



REPORT ON THE MATAWII WATER STORAGE RESERVOIR

For the Environmental Protection Authority

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On behalf of Te Rūnanga a Iwi o Ngāpuhi

Mahuru 16, 2020

He Wakaputanga

‘He Wakaputanga O Te Rangatiratanga O Niu Tirenī’ (also known as the Declaration of Independence of New Zealand) signed in 1835, is the primary document where our Rangatiratanga¹, a concept inclusive of Mana, was recognised by other Sovereign Nations including the predecessors of the current Crown. Te Tiriti O Waitangi signed in 1840 is an expression of that Sovereignty².

Ngāpuhi has NOT ceded our Sovereignty.

Two issues underpin this report: the rights and privileges pertaining to Kaitiakitanga over ancestral landscapes and the sovereignty of data pertaining to Māori knowledge.

Data Sovereignty

In the digital space, data Sovereignty refers to the sovereignty of hapū/iwi digital data at the point of creation, storage and transfer/transmission (of data); data remains the property of hapū/iwi. Furthermore, we retain the right to define the parameters of ‘the point of creation, storage and transfer/transmission’ and what that means for hapū/iwi within our rohe.

Kaitiakitanga

From a Ngāpuhi perspective, Kaitiakitanga is guardianship and protection and can be thought of as a way of caring for and managing the environment holistically, and the ‘data’ pertaining to the environment is a natural part of that. It is with this ethos in mind that we submit this report.

Limitations

This report has been prepared within the limitations imposed by strict time constraints and sheer volume of material complicated by a lack of personnel with the ability to digest technical reports, terms and minute detail. Despite this, all effort and care has been made to represent the information cited herein as it has been used and for its’ intended purpose within the specific reports cited.

Focus for this report is primarily based on a kaupapa Māori approach, a Māori worldview through Ngāpuhi lens and environs. It is accepted worldwide, that kaupapa Māori adheres to a ‘for Māori, by Māori’ approach fostered by International Scholars such as Professor Linda Smith³ and many others. This approach recognises and privileges the innate connection that Māori, and in this

¹ <https://e-tangata.co.nz/history/without-he-whakaputanga-there-might-have-been-no-treaty-of-waitangi/>

² Waitangi Tribunal. (2014) He Whakaputanga me te Tiriti. The Declaration and the Treaty: the report on stage 1 of the Te Paparahi o Te Raki Inquiry / Waitangi Tribunal Report 2014, WAI 1040.

³ Smith, L. T. (1999) Decolonizing Methodologies Research and Indigenous Peoples London/New York: Zed Books Limited. Dunedin: University of Otago Press.

case Ngāpuhi, have to the land and waters – both physical and metaphysical, which is captured in the oft used term – tangata whenua.

Hence, this report does not apologise for the approach, neither does it apologise for the focus on those aspects that affect and concern Ngāpuhi. Suffice to say, water is a primary yet basic need for all communities and for all living beings. Yet for Ngāpuhi, water has whakapapa, a tapu and a measure of mauri. As expected, none of these values have been adequately captured nor recognised with any measure of consideration in any of the documents, with the exception of the Cultural Impact Assessment report⁴, commissioned by and for the applicant; and Te Mana o te Wai, Ministry for the Environment document that didn't require any research.

As for the documents: 22 separate documents (Appendix A to R⁵ plus 4 other documents), including a letter from the Rūnanga adds up to the size of a doctoral thesis. Not a small feat for anyone. Despite the constraints imposed by the application, this document represents a 'singular' response to a crucial imposition on our Rangatiratanga as Tiriti Partners; a response that demands a collective and considered approach as Kaitiaki of this rohe and its' environs.

All the references cited herein have been downloaded from the Environmental Protection Authority website⁶.

⁴ Appendix I: https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/LP16_Matawii_Appendix_I_Cultural_Impact_Assessment.pdf

⁵ <https://www.epa.govt.nz/fast-track-consenting/listed-projects/matawii-water-storage-reservoir/application/>

⁶ ibid

Introduction

Given the sheer volume of the material that needed attention and the limitation of time and resources, it was thought, strategically, this report will focus on specific documents while skim reading the remaining documents; not an easy task. The following documents were considered pertinent to this approach:

- (1) The Cultural Impact Assessment (CIA) commissioned by the applicant;
- (2) The Archaeological Assessment;
- (3) The Hydrology report;
- (4) Ecological Assessment;
- (5) Environmental Protection Authority Memorandum of Compliance;
- (6) the Thompson Wilson Law report/response

Cultural impact Assessment

The key parts of the CIA report raised the following issues:

- Swamp Maire
- Myrtle Rust
- Removal of Wetlands
- Compensation planting plan
- And the role of Takauere, the kaitiaki of Ngāwhā and the water ways

Consultation with hapū/iwi pertaining to access of the swamp maire for cultural purposes is critical. Compensation planting onsite or nearby is critical given the impact of climate change. Compensation for the removal of the wetlands affected by the reservoir must be in the form of planting.

