

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

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IN THE MATTER of a submission by Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society on the Proposed Natural Resources Plan for the Wellington Region pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

**STATEMENT OF EVIDENCE OF MICHAEL IAN JOSEPH KAWANA
ON BEHALF OF RANGITĀNE TŪ-MAI-RĀ TRUST AND RANGITĀNE O WAIRARAPA
IN REGARD TO HEARING STREAM TWO TOPICS**

Dated 23 June 2017

1.0 INTRODUCTION

- 1.1 This is the second Statement of Evidence that I have provided in support of a submission by Rangitāne Tū Mai Rā Trust (“the Trust”) and Rangitāne o Wairarapa Incorporated Society (“the Rūnanga”) on the Proposed Natural Resources Plan (“the Plan”) for the Wellington Region (“the submissions”).¹ The purpose of my evidence is to support the submissions in providing the Hearing Panel with a cultural perspective relative to the Hearing Stream Two topics.
- 1.2 Information regarding my background, whakapapa, Rangitāne origins and mana whenua are set out in my first Statement of Evidence dated 9 May 2017² (“first Statement of Evidence”), and will not be repeated here.
- 1.3 I am authorised to provide this evidence on behalf of the Trust and the Rūnanga.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it subject to the proviso outlined below. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed. I confirm that the issues addressed in this brief of evidence are within my area of expertise. For the purposes of transparency, I confirm that whilst I have read and understood the code, I confirm that I am a member of Rangitāne and have a whakapapa connection to those who represent the Rūnanga in bringing the submission to the Panel.

Overview of the Evidence

- 1.5 We acknowledge our relations from Rangitāne o Tamaki Nui-ā-Rua who also have interests in the area covered by the Plan.³
- 1.6 In summary, this evidence will focus on:

¹ Statement of Evidence of Michael Ian Joseph Kawana on behalf of Rangitāne Tū-Mai-Rā Trust and Rangitāne o Wairarapa dated 9 May 2017.

² Statement of Evidence of Michael Ian Joseph Kawana, above n1, at paras at 1.1-1.10 and 2.1-3.4

³ Statement of Evidence of Michael Ian Joseph Kawana, above n1, at para at 1.11.

- (a) An overview of Rangitāne values and tikanga associated with natural resources;
- (b) Stock access to water bodies;
- (c) Land use in riparian margins;
- (d) Soil Conservation; and
- (e) Air Quality Management.

1.7 This evidence also discusses the Rangitāne position with regard to the 'life supporting capacity' of each natural resource identified above, and the importance of safeguarding that for present and future generations.

2.0 OVERVIEW OF THE VALUES AND TIKANGA ASSOCIATED WITH NATURAL RESOURCES

2.1 Information regarding Rangitāne values and principles relative to natural resources is set out in my first Statement of Evidence at paragraphs 4.1-4.30.

2.2 In summary, our place in the world is defined by the efforts and experiences of our tūpuna. The fundamental starting point is that 'everything is connected,' and because of that, there must be a manifestation of balance across all aspects in Te Ao Māori in order for the 'whole' to be functional.

2.3 Papatūānuku is the mother earth figure who gives birth to all living things of this world. She is the birthplace and the place to which all things must return, and from a Rangitāne perspective, is considered the foundation for human existence. Our tikanga based on Papatūānuku is not solely related to dry land and the soil that lay beneath it, but also to our waterbodies and to the air.

2.4 Mauri is the life force or essence that we perceive all living things to have. This extends from people to trees to rivers to land to air and everything else in our whole. The Rangitāne position is that all parts of the environment are infused with a mauri.

2.5 Time has not weakened our resolve to ensure that fundamental concepts such as mauri and the connectivity of all things must prevail in the protection and management of our natural environment.

3.0 STOCK ACCESS TO WATER BODIES

Adverse effects on land from livestock use and activity

3.1 In order to understand the adverse effects on land from livestock use and activity, it is important to discuss the historical context relating to the massive transformation of our whenua following the arrival of European settlers in the 1840s.

3.2 With an influx of settlers keen to establish themselves in the district, Rangitāne hapū progressively lost land and control of our resources as the landward and seaward terrains undertook drastic changes. In their place was a new era of farms, fields, introduced livestock, stop banks, flood works, roads, railways, and commercial fisheries.

3.3 During the 1840s and the early 1850s, Rangitāne hapū leased land to squatters who came over from Wellington to run sheep and establish farms in the district. These lease arrangements were beneficial to both parties, as stock thrived while Rangitāne hapū received a healthy rental income. However, Crown intervention meant that the growing leasehold economy for Rangitāne was short lived.

