

UNDER

The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
DEVELOPMENT TRUST for Customary
Marine Title and Protected Customary
Rights

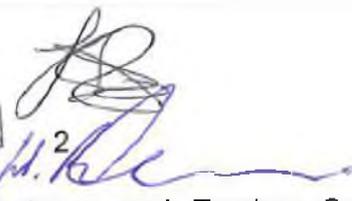
IN THE MATTER OF

An application by NGĀTI PĀHAUWERA
(as originally filed by WAYNE TAYLOR,
KUKI GREEN AND RUKUMOANA
WAINOHU) for protected customary
rights

AFFIDAVIT OF TORO EDWARD WAAKA ON BEHALF OF THE TRUSTEES
OF THE NGĀTI PĀHAUWERA DEVELOPMENT AND TIAKI TRUSTS
AFFIRMED 2014

NGĀTI PĀHAUWERA DEVELOPMENT TRUST

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Reginald
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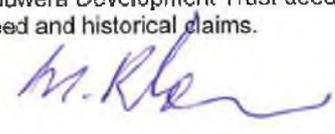
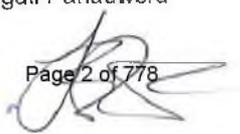
I, **TORO EDWARD WAKA**, Chairman and Tourism Operator of Napier solemnly and sincerely affirm:

1. I am a Trustee and the Chair of the Ngāti Pāhauwera Development Trust ("the Trust") and the Ngāti Pāhauwera Tiaki Trust ("the Tiaki Trust"). I am familiar with the background to this application and am authorised to affirm this affidavit on behalf of the Trustees of the Trust and the Tiaki Trust ("the Trustees"). I have already affirmed my own personal affidavit on 17 January 2014.
2. The Trustees are the elected representatives of Ngāti Pāhauwera. The Trust and the Tiaki Trust were established in 2008, taking over responsibility from the Section 30 representatives for Ngāti Pāhauwera. They were established as the governance entity recognised by the Crown to receive redress on behalf of Ngāti Pāhauwera in settlement of our historical claims against the Crown for breaches of the Treaty of Waitangi.¹ They did this in 2012.
3. This application is made by the Trustees for recognition of Customary Marine Title and Protected Customary Rights under the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Takutai Moana Act"). We also seek wāhi tapu protection as provided for in the Takutai Moana Act.

NEW EVIDENCE

4. In 2013 the Trustees engaged a project manager, Bonny Hatami, to collect new affidavit and statement evidence from members of Ngāti Pāhauwera in support of this application. As explained further below in the "BACKGROUND TO THIS APPLICATION" section, there is a great dealing of existing evidence from the Māori Land Court, Waitangi Tribunal and the former Planning Tribunal which is relevant to the application. We were therefore selective about the potential witnesses we asked Bonny to approach. We were also mindful that Ngāti Pāhauwera had been asked over many years to provide evidence explaining our relationship to our awa and moana, and we were reluctant to ask them for any more evidence than was absolutely required.

¹ Refer to section 11 Ngāti Pāhauwera Treaty Claims Settlement Act 2012 definitions of Ngāti Pāhauwera Development Trust, Ngāti Pāhauwera Development Trust deed, Ngāti Pāhauwera Tiaki Trust, Ngāti Pāhauwera Tiaki Trust deed and historical claims.

 
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5. We have submitted 29 new affidavits and statements to date, as follows:
- 5.1. Affidavit of Ani Keefe affirmed 21 November 2013;
 - 5.2. Affidavit of Bella Carol Gadsby affirmed 21 November 2013;
 - 5.3. Affidavit of Janet Huata affirmed 21 November 2013;
 - 5.4. Statement of Nell Adsett dated 21 November 2013;
 - 5.5. Affidavit of Raymond Russell Edwards affirmed 25 November 2013;
 - 5.6. Affidavit of Arthur Thorpe Gemmell affirmed 26 November 2013;
 - 5.7. Statement of Angela Hawkins dated 21 November 2013;
 - 5.8. Affidavit of Maadi Te Aho affirmed 27 November 2013;
 - 5.9. Affidavit of Awhina Evelyn Waaka affirmed 27 November 2013;
 - 5.10. Affidavit of Luis James McDonnell affirmed 28 November 2013;
 - 5.11. Affidavit of William Henry Culshaw affirmed 27 November 2013;
 - 5.12. Affidavit of Gerald Brenton Aranui affirmed 26 November 2013;
 - 5.13. Affidavit of Tama Turanga Huata affirmed 28 November 2013;
 - 5.14. Affidavit of Wiremu Itereama Sylvester Hodges affirmed 11 December 2013;
 - 5.15. Affidavit of Maraea Aranui affirmed 10 December 2013;
 - 5.16. Affidavit of Wi Derek Huata/King affirmed 5 December 2013;
 - 5.17. Affidavit of Hiro Hamilton affirmed 5 December 2013;
 - 5.18. Affidavit of Fred McRoberts affirmed 11 December 2013;
 - 5.19. Statement of Charles Lambert signed 11 December 2013;
 - 5.20. Statement of Jean McIver signed 9 December 2013;
 - 5.21. Statement of Hazel Kinita signed 12 December 2013;
 - 5.22. Statement of George Albert Hawkins signed 11 December 2013;
 - 5.23. Affidavit of Marie Ketia Moses affirmed 19 December 2013;
 - 5.24. Affidavit of Tiwana Aranui affirmed 10 January 2014;
 - 5.25. Affidavit of Darren Botica affirmed 23 December 2013;
 - 5.26. Statement of Kuki Green signed 17 January 2014;
 - 5.27. Affidavit of Gaye Hawkins affirmed 4 February 2014;
 - 5.28. Affidavit of Toro Edward Waaka affirmed 17 January 2014; and
 - 5.29. Affidavit of Vilma Marie Hape (draft submitted at time of affirming this affidavit).