Section 4 of the CIA report referred to the kaitiaki of Ngāwhā: “The Kaitiaki for Ngāwhā and some of the waterways of Ngāpuhi is a taniwha named *Takauere*.”

Further, “Takauere is often referred to as being not just in, but also of, Northland’s water bodies themselves. In particular, Ngāwhā holds a special place of significance as “the eye [and] brain” of Takauere: (Te Ahi Ko Mau submission)(p. 11).

It is obvious within the research conducted around this kaitiaki ancestor, that Takauere traverses in and through the waterways within the region. This underlines the cultural importance of

the waterways not just to the local hapū/iwi but to the whole of Te Tai Tokerau. Hence the recommendation for a complimentary report on the cultural perspectives on the tapu of water.

To date, Ngāpuhi have never had the wherewithal to conduct research into the significance of Ngā WAIARIKI / WAIRONGOA/ WAIORA O Te Ngāwha. Ngāwha itself, is the embodiment of our Whakapapa, our relationships to and with (inclusive of all realms), our stories, and Waiata.

We watch instead as ‘progress’ invades and annihilates ‘Our Place’ from the Well drilling days, to the construction of a Prison and on-going development of the Geothermal Power Station. Whilst others may view these developments as being ‘on the other side of the Road’ – that is our concern as Ngāpuhi – in English parlance, the cause and effect has not been sufficiently researched to give us peace of mind to say ĀE!

The Archaeological Assessment

The Archaeological Assessment of the Proposed New Water Storage Project Report, Geometria, 2020 (Appendix H, p. 5) noted the following:

“There are no sites of significance to Māori, historic places or other scheduled items in the Far North District Plan, or listed heritage places in the Heritage New Zealand Pouhere Taonga List, on or near the project area.”

However, it also notes that: “This report uses archaeological techniques to assess archaeological values and does not seek to locate or identify **wāhi tapu** or other places of **cultural or spiritual significance** to [Ngāpuhi]. Such assessments may only be made by Tangata Whenua, who may be approached independently of this report for advice” (emphasis added, p.5).

One specific recommendation on page 44 made by the report is noteworthy:

That the contractors “Undertake consultation with Tangata Whenua and in association with the Project Archaeologist and implement any taonga [Ngāpuhi] protocols or archaeological investigation or monitoring requirements if archaeological sites, taonga or human remains are discovered.”

With the list of noted pakeke and kaumātua on the advisory panel (see p. 6 Cultural Impact Assessment Report, 2020. Appendix I⁷) one would assume that significant cultural sites within the proposed reservoir area and the immediate environs that may be affected by earthworks has been addressed. Or whether the impact on the natural habitat, flora and fauna as well as fish species within

⁷ https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/LP16_Matawii_Appendix_I_Cultural_Impact_Assessment.pdf

the affected area and the impact the proposed project will have on tangata whenua cultural practices has been considered.

Has sufficient be done to ascertain wāhi tapu or other places that are culturally significant to local hapū/iwi?

Will there be ongoing Iwi representatives on the advisory Board (and its' successor) that will monitor hapū/iwi cultural concerns with an appropriate succession plan?

Ecological Assessment

The detail of the Ecological Assessment Report Appendix F, authored by Puhoi Stour and Tonkin and Taylor Ltd is particularly interesting, especially sections four and five⁸: Freshwater ecological assessment and Terrestrial and wetland ecological assessment.

Fish surveys along the proposed impact area of the Kopenui stream and along the Wairoro stream at Te Pua Road and Cumber road are of significance and interest to Ngāpuhi. For example, the Northland Mudfish (p. 8), fish spawning habitat (p. 9), raupō and podocarps within the project footprint (p. 10) and the potential for a gecko and kauri snail habitat was noted (p. 10). DOC note the presence of mudfish within 25 km of Omapere⁹. The Puhoi document reports that the “Northland mudfish are a threatened species with a very restricted range. [And] It is important to ensure that construction of the proposed reservoir does not result in any habitat loss for the species. It is recommended that more intensive surveys be carried out in Spring to confirm that the species is absent (p. 13).”