3.4 At the 1853 Komiti Nui Hui, Rangitāne hapū were convinced by Governor Grey and Donald McLean that allowing the Crown to purchase our land for settlers would cement a partnership between us. They used images and concepts such as a marriage between two peoples, painting the picture of a future together, underpinned by mutual benefit.

3.5 The reality was, however, far from any sort of mutual benefit as Rangitāne hapū saw just about every acre of our land snatched up by the Crown and transformed for pastoral purposes. These takings also extended to the Moana, as Rangitāne hapū were robbed of their promised reserves near Wairarapa Moana and Lake Ōnoke.

- 3.6 The speed of change in this district was extreme. About 1.5 million acres of land in the Wairarapa was acquired by the Crown in 1853 and 1854, and as a result we were stripped of our role as landlord and lost all control of our economic growth.
- 3.7 By way of example, the purchase of the Seventy Mile Bush area, or as we call it, Te Tāpere-nui-ā-Whātonga, and the opening of the land for settlement, were contemplated as early as the 1850s. This onslaught of the forest was also rapid and comprehensive. Our hapū Ngāti Hāmua had customary interests in this area around Eketahuna/northern Masterton.
- 3.8 In short, the felling of Te Tāpere-nui-ā-Whātonga was a far-reaching ecological disaster – not only in terms of the loss of flora and fauna and the changes wrought on soil and waterways, but also in light of what we know today of forest’s vital role as forest sinks.
- 3.9 It is impossible to quantify, and difficult to even imagine, the loss of flora and fauna that resulted. The destruction of the bush canopy exposed rock and soil to rain, sun, and wind which has increased run-off and sedimentation.
- 3.10 The adverse effects on land from livestock use and activity therefore needs to be reduced and avoided as the first priority, and then remedied or mitigated going forward.

Adverse effects on waterbodies, including mahinga kai, from livestock use and activities

- 3.11 Water is recognised by Rangitāne hapū as the conduit for vital, life sustaining energy. The energy or mauri is carried down from the heavens of Ranginui and distributed around the earth by a network of rivers, streams, lakes and aquifers. It is this network of waterways that provides the earth with life and sustenance.⁴
- 3.12 For years Rangitāne hapū have been concerned about pollution to our waterways and the impacts this would have on the mauri of waterbodies in

⁴ Waitangi Tribunal, *Wairarapa Ki Tararua* (Wai 863, 2010), at 850.

our district. Recent monitoring of pollution and consequential reduction in water quality shows that these concerns are indeed well founded.

3.13 As discussed by Barry Loe in his Section 42A Report:⁵

Livestock, particularly larger animals that have an affinity for water, such as cattle, deer and pigs, in or near water bodies and the CMA, can result in adverse effects on aquatic ecosystem health and function, from physical disturbance of the banks and beds, increased erosion and sedimentation and the direct inputs of faecal matter, nitrogen and phosphorous to surface water.

3.14 The results of these physical changes to the rivers are the loss of habitat, loss of indigenous species, loss of mahinga kai, and loss of amenity. Eels, for example, are still caught in the rivers and creeks, but the quality has diminished as a result of erosion, sedimentation and loss of habitat.

3.15 Forest clearing and land takings for the purposes of pastoral grazing meant that creek and river banks were denuded of vegetation, reducing riparian capture of run-off. Without the overhanging forest, creek, stream and river habitats were profoundly changed. Together with the increased sediment load in the water, fish and other aquatic life was also severely affected.

3.16 A significant number of mahinga kai species are found in waterways that can be as narrow as 1 metre, sometimes even less. These smaller waterways perform an important role in the lifecycle of species that we once gathered as part of our mahinga kai practices.

3.17 The importance of being able to gather healthy kai, swim and be baptised in water is critical to the relationship Rangitāne shares with our waterways. The effects of stock access directly to water and run-off from intensively stocked land increases the risk of adverse health effects and a consequential impact on the mauri and Rangitāne's relationship with fresh water.

⁵ Section 42A Hearing Report, *Land use in riparian margins and stock access to surface water bodies and the CMA*, Barry Loe (9 June 2017), at 60.

3.18 In light of the effect stock access to water bodies is having on aquatic species, water quality and our mahinga kai practises, the policy should be amended to ensure that stock that adversely affect those smaller tributaries are excluded from them, except in circumstances where those adverse effects will be avoided.

Sites of significance to be protected

3.19 Exclusion of stock access is most important when dealing with Rangitāne sites of significance. Such sites were discussed in my first Statement of Evidence.

3.20 I need not repeat the significance of each site to our mana whenua, values and tikanga and will only emphasize, in summary, the number of ocean and freshwater species that are dependent on those waterbodies as a migration pathway.