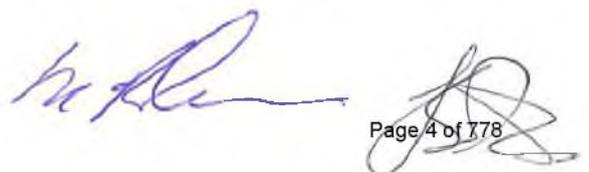


PURPOSE

6. The purpose of this affidavit is to provide some background to the existing and new evidence and provide additional evidence on behalf of the Trustees.
7. Therefore this affidavit is not intended to be exhaustive. Rather it supports the rest of the evidence and provides new evidence in some specific areas. Also, there is more evidence which we have chosen not to provide in this process, even though it would support our application. While we want to demonstrate that we meet the legal tests for Customary Marine Title, Protected Customary Rights and Wāhi Tapu protection, we have chosen not to provide the following:
 - 7.1. Some wāhi tapu information we are not prepared to give, even for the purpose of legal protection, some things are better protected by remaining invisible;
 - 7.2. We will not provide maps of our fishing places. We rely on these fishing places for kai to feed our marae which in turn maintains our traditional way of life. They also feed our whanau, whether they still live nearby or return when they are able. We cannot risk our fishing places being made public and being exploited by others; and
 - 7.3. As waiata are essentially poems set to music, we have not provided direct translations of waiata, or asked witnesses to provide direct translations, unless a translation by the composer was already in existence.

NGĀTI PĀHAUWERA

8. Ngāti Pāhauwera are a confederation of hapū centred on Mohaka in Hawke's Bay. Ngāti Pāhauwera have a large number of traditional hapū and ancestors who had customary use rights and long occupation (take-whenua/noho tūturu/ahikāroa) of the area within the traditional iwi boundaries (rohe fawhito) set by Te Kahu o te Rangi prior to Te Tiriti o Waitangi/the Treaty of Waitangi.



9. Various members of Ngāti Pāhauwera have explained how the many hapū came together under the name Ngāti Pāhauwera.²
10. The modern day definition of Ngāti Pāhauwera as represented by the Trustees is legally defined. We represent, and this application is made on behalf of, Ngāti Pāhauwera as defined in section 12 of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012:

12 *Meaning of Ngāti Pāhauwera*

(1) *In this Act, Ngāti Pāhauwera means—*

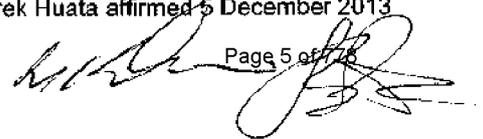
- (a) *the collective group composed of individuals who descend from 1 or more Ngāti Pāhauwera ancestors and who are members of 1 or more of the Ngāti Pāhauwera hapū listed in Schedule 1; and*
- (b) *every whānau, hapū, or group to the extent that it is composed of individuals referred to in paragraph (a); and*
- (c) *every individual referred to in paragraph (a).*
- (2) *In this section, Ngāti Pāhauwera ancestor means a recognised ancestor of any of the Ngāti Pāhauwera hapū who exercised the customary rights predominantly in relation to the core area of interest at any time after 6 February 1840.*
- (3) *For the purposes of subsection (1)(a), a person is descended from another person if descended from that other person by—*
- (a) *birth; or*
- (b) *legal adoption.*
- (4) *In this section, customary rights means rights according to tikanga Māori (Māori customary values and practices), including—*
- (a) *rights to occupy land; and*
- (b) *rights in relation to the use of land or other natural or physical resources.*

Schedule 1 ...

For the purposes of section 12(1)(a), the hapū of Ngāti Pāhauwera are—

² See for example pages 8 and 9 of exhibit D to Affidavit of Toro Waaka affirmed 17 January 2014 and paragraphs 2 and 8 of exhibit A to Affidavit of Derek Huata affirmed 5 December 2013

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- | | |
|---------------------------------------|---|
| (1) Ngā Uri-ō-Māmangu: | (44) Ngāti Matewai: |
| (2) Ngāi Tāne: | (45) Ngāti Māwefe: |
| (3) Ngāi Tāpui: | (46) Ngāti Moe: |
| (4) Ngāi Tauira: | (47) Ngāti Mouru: |
| (5) Ngāi Taumau: | (48) Ngāti Paeahi: |
| (6) Ngāi Te Awhā: | (49) Ngāti Pāhauwera: |
| (7) Ngāi Te Huki: | (50) Ngāti Paieka: |
| (8) Ngāi Te Ngau Pātea: | (51) Ngāti Pari: |
| (9) Ngāi Te Rau/Rauriri: | (52) Ngāti Pāroa: |
| (10) Ngāi Te Rongo: | (53) Ngāti Patupaku: |
| (11) Ngāi Tahuāo: | (54) Ngāti Pēhi: |
| (12) Ngāi Tarapāroa: | (55) Ngāti Peke: |
| (13) Ngarangiaitu: | (56) Ngāti Ponga: |
| (14) Ngāti Ao Kino: | (57) Ngāti Pōporo: |
| (15) Ngāti Heki: | (58) Ngāti Pouanga: |
| (16) Ngāti Hēouri: | (59) Ngāti Poupou: |
| (17) Ngāti Hikapī (Ngāti Mihirau): | (60) Ngāti Pūraro: |
| (18) Ngāti Hine Kete: | (61) Ngāti Pūrua/Popoia: |
| (19) Ngāti Hine Kū: | (62) Ngāti Rāhui: |
| (20) Ngāti Hine Mura: | (63) Ngāti Rangi Haere Kau: |
| (21) Ngāti Hine Rākai: | (64) Ngāti Ririwehi: |
| (22) Ngāti Hine Tunge: | (65) Ngāti Ruakohatu: |
| (23) Ngāti Hineiro: | (66) Ngāti Tahiroa: |
| (24) Ngāti Hinekino: | (67) Ngāti Tangopū: |
| (25) Ngāti Hinemōkai: | (68) Ngāti Taponga: |
| (26) Ngāti Hūatu: | (69) Ngāi Tātaku: |
| (27) Ngāti Ira: | (70) Ngāi Tātua: |
| (28) Ngāti Irirangi: | (71) Ngāti Taumau: |
| (29) Ngāti Iriwhata: | (72) Ngāi Te Māha: |
| (30) Ngāti Kahu-o-Te-Rangi: | (73) Ngāi Te Pānga: |
| (31) Ngāti Kaihāere: | (74) Ngāi Te Rangitakūāo: |
| (32) Ngāti Kaingaahi: | (75) Ngāti Hinekaraka: |
| (33) Ngāti Kapekape: | (76) Ngāti Tuhemata: |
| (34) Ngāti Kapua Matotoru: | (77) Ngāti Wera: |
| (35) Ngāti Kapukapu: | (78) Ngāi Tahu: |
| (36) Ngāti Katihe: | (79) Ngāi Te Ruatai: |
| (37) Ngāti Kautata (Ngāti Whakarewa): | (80) Ngāti Tauhere: |
| (38) Ngāti Kawe: | (81) Ngāti Hineterangi/Ngāti Hine Paia: |
| (39) Ngāti Kopa: | (82) Ngāi Te Ao Kapiti: |
| (40) Ngāti Kotihe: | (83) Ngāi Te Aonui: |
| (41) Ngāti Kūkura: | (84) Ngāti Rangitohumare: |
| (42) Ngāti Kura/Kurahikakawa: | (85) Ngāi Te Rūruku: |
| (43) Ngāti Matengāhuru: | |