The presence of Shortfin eel (*Anguilla australis*) were confirmed while longfin eel (*Anguilla dieffenbachii*) were found within the reservoir footprint (p. 12).

Kōura (*Paranephrops planifrons*) were abundant in the surveyed area and juvenile kāeo (*Echydella menziesii*), a fresh water shellfish, were embedded in the stream channel (p. 12).

Assessments made by the report

“Freshwater values within the footprint of the proposed reservoir were assessed as **high** (p. 13).”

⁸ https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/LP16_Matawii_Appendix_F_Ecology.pdf

⁹ <https://www.doc.govt.nz/nature/native-animals/freshwater-fish/mudfish/>

The Wairoro stream at Cumber Road was observed to have identified 4 fish species and kōura (p. 14) and was rated by the report as a **high** value freshwater site (p. 14). While the Kopenui stream at Te Pua Road was rated at **moderate** (p. 14).

Of interest to Ngāpuhi: “The ecological values of the freshwater systems affected by the reservoir are considered to be **high**. The magnitude of effects of associated with construction of the reservoir was assessed as potentially **high** to give an overall level of effects of **high**.” This cannot be ignored without appropriate measures.

The report does recommend that with “appropriate construction methodologies the magnitude could be reduced to **low** and the overall level of effects to **low** (p. 15).”

“Long fin eel and kāeo are classified as At Risk – Declining and therefore the freshwater fauna affected by the activity is considered to have a **high** ecological value. The potential magnitude of effects of freshwater fauna mortality were assessed as **high**, mainly driven by potential loss of kāeo and therefore the overall level of effects would be **very high**. With appropriate salvage methodologies and fish screening design the magnitude could be reduced to **low** and the overall level of effects to **low** (p. 16).”

Part of the lifecycle of the tuna (eel) is the migratory patterns to and from the sea which would result in population decline (p. 17), the report concurs that:

“The magnitude of the effect caused by impeded fish passage was assessed as **high** because it would effectively result in eels being excluded from the reservoir and upper catchment. This would result in an overall level of effect of **moderate**.”

They do report however, that “If passage for eels is provided, then magnitude of effects and overall level of effects would both be **low** (p. 17).”

It is likely that the reservoir footprint will change the natural habitat of the known species of fish and fauna. The concern for hapū/iwi is the degradation of the stream habitat. The report notes that “the habitat provided in the reservoir is not the same as the stream habitat and so measures are required to address the effects associated with the loss of this habitat type. The overall level of effects from the permanent loss of stream habitat is considered **high** (p. 17).”

Vegetation removal in the footprint of the development and its’ environs will impact the long-tailed bat, the fernbird, and other wetland birds. According to the report: “The magnitude of [the] effect on long-tailed bats of vegetation removal is considered **high** (p. 17).” This is due largely to “to the extent of high value habitat loss and potential injury and mortality of bats(p. 17) .” Furthermore, a

“**very high** ecological value combined with a **high** level of effect results in a **very high** level of effect (p. 17).”

According to the report, the effect of wetland removal, on the fernbird is rated **high**. This is largely due to habitat loss and “the potential of injury or mortality to breeding birds (p. 17).” Thus, a “**high** ecological value combined with a **high** magnitude of effect results in a **very high** level of effect (p. 17).”

From a Ngāpuhi perspective, all things in the environment are interconnected. The ethos of tangata whenua determines the interconnectedness of Ngāpuhi to all things in the Creation. This includes the waterways, the land and all the species within the Creation. The removal of the natural habitat signals significant loss of cultural connection to the natural environment and the threat of cultural extinction.

Therefore, it is recommended that a report detailing the (inter)connectedness of Ngāpuhi to the environment (in particular to the reservoir footprint) and the cultural harvesting and practices within the region to assess the impact and cultural loss imposed on local hapū/iwi.

Other reports cited herein are concerned about the impact of climate change on the environment. Wetlands are imperative to offsetting the impact. Thus it is recommended that replanting of native species/trees be undertaken to offset the removal/impact on the wetlands catchment area.

Hydrology Assessment

Pertaining to Hydrology assessment report, conducted and authored by Williamson Water and Land Advisory, of Whangarei Aug 2020. A complimentary report by Ngāpuhi regarding the whakapapa and tapu of water should be commissioned.

In section 4 ‘Municipal supply’ of this report, it is noted that the population in Kaikohe is predicted to decrease (Stats NZ, 2013).