3.21 Not only are these sites of significance home and habitat to native fresh and saltwater species, flora and fauna, they are also symbolic of historical triumphs and are embodied with our cultural heritage. Some of these sites are urupā and we consider the direct excretion of livestock faecal matter onto those lands to be an act of grave disrespect.

3.22 We ask that the qualities and characteristics of our sites of significance be recognised. Stock, as a minimum, should be excluded from these sites to avoid adverse effects on the values and relationship of those sites to Rangitāne.

4.0 LAND USE IN RIPARIAN MARGINS

Adverse effects on riparian margins

4.1 As outlined above, with the invasion of settlers resulting in 1.5 million acres of land loss, along with the obvious loss of indigenous forest and drastic change over land use, a number of adverse effects were felt by our tūpuna and our subsequent being today relative to natural resources located near our waterbodies.

- 4.2 By way of example, mātauranga Māori and cultural practices associated with their use was also lost. The effect this had on Rangitāne from a tangata whenua perspective was hugely significant as we found ourselves limited and deprived from the customary practices included in our everyday lives. For example, before the clearing of the land and its indigenous species, when our tūpuna were sick or injured, they used rongoā Māori (a traditional Māori medicine incorporating the use of plant based remedies) sourced from specific species that were found within our takiwā. In most cases, the loss of the resource and associated tikanga was absolute; in others, resources were able to be obtained from elsewhere.
- 4.3 Additionally, kai trails were lost to the best/popular places for kiore, manu, tuna and other aquatic life that inhabited swamps, lakes and river margins through the drastic change in land use, excluding our tūpuna from those resources.
- 4.4 As mentioned, creeks and river banks were stripped of vegetation, minimising riparian capture of run-off due to the lack of forest cover, causing significant changes in the creek, stream and river habitats. As a result of these changes, mahinga kai has been negatively impacted on due to, among others, erosion, sedimentation and loss of waterbody habitat.
- 4.5 The Crown has since tried to redeem themselves through the delegated acclimatisation societies, tasked with introducing and protecting exotic flora and fauna. As we have seen, this was not implemented well as it saw largely uncontrolled exotic fauna, impacting on the ability of the few indigenous species to survive, eroding Rangitāne's relationship again with indigenous species.
- 4.6 On this basis, we prefer that the riparian margins be planted with indigenous species to provide Rangitāne the opportunity to reconnect our roots to our whenua through our taonga species.

5.0 Soil Conservation

- 5.1 Our soil was once rich with nutrients and life, but as our native bush was felled and fired, and scrub was cut and trampled by cattle, the life supporting

capacity of the soil has severely diminished. Maintaining pastures in the face of weed growth, drought, erosion and scrub regeneration is becoming increasingly more difficult.

5.2 We see the banks of our rivers slowly falling away from soil erosion, and livestock run off, and sedimentation is tainting the kai that we once gathered in great numbers. Our ability to utilise the land and waterbodies like we once did for mahinga kai is now very difficult to achieve.

5.3 We have a duty to care for Papatūānuku, but Rangitāne has not been able to uphold this duty or our role as kaitiaki. Our kai absorbs the nutrients from, and is a product of, the soils that Papatūānuku provides. Activities that cause the loss or degradation of her soils impacts on the ecosystems that rely on Papatūānuku for their well-being. In turn, Papatūānuku relies on Rangitāne to ensure that she too, is healthy, however this is becoming increasingly difficult to achieve.

5.4 We therefore support the assessments of Barry Loe in saying that the objective must be geared to at least maintain the existing qualities of soils. The relationship Rangitāne have with those resources is not something that the Plan can control. What the Plan can control is proper management of the use and development of those resources to ensure that Rangitāne values are recognised and upheld.

6.0 Air Quality Management

6.1 As above, we have also experienced a dramatic decrease in air quality.

6.2 The way that we tie the air into the Rangitāne values is through the concept of connectivity. The air is just one piece of the puzzle to the entirety of Papatūānuku through which mauri flows.

6.3 The commonly used saying, '*tihei mauri ora*' meaning the '*sneeze*' or '*breath of life*' captures the importance of air to Rangitāne. Similarly, when greeting another person, we press noses by way of hongī. In this process we take a deep breath and exhale through our nostrils so that our mauri is shared with

the other. This is a sign of respect and reiterates how mauri is physically carried through our everyday life.

- 6.4 It is extremely concerning to see the lack of objectives in the Plan that refers to maintaining the life-supporting capacity of air. We acknowledge the promise to recognise the cultural relationship of Rangitāne to air, as this is very important, but the term 'minimised' is not appropriate as it is not certain nor consistent with the requirement to avoid, remedy and mitigate adverse effects to air.