11. A map of the core area of interest referred to in section 12(2) is annexed and marked "A".
12. Many of the hapū which are part of the Ngāti Pāhauwera confederation, and which are represented by the Trustees, retain their own distinct hapū identity, so some witnesses refer to one of the hapū listed above rather than Ngāti Pāhauwera.³

³ Paragraph 5 of Brief of Evidence of Wayne Taylor dated 31 August 2007 and paragraph 1 of affidavit of Gaye Hawkins affirmed 4 February 2014

13. As a consequence of the Treaty Settlement negotiations process, some hapū which traditionally were part of the Ngāti Pāhauwera confederation are not included in the definition above or represented by the Trustees. This is not strictly relevant to the current application as these hapū had their interests south of the Waikari River. However I refer to them here as they have interests in our wider area of interest so they are relevant to a future application that we intend to make. They are also referred to by witnesses who have given evidence which goes beyond the current application area.⁴

THE APPLICATION AREA

14. A map of the application area is annexed and marked “B”.
15. The application area is adjacent to our core land area which I have already annexed at “A”. The rohe moana of Ngāti Pāhauwera is actually much larger than the application area. I explained our traditional boundary in my personal affidavit.⁵ Cordry Huata gave the same explanation before the Waitangi Tribunal in the Mohaka River Inquiry.⁶ We also recorded it in the Deed of Settlement we entered into with the Crown in December 2010 to settle the Crown’s breaches of the Treaty of Waitangi, as follows:

“The traditional boundary of Ngāti Pāhauwera, confirmed by Te Kahu o Te Rangi, extended inland from the coast north of the Waihua River across to the Waiau River and followed its course to the headwaters in the Huiarau. From there the boundary extended across to Tātarakina (Te Haroto) and on to Puketitiri and from there across to Te Wai o Hinganga (Esk River) and followed its course to the sea.”⁷

16. Many Ngāti Pāhauwera witnesses talk about our rights outside the application area and how we maintain these. See for example evidence about south of the Waikari River,⁸ Aropaoanui⁹ and Ahuriri.¹⁰ The memories and stories show that Ngāti Pāhauwera occupation and use were certainly not limited to the area under application.

⁴ See for example the 5 December 2013 affidavit of Derek Huata which talks about Ngāti Pāhauwera interests from Poututu to Ahuriri, and refers to Ngāti Hine te Rangi (paragraphs 3 and 19)

⁵ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraphs 14-17

⁶ WAI 201, A14 Report to Waitangi Tribunal (Mohaka River Inquiry) by Cordry Huata dated 18 February 1991 at page 3

⁷ Ngāti Pāhauwera Treaty Claims Settlement Act 2012, Preamble at Paragraph 3

⁸ Affidavit of Raymond Russell Edwards affirmed 25 November 2013 at paragraphs 3-6

⁹ Affidavit of Arthur Thorpe Gemmell affirmed 26 November 2013 at paragraphs 10-15

¹⁰ See affidavit of Awhina Evelyn Waaka affirmed 27 November 2013 at paragraph 19. See also more generally affidavit of Derek Huata/King affirmed 5 December 2013 at paragraph 15 and Affidavit of Tiwana Aranui affirmed 10 January 2014 at Paragraph 3

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17. Others outside Ngāti Pāhauwera have also recognised our wider area of influence. For example in her report for the Waitangi Tribunal Mohaka ki Ahuriri Inquiry, Joy Hippolite (extract annexed and marked “C”) talked about McLean coming to our rohe in 1864 and finding that we dominated as far south as Tangoio:

“Moving south from Wairoa on 3 November, McLean and his party met with Paora Rerepu and others at Waihua. The area of land from the Waihua River, south of Wairoa, to Tangoio and inland to the upper Mohaka River, was dominated by the major hapu, Ngāti Pāhauwera. They were the intermarried descendants of many early pre-Kahungunu ancestors as well as later migrants. Minor hapu associated with Ngāti Pāhauwera in the Waihua River area were Ngati Kapukapu, Ngati Te Rangihaerekau and Ngati Hinekete or Hinekino. Paora Rerepu was recognised as their chief. He offered for sale a block of land on the north bank of the Waihua River”¹¹

18. However, in some parts of this wider area where Ngāti Pāhauwera have interests, there are overlaps with other hapū who we do not represent. I will not set out the details of those claimed overlaps here, except to say that Ngāti Pāhauwera have made a pragmatic decision to limit this application to a smaller part of our rohe moana, being the moana between Poututu Stream and Waikari River. We chose this area because our iwi and hapū neighbours do not claim any interests.
19. Our Customary Rights Order application before the Māori Land Court was over the same area. It was not opposed by any other iwi or hapū. We understand the Crown received no opposition by any other iwi or hapū to our application during its third party engagement process.
20. We intend to pursue our interests outside the application area at a later time.
21. I would like to note one point regarding the Waikari River. It is sometimes referred to as Waikari and sometimes as Waikare, the first generally referring to the River and the second to the area, although some people use the variations interchangeably.

NGĀTI PĀHAUWERA CONNECTIONS

22. Ngāti Pāhauwera have whakapapa relationships with a large number of Iwi.

¹¹ Joy Hippolite *Wairoa* (November 1996), Page 26 (extract)



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23. Ngāti Pāhauwera has a strong affiliation to Ngāti Kahungunu, geographically and through intermarriage. This connection is confirmed in the affidavit of Wiremu Hodges, who describes a process to create a Ngāti Kahungunu kaupapa, and notes that this naturally included the involvement of Ngāti Pāhauwera.¹² As another example, we took an interest in the development of the Ngāti Kahungunu Marine and Freshwater Fisheries Strategy 2009, annexed and marked “D”. The details of consultation hui recorded in the strategy confirm this. A hui was held at Mohaka, in the core of our rohe, so the attendees would have been predominantly if not exclusively Ngāti Pāhauwera. From attendance lists also in the strategy it appears that Ngāti Pāhauwera members attended many of the other hui as well. The resulting strategy is not a Ngāti Pāhauwera strategy and therefore does not necessarily reflect our views, but it does show that we have our own mana. For example it notes *“the management of customary fisheries will always lie with the hapu and the Tangata Tiaki/Kaitiaki they appoint, and this strategy seeks to support them in that role.”*¹³ As I said we as Ngāti Pāhauwera have our own mana, and in the application area the Trustees represent all those who have the rights and obligations which can be recognised under the Takutai Moana Act. As an organisation, Ngāti Kahungunu Iwi Incorporated has explicitly supported our Takutai Moana Claim in a written submission.¹⁴
24. Another connection is to a set of iwi/hapū on the East Coast through the net of Te Huki. We feel connected to those iwi/hapū through Te Huki’s line. The net of Te Huki is an allegorical construct referred to by all East Coast iwi and hapū. In an explanation on behalf of Ngāti Konohi for the Department of Conservation and the Ministry for the Environment, Peter Gibson provided an outline which is useful:

“Te Huki was a highly esteemed chief of the Wairoa district who was descended from Kahungunu. In life he fulfilled the great promise of his ancestry. With diplomatic skill he married himself (3x) and later also his sons and daughters into the various tribes extending from Uawa to the Wairarapa, thus establishing Te Kupenga-a-Te Huki. Figuratively, it is a human net, a league of the people. Te Huki was not a warrior or a military strategist. He was more of a diplomat than a fighter (warrior); his ambition was always in the interest of peace and love. He set out to create unity amongst his people by marrying the daughters of influential chiefs at Heretaunga, at Nuhaka and Turanganui-a-kiwa (Gisborne). In Turanga he married Rewanga, the daughter

¹² Affidavit of Wiremu Itereama Sylvester Hodges affirmed 11 December 2013 at paragraphs 24-25

¹³ Ngati Kahungunu Marine and Freshwater Fisheries Strategic Plan 2009

¹⁴ Letter from Ngati Kahungunu Iwi Incorporated dated 9 July 2013 to Ministry of Justice as part of the Crown’s third party engagement process.




of Te Aringa-i-waho, the chief of Titirangi pa (above Gisborne harbour). In order to maintain his popularity with the people, Te Huki did not remove his wives from their respective homes and people; he simply visited them. This behaviour meant that he was highly respected by the people of his wives and that he kept intact the love of the people towards his wives and children. ...

Many of the marriages would have been arranged for the benefit of both tribes. These marriages and unities are extremely important to the Maori people of the East Coast from Uawa to the Wairarapa, for it was through these diplomatic marriages and activities that the people became united and succoured each other when the need arose. So Whangara is the northern end of the net, Mohaka is the central float and Te Poroporo near Porangahau is the southern end".¹⁵

25. The relevant pages setting out the above are annexed and marked "E". Ngāti Konohi is one of the other hapū of Te Kupenga o Te Huki, which they describe as Te Kupenga a Te Huki.
26. Te Huki's net is referred to in numerous Ngāti Pāhauwera legends and waiata.¹⁶ Te Huki is relevant to this application because his story demonstrates that it is not just the inland parts of the application area which belong to us. The deeper waters are a vital part of our history and are important to us today. Te Huki would have travelled by waka to see his wives as it was the fastest mode of transport and as they were some distance apart. It is likely that he utilised the deeper parts of our application area, or even travelling further out to sea.
27. This is not a unique story. The importance of the whole of the application area including the deeper waters is reflected in the many korero about waka coming through the waters and our strong connection back to the Pacific Islands. Ngāti Pāhauwera affiliate to a number of waka that visited the Mohaka area. The more prominent of these was Takitimu. Canon Wi Huata was a revered Ngāti Pāhauwera and Ngāti Kahungunu Priest and Tohunga. A biography is annexed and marked "F".¹⁷ Canon Wi Huata recorded a whakapapa demonstrating these linkages between waka and iwi. This whakapapa is publicly available as it has been published online by Ross Himona on maaori.com. A copy is annexed and marked "G". Our deeper waters are a reminder of the waka that travelled on those waters,

¹⁵ Peter Gibson *Maori Methods and Indicators for Marine Protection* (abbreviated from 'Takitimu' T.H. Mitira) <http://www.doc.govt.nz/documents/science-and-technical/sap233.pdf>, pages 5-6

¹⁶ See for example pages 5, 10 and 12 of exhibit C to Affidavit of Marie Ketia Moses affirmed 19 December 2013

¹⁷ Te Ara Encyclopedia of New Zealand *Biography of Wiremu Te Tau Huata* <http://www.teara.govt.nz/en/biographies/5h39/huata-wiremu-te-tau> retrieved 26.10.13

and in turn our tipuna and the tipuna of our whanaunga who travelled on those waka.

28. In the case of the Takitimu waka, they travelled from other Pacific Islands. We keep the connection to the Takitimu waka and the other places it travelled alive. For example Canon Wi Huata's son Tama Huata outlines the connections of Rarotonga to the Takitimu canoe.¹⁸ In 2008 Tama started the Takitimu Festival in which Ngāti Pāhauwera participates. Annexed and marked "H" is information from the 2011 Festival. A waiata written by Tiwana and Yvonne Aranui about the Ngāti Pāhauwera rohe called "*Ko Maunga Haruru*" refers to Ruawharo the Tohunga who was on board the Takitimu.¹⁹ Maraea Aranui explains her personal and Ngāti Pāhauwera links to Rarotonga.²⁰
29. Our connections to other iwi and hapū are important to us. Our tikanga requires that we meet certain obligations to our whanaunga. For example part of the obligation of Manaakitanga means that we allow other iwi and hapū to use our moana.
30. I gave evidence in the Mohaka River claim which gives an idea how Ngāti Pāhauwera managed the use of our moana by other hapū:

"Another pact was between Ngati Hinepare and Pahauwera, the Whakatauki is:-

Manahou ki uta. Pahauwera ki te moana

This pact illustrates an agreement regarding uses in relation to the coastal areas and hinterland. Ngati Hineuru also had an agreement which allowed them to fish at the river mouth at certain times when the kahawai was running. In return, Pahauwera had access to hinterland areas when food on the coast was scarce. Hence the Ngati Pahauwera Whakatauki;

Tangitu ki te moana, maungaharuru ki uta.

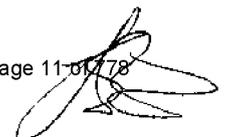
This means when one area is closed for food gathering another one is open. There were strict times for gathering different species of flora and fauna and this ensured food was only gathered when it would provide maximum benefit. Rahui was placed over areas to allow species to replenish and become more abundant. These agreements or rahui were respected by surrounding hapu. Breaches would lead to warfare as was the case of Rahui Whatiwhati. In this instance Pahauwera was involved in an internal civil war."²¹

¹⁸ Affidavit of Tama Turanga Huata affirmed 28 November 2013 at paragraph 2

¹⁹ Exhibit A to Affidavit of Tiwana Aranui affirmed 10 January 2014

²⁰ Affidavit of Maraea Aranui affirmed 10 December 2013 at paragraph 2 and 6-8

²¹ Brief of Evidence of Toro Waaka WAI 201, B008 at page 8

31. These types of arrangement have always been in place. In more recent times we have extended Manaakitanga through allowing use of our moana to non-Māori as well. Unfortunately sometimes others have not understood their corresponding obligations, but their ignorance does not diminish our obligations.

BACKGROUND TO THIS APPLICATION

32. This application is merely the latest step in many years of Ngāti Pāhauwera asserting our rights over our moana and awa and trying to explain how we know we have these rights. Because of this, our application does not just rely on evidence from today. We have evidence over many years, some of which I will highlight.
33. In recent times, much of our energy has had to be focussed on protecting the Mohaka River. This is because our river has been identified by other parties as an important resource, so we were forced to assert our rights. Our rivers, and our past attempts to protect our rivers are also relevant, because the application area includes the river mouths. Also, the evidence we have given about our awa is equally true about our moana. Each are just as much ours, but where our evidence has had to focus on the Mohaka River, this reflects the challenge we were facing at that time.
34. The need to focus on our river in isolation highlights the challenges we have faced in light of, as Wiremu Hodges puts it, "*[t]he penchant of the government for dividing up the "environmental cake" into various agencies or bodies of central and local government*". As Wiremu noted, this approach "*seriously works against the Maori holistic approach.*"²² Our rivers cannot be disconnected from our land, ocean, plants and animals for example, and what happens with each affects the others.
35. Beginning with our opposition to the imposition of a water conservation order over the Mohaka River in 1987, I will set out the recent history that has led to the present application.

²² Wiremu Hodges *Ngāti Kahungunu Kaitiakitanga mo nga taonga tuku iho, Conservation ethic 1994*, exhibit B to the affidavit of Wiremu Itereama Sylvester Hodges affirmed 11 December 2013 at page 14