The global pandemic may change the population in the Northland region in the immediate future with whānau looking to come back to the hau kāinga. With an increase in climate change, this places further pressure on the waterways and water supply.

Couple this with the following two statements within the report that cause further concern: “No long-term funding allocation was made to secure raw water source for Kaikohe (p. 24)” and “The frequency and severity of droughts are expected to increase with climate change and having a reliable water supply, that takes water during the wet months, will become increasingly important to provide resilience and support small rural economies such as Kaikohe (p. 24).”

Both these statements signal to hapū and iwi that other measures need to be explored to deliver adequate water such as water tanks. This would take advantage of rainfall during the months of July and August, as experienced this year 2020. However the question is, whose responsibility is this to deliver adequate municipal water supply to Kaikohe?

The Environmental Protection Authority Memorandum of Compliance (August 2020)¹⁰ made this observation: “The Matawii Water Storage Reservoir, Kaikohe is described in Schedule 2 of the Act as construction of water storage and distribution infrastructure in Kaikohe to support the development of Northland’s agriculture and horticulture sector and to provide drinking water for Kaikohe, (earthworks and land use and water-related consents, including consents for the taking and damming of water)” (pp1-2).

Item 21 and 22 of the report commented on the Cultural Impact Assessment report that it is not “clear which relevant iwi authority prepared this assessment or on whose behalf it was prepared. This is particularly relevant given the response to the cultural impact assessment by Ngāti Rangī, Tamaiti Wihongi (Lake Omapere Trust and ngā hapū o Te Uri o Hua, Ngāti Rangī and Ngāti Whakaeke hapū) and whānau with whakapapa to the site in the Taiāmai ki te Marangai (as outlined on page 51 of the AEE)(p. 6).”

Again, has sufficient been done to look at the presence of wāhi tapu and to assess cultural practices pertaining to fish species and flora and fauna?

Thompson Wilson Law report/letter, dated 10 August 2020¹¹ states that the applicant has met their statutory obligations (see p.4 item 27). Yet noted that while the applicant commissioned a CIA report that “there has been no separate cultural impact assessment from Ngāti Rangī (p.4)”. Nor is there one from a Ngāpuhi perspective.

As tangata whenua, we advise that Ngāti Rangī be given an opportunity to be consulted on culturally sensitive sites.

The following recommendations are proposed

1. It is proposed that a Cultural Mapping project be undertaken to Curate and harvest any knowledge from extant maps (held by LINZ) that fall within the reservoir footprint and

¹⁰ https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/FTC_compliance_check_memo_Matawii_17-Aug-2020_FINAL.pdf

¹¹ https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Matawii/Letter_Environmental_Protection_Authority_10_August_2020.pdf

surrounding environs. This can be coupled with and to other cultural data collection projects currently underway.

2. We advise that Ngāti Rangi be given an opportunity to be consulted on culturally sensitive sites with the proposed reservoir footprint and the immediate environs.
3. It is apparent that no work has been done to look at the presence of wāhi tapu sites within the reservoir footprint and immediate environs.
4. The impact on the natural habitat and cultural practices pertaining thereto needs to be addressed. It is recommend that a report detailing cultural harvesting and practices of hapū iwi within the region is required.
5. A complimentary cultural report to the Hydrology assessment regarding the whakapapa and tapu nature of water needs to be undertaken.
6. The global pandemic and the measures imposed by the Government coupled with climate change raises serious implications for water supply for and to Kaikohe. A water strategy is required that will provide basic human rights to water within the region is required.
7. What is the FNDC commitment to providing municipal water supply to Kaikohe and other regions?
8. Wetlands removal requires compensation planting to offset the effects of climate change and maintain the balance in the ecosystem. Measure the carbon positive footprint of the wetlands.
9. Part of the lifecycle of the tuna (eel) is the migratory patterns to and from the sea which would result in population decline. Eel migratory patterns need to be maintained.
10. A pertinent question is: Has sufficient be done to ascertain wāhi tapu or other places that are culturally significant to local hapū/iwi?
11. We are concerned about the ongoing hapū/iwi representation on the advisory Board (and its' successor) that will monitor hapū/iwi cultural concerns with an appropriate succession plan.
12. Consultation with hapū/iwi pertaining to access of the swamp maire for cultural purposes is critical.
13. That the contractors "Undertake consultation with Tangata Whenua and in association with the Project Archaeologist and implement any taonga Ngāpuhi protocols or archaeological investigation or monitoring requirements if archaeological sites, taonga or human remains are discovered."