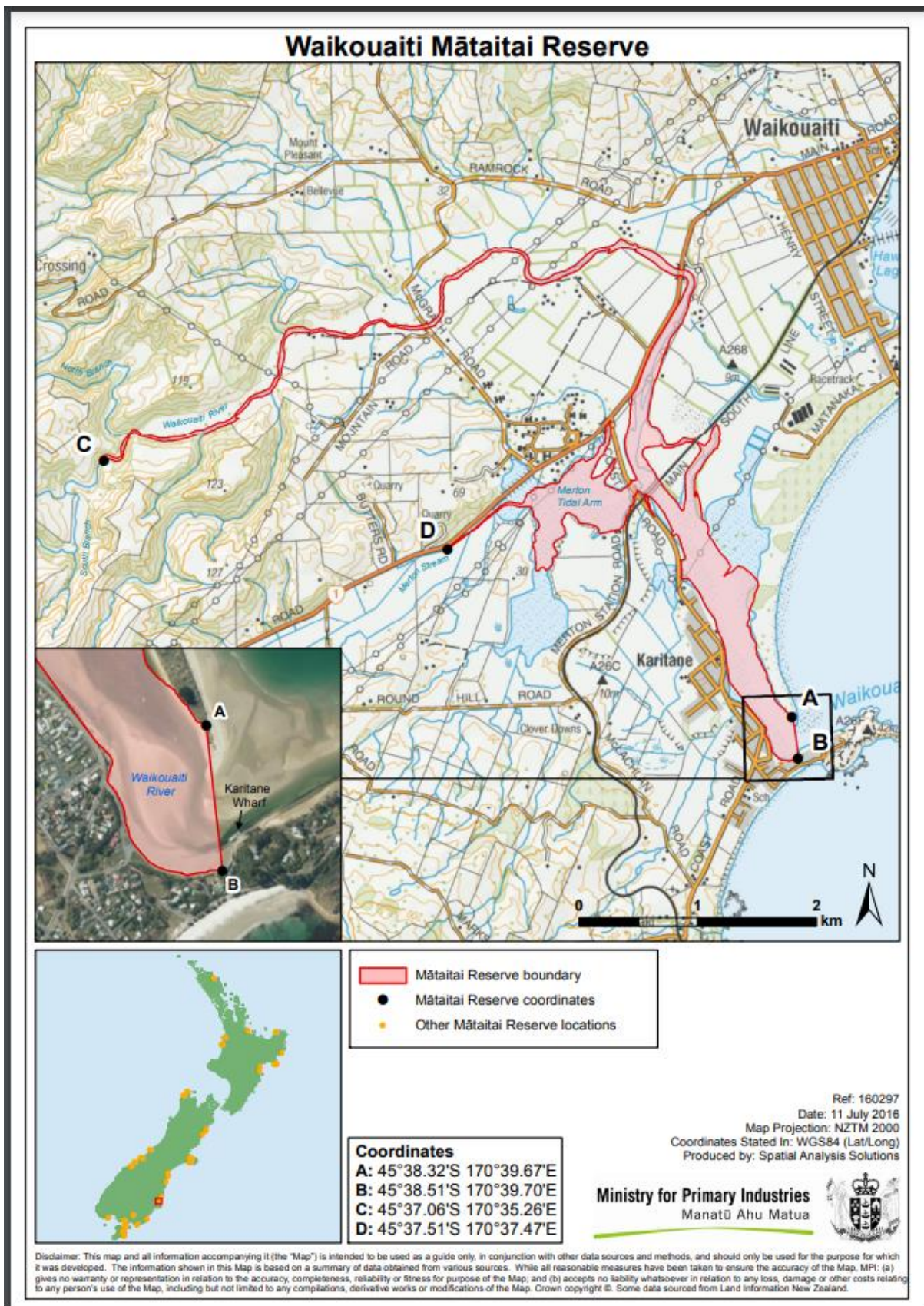
Appendix 1: Glossary of Māori words and phrases

Atua	Deity/ deities
Awa	River
Hapū	Sub-tribe
Haukāika	Mana whenua who live in a locality permanently
Iwi	Tribe
Kai	Food
Kaimoana	Seafood
Kāi Tahu/ Kāi Tahu whānui	The collective of individuals who descend from Waitaha, Kāti Mamoe and the five primary hapū of Kāi Tahu, namely Kāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri, and Ngāi Te Ruahikihiki. Kāi Tahu hold mana whenua status across large tracts of Te Waipounamu
Kaitiaki/Kaitiakitaka	The exercise of guardianship over natural and physical resources, as an expression of rakatirataka and mana; a person undertaking roles as an expression of kaitiakitaka
Ki uta ki tai	The concept used to describe holistic natural resource management, recognising all environmental elements are interconnected and must be managed as a whole. It is a way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately.
Mahi	Work, tasks
Mahika kai	A term that literally mean “food workings” and refers to the customary gathering of food and natural materials, and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raraka (weaving) and rokoā (traditional medicines).
Mana whenua/ mana moana	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area, iwi that hold this customary authority in a specific location
Mātauraka	Kāi Tahu customary knowledge passed down from one generation to the next, used in the present, and developing, for the future. It involves

observing, experiencing, participating, studying, and understanding the world from an indigenous cultural perspective. It is a tool for thinking, organising information, considering the ethics of knowledge, and informing us about our world and our place in it. Incorporation of mātauraka in resource management decision-making is important to ensure that cultural interests are appropriately recognised and provided for

Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Mihimihi	Formal introduction
Moana	Ocean
Pākeha	New Zealanders of European descent
Papatūānuku	Kāi Tahu deity represented by the earth
Pātaka	Place where food is stored
Rakatirataka	The exercise of mana or authority to give effect to mana whenua culture and traditions across all spheres of their takiwā, including the management of te taiao
Rakinui	Kāi Tahu deity represented by the sky
Taiao	Natural environment/ nature
Takiwā	Area, region, district
Takaroa	Kāi Tahu deity represented by the ocean
Takata Tiaki	Customary fisheries officers
Te Waipounamu	The south island of New Zealand
Tikaka	The beliefs, values, practices, protocols, and procedures that guide appropriate codes of conduct
Waka	Seafaring vessel(s), boat(s)
Wānanga/ wānaka	To discuss, a workshop or meeting for discussions
Whakapapa	Genealogy
Whānau	Family/ families
Whenua	Land

Appendix 3: Fisheries (Declaration of Waikouaiti Mātaitai Reserve)



Source: Ministry for Primary Industries (<https://www.mpi.govt.nz/dmsdocument/12954-Waikouaiti-South-Canterbury-Mataitai-Reserve>)

Appendix 4: Overlap Between East Otago Taiāpure and the Waikouaiti Mātaimai Reserve