Mohaka River water conservation order and Waitangi Tribunal claim

36. In 1987, the Hawke's Bay Acclimatisation Society and the Council of North Island Acclimatisation Societies applied under the Water and Soil Conservation Act 1967 for a water conservation order for the Mohaka River.
37. We opposed the imposition of a water conservation order on our river. A special tribunal was convened to consider the application. Despite hearing our evidence that the Mohaka River is ours, the special tribunal recommended that a water conservation order be made and prepared a draft order.
38. Ngāti Pāhauwera objected to the draft order and a Planning Tribunal was convened to consider the objections. Ngāti Pāhauwera filed a number of pieces of evidence in the hearing. We rely on the following as they are relevant to this application (I have not annexed them because they are lengthy and already available to the Crown):
- 38.1. Evidence of Bernard John Taylor;
 - 38.2. Evidence of Beverly Janet Rameka;
 - 38.3. Evidence of Canon Wiremu Wi Te Tau Huata;
 - 38.4. Evidence of Charlie King;
 - 38.5. Evidence of DID Moana Deefe;
 - 38.6. Evidence of Edward Te Kahika (Jr);
 - 38.7. Evidence of Eruiti Nuki Te Kahika;
 - 38.8. Evidence of Fred Hancy;
 - 38.9. Evidence of George Thomson for the Ngāti Pāhauwera Society Inc;
 - 38.10. Evidence of Hazel Kinita;
 - 38.11. Evidence of Ihipera Te Kahika;
 - 38.12. Evidence of James William Wainohu Hodges;
 - 38.13. Evidence of Karina Te Aho;
 - 38.14. Evidence of Marama Rose Taylor;
 - 38.15. Evidence of Marama Theresa Te Aho;
 - 38.16. Evidence of Mokopuna Te Kahu;
 - 38.17. Evidence of Myra Te Kahika;
 - 38.18. Evidence of Pauline Maude Robinson;
 - 38.19. Evidence of Rangī Robinson;
 - 38.20. Evidence of Rere ki Te Paku Keefe;

- 38.21. Evidence of Whetu Tirikatene Sullivan MP;
- 38.22. Evidence of Wi Derek Huata; and
- 38.23. Evidence of Phyllis St Clair McIntosh.

Of the witnesses listed above, Canon Wi Huata, Myra Te Kahika, Pauline Robinson, Moana Keefe, Eruti Nuki Te Kahika, Marama Rose Taylor, Mokopuna Te Kahu, Whetu Tirikatene Sullivan, Charlie King, Rangi Robinson and Fred Hancy have passed away. Hazel Kinita and Wi Derek Huata have given evidence again in support of the current application.

- 39. The Planning Tribunal considered that it had no legal authority to consider that evidence and in April 1992 recommended that the draft order should be made.
- 40. Also in April 1992, the Waitangi Tribunal began an urgent hearing into the Ngāti Pāhauwera claims to the Mohaka River, including whether the draft water conservation order should be finalised. Ngāti Pāhauwera filed a number of pieces of evidence in the hearing. We rely on the following as they are relevant to this application (again I have not annexed them as they are lengthy and publicly available):
 - 40.1. Evidence of Cordry Huata regarding purchase of the Mohaka block 18 February 1991;²³
 - 40.2. Kotuku Consultancy Ltd Mohaka Archaeology survey lower Mohaka River November 1989 supplied by Cordry Huata;²⁴
 - 40.3. Evidence of Anne La Porta on Ngāti Pāhauwera use and Tribal Viewpoints of the Mohaka River July 1991;²⁵
 - 40.4. Evidence of Pam Bain archaeological survey for Ngāti Pāhauwera December 1991 and supporting documents, plates and figures;²⁶
 - 40.5. George Thomson Preliminary Report on the Mohaka River Valley December 1990;²⁷
 - 40.6. Evidence of George Thomson on the Crown and Ngāti Pāhauwera from 1864, January 1992 and supporting documents;²⁸
 - 40.7. Evidence of Ngahiwi Tomoana;²⁹
 - 40.8. Evidence of Tureti Moxon;³⁰

²³ Wai 201, A014

²⁴ Wai 201, A015

²⁵ Wai 201, A024

²⁶ Wai 201, A026 and A026 (a)

²⁷ Wai 201, A027

²⁸ Wai 201, A029 and Wai 201, A035 (a) part 1, Wai 201, A035 (a) part 2, Wai 201, A035 (b) (i), Wai 201, A035 (b) (ii), Wai 201, A035 (b) (iii), Wai 201, A035 (e), Wai 201, A035 (d)

²⁹ Wai 201, A037 (a)

- 40.9. Evidence of Derek Huata;³¹
- 40.10. Evidence of August Keefe;³²
- 40.11. Evidence of Ramon Joe;³³
- 40.12. Evidence from Ngāti Pāhauwera 13 April 1992;³⁴
- 40.13. Evidence of George Thomson;³⁵
- 40.14. Evidence of Maraea Aranui;³⁶
- 40.15. Evidence of Owen Jerry Hapuku;³⁷
- 40.16. Evidence of Toro Waaka;³⁸
- 40.17. Evidence of Dan Joe;³⁹
- 40.18. Evidence of Tom Gemmell;⁴⁰
- 40.19. Translation of evidence of Canon Wi Te Tau Huata;⁴¹
- 40.20. Evidence of Turieti Moxon;⁴²
- 40.21. Evidence of Cordry Huata;⁴³
- 40.22. Evidence of Nigel Hadfield;⁴⁴
- 40.23. Translation of evidence of Charlie King presented to the Planning Tribunal;⁴⁵
- 40.24. Transcript of evidence of James Ritchie;⁴⁶
- 40.25. Evidence of George Thomson;⁴⁷ and
- 40.26. Evidence of Rameka Cope.⁴⁸

Of the witnesses listed above, Canon Wi Huata, August Keefe, Tom Gemmell, Ramon Joe and Charlie King have passed away. Derek Huata, Maraea Aranui and myself have given evidence again in support of the current application.

- 41. At the hearing, Ngāti Pāhauwera showed a short video about the Mohaka River which is annexed and marked "I". The video shows us in the lagoon at our river mouth and illustrates some of the things in this affidavit, such as

³⁰ Wai 201, A037 (b)
³¹ Wai 201, A037 (e)
³² Wai 201, A037 (d)
³³ Wai 201, A037 (e) and Wai 201, B007
³⁴ Wai 201, A037
³⁵ Wai 201, A049
³⁶ Wai 201, B001
³⁷ Wai 201, B006
³⁸ Wai 201, B008
³⁹ Wai 201, B010
⁴⁰ Wai 201, B011
⁴¹ Wai 201, B012 and A25(2)
⁴² Wai 201, B013
⁴³ Wai 201, B014 and Wai 201, B014 (a)
⁴⁴ Wai 201, B024
⁴⁵ Wai 201, B027 and A252
⁴⁶ Wai 201, B028
⁴⁷ Wai 201, B030
⁴⁸ Wai 201, C10




our Reti boards, hāngi stones and eeling. It also acknowledges two prominent Ngāti Pāhauwera whanau Canon Wi Huata and Ariel Aranui who were instrumental in the Mohaka River claim.

42. The Waitangi Tribunal issued its report in November 1992. I have not annexed this as it is quite long but we rely on it. The Tribunal recommended, amongst other things, that a water conservation order should not be made unless and until discussions between Ngāti Pāhauwera and the Crown resulted in an agreement on a regime for the control and management of the Mohaka River.⁴⁹
43. However, the Crown made no attempt to negotiate with Ngāti Pāhauwera at all. Instead over the next nine years Ngāti Pāhauwera were forced to repeatedly defend Crown attempts to impose the water conservation order. The Crown ultimately did impose the water conservation order, which came into effect in December 2004. A copy of the Water Conservation order is annexed and marked "J".
44. Despite the water conservation order being imposed, Ngāti Pāhauwera continued to protest that it was wrong and that it is our right and obligation to manage our river. Through Treaty Settlement negotiations, we agreed changes to the water conservation order with the Crown. Our Treaty Settlement Act provides that Ngāti Pāhauwera will be able to nominate members for any special tribunal appointed by the Minister for the Environment to hear any application to revoke or change the Mohaka River Water Conservation Order or make a new water conservation order over those parts of the Mohaka River within our core area of interest.⁵⁰ Obviously this does not reflect the full extent of our interests but it was an improvement.

Mohaka ki Ahuriri Inquiry and Remedies Application

45. The Ngāti Pāhauwera land claims were heard by the Waitangi Tribunal as part of the Mohaka ki Ahuriri inquiry between 1996 and 2000.

⁴⁹ Waitangi Tribunal *Mohaka River Report 1992* at 6.4

⁵⁰ Section 62, Ngāti Pāhauwera Treaty Claims Settlement Act 2012



46. In 2004 in the Mohaka ki Ahuriri Report, the Waitangi Tribunal found that the Crown had breached the Treaty in its dealings with Ngāti Pāhauwera. I have not annexed this report as it is quite long but we rely on it. The Tribunal recommended that the Crown hasten to negotiate a settlement with the section 30 representatives for Ngāti Pāhauwera, of which I was one. We had been appointed by the Māori Land Court in 1994 under section 30 of Te Ture Whenua Māori Act 1993 to represent Ngāti Pāhauwera. However, the Crown did not enter into Treaty Settlement negotiations until four years later, after the hearing of our Customary Rights Order application under the Foreshore and Seabed Act, as I discuss further below.

Foreshore and Seabed Act 2004

47. In the meantime, Ngāti Pāhauwera opposed the passing of the Foreshore and Seabed Act 2004. We took this action on the basis that our moana is ours, and we cannot concede it to anyone else. In addition to the hikoi to Parliament, Ngāti Pāhauwera supported the Wai 1071 Waitangi Tribunal claim about the Crown's Foreshore and Seabed Policy.

Customary Rights Order application

48. Ultimately the government enacted the Foreshore and Seabed Act 2004. In 2005 Wayne T Taylor on behalf of Ngāti Pāhauwera filed an application for a Customary Rights Order under the Foreshore and Seabed Act. Ngāti Pāhauwera decided to test whether we could achieve anything by obtaining a Customary Rights Order. We are the only group to have had an application heard in the Māori Land Court, in February 2008 at Mohaka.
49. Because of the restrictive nature of the Foreshore and Seabed Act, our Customary Rights Order application was limited to customary use of a small list of resources found in our moana. However, it was impossible to separate resource use from the fact that we are the owners and caretakers of our rohe moana.⁵¹ Use of these resources was one way that we

⁵¹ See for example Brief of Evidence of Angela Culshaw-Kaisa dated 31 August 2007 at paragraph 21 and brief of Evidence of Wayne Taylor dated 31 August 2007 at paragraphs 4 and 5

exercised our Tino Rangatiratanga over our moana.⁵² The hearing was widely attended by Ngāti Pāhauwera.

50. Again, the unnatural splitting of resources was highlighted by Ngāti Pāhauwera witnesses. For example Colin Culshaw said:

*"It is artificial to only be able to include some of the resources in this application, because everything is connected"*⁵³.

51. At the hearing it was evident that our moana is so remote and rugged that almost no one else goes there. No one was really interested in our application but us. Four people who were not Ngāti Pāhauwera made submissions on our original Customary Rights Order application, but none of them came to the hearing at Mohaka. Evidence and submissions from the Hawkes Bay Regional Council and the Crown were largely technical. During the hearing, the Crown acknowledged the unbroken, inalienable and enduring mana of Ngāti Pāhauwera in the foreshore and seabed and that this is held and exercised by Ngāti Pāhauwera as a collective right.⁵⁴

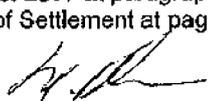
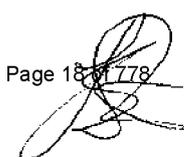
52. All of our evidence from our Customary Rights Order hearing is directly relevant to this application and we rely on it, as follows (again I do not annex this evidence, but it is available to the Crown):

- 52.1. Transcript of hearing held in Mohaka dated 18-22 February 2008;
- 52.2. Brief of Evidence of Angela Culshaw-Kaisa dated 31 August 2007;
- 52.3. Brief of Evidence of Ani Keefe dated 31 August 2007;
- 52.4. Brief of Evidence of Beverley Rameka dated 31 August 2007;
- 52.5. Brief of Evidence of Charles Lambert dated 31 August 2007;
- 52.6. Brief of Evidence of Colin Culshaw dated 31 August 2007;
- 52.7. Brief of Evidence of Cordry Huata dated 31 August 2007;
- 52.8. Brief of Evidence of Derek Huata dated 12 October 2007;
- 52.9. Brief of Evidence of Fred Hancy dated 31 August 2007;
- 52.10. Brief of Evidence of Gaye Hawkins dated 10 September 2007;
- 52.11. Brief of Evidence of Harry Tuapawa dated 31 August 2007;
- 52.12. Brief of Evidence of Hazel Kinita dated 31 August 2007;
- 52.13. Brief of Evidence of Janet Huata dated 31 August 2007;
- 52.14. Brief of Evidence of Marama Te Aho dated 31 August 2007;
- 52.15. Brief of Evidence of Olga Rameka dated 31 August 2007;

⁵² See for example Brief of Evidence of Cordry Huata dated 31 August 2007 at paragraphs 5-7, 12-and 17

⁵³ Colin Culshaw Brief of Evidence dated 31 August 2007 at paragraph 4

⁵⁴ Background section of Ngāti Pāhauwera Deed of Settlement at page 6

- 52.16. Brief of Evidence of Peggy Cottle dated 10 September 2007;
- 52.17. Brief of Evidence of Piripi Nuku dated 31 August 2007;
- 52.18. Brief of Evidence of Toro Waaka dated 15 February 2008;
- 52.19. Brief of Evidence of Toro Waaka dated 31 August 2007;
- 52.20. Brief of Evidence of Wiki Williams dated 31 August 2007;
- 52.21. Brief of Evidence of Wayne Taylor dated 31 August 2007;
- 52.22. Brief of Evidence of William Culshaw dated 31 August 2007; and
- 52.23. Brief of Evidence of Wiremu Winiana dated 31 August 2007.

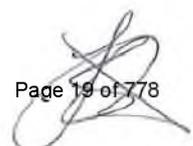
Of these witnesses, Fred Hancy, Peggy Cottle, Piripi Nuku and Harry Tuapawa have passed away, and we have submitted new affidavits or statements from Ani Keefe, Charles Lambert, Hazel Kinita, Janet Huata, Derek Huata, Gaye Hawkins and myself.

Joint Treaty Settlement and Foreshore and Seabed negotiations

- 53. Less than a month after the hearing at Mohaka, the Crown wrote to us expressing a desire to meet urgently to discuss the settlement of our Treaty of Waitangi and Foreshore and Seabed claims. The three sets of litigation (remedies, section 30 order review and customary rights order applications) were adjourned and Ngāti Pāhauwera and the Crown signed Terms of Negotiations in May 2008, beginning formal negotiations. During the negotiations, the section 30 representatives completed a governance review that had been underway since 2007 and the Trusts were established. We rely on the following documents from our Treaty settlement:

- 53.1. Ngāti Pāhauwera Treaty Claims Settlement Act 2012;
- 53.2. Ngāti Pāhauwera and Crown Deed of Settlement 17 December 2010; and
- 53.3. Ngāti Pāhauwera and Crown Agreement in Principle 31 August 2008.

- 54. Legal measures to reflect our Tino Rangatiratanga over our moana and awa was a key priority for our negotiations. The negotiations ultimately were to redress Treaty breaches, as in 2009 our Foreshore and Seabed negotiations were put on hold while the Crown reviewed the Foreshore and Seabed Act and were not resumed before we signed our Deed of Settlement. However, we sought redress that would help us to protect our moana and awa, including:

- 54.1. The return of a number of pieces of land abutting our waters;
- 54.2. Appointment of the Trustees as an advisory committee to the Minister regarding any changes to finfish fishing restrictions on the Wairoa Hard and changes to the current restrictions on the commercial taking of aquatic life from the Mohaka River.⁵⁵ The Wairoa Hard is an area protected from netting which includes the whole application area. Details of the Wairoa Hard including a map and description of the Wairoa Hard from the 1999 Hawkes Bay Regional Coastal Plan are annexed and marked "K".⁵⁶ Commercial Eeling has been banned on the Mohaka River for some time (refer to exhibit "L").⁵⁷ Ngāti Pāhauwera support these restrictions as they provide legal protection of our resources. For example, a number of our witnesses have talked about their anger when trawlers flout the restrictions on the Wairoa Hard;
- 54.3. A statutory acknowledgement over Earthquake Slip Conservation Area (Tiwhanui, on the coast south of Waikari River) which will require Councils, the Environment Court, and the Historic Places Trust to have regard to the association of Ngāti Pāhauwera to this site when making decisions that affect it;⁵⁸
- 54.4. Provisions in our Settlement Act that no one may take hāngi stones from the bed of the Mohaka or Te Hoe Rivers in the core area of interest (which is the land adjacent to the application area) unless they have the permission of the Trustees;⁵⁹
- 54.5. The Ngāti Pāhauwera settlement confirmed an agreement between Ngāti Pāhauwera and Hawke's Bay Regional Council for us to approve the annual overall allocation of gravel to be extracted from the Mohaka River, along with the volume for allocation to Ngāti

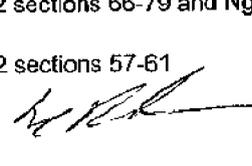
⁵⁵ Ngāti Pāhauwera Treaty Claims Settlement Act section 63

⁵⁶ section 11 *Fisheries (Central Area Commercial Fishing) Regulations 1986*, Map of and explanatory note about Wairoa Hard and SA14 Hawkes Bay Regional Coastal Plan 1999 regarding Wairoa Hard

⁵⁷ See section 3(2)(a) of *Fisheries (Central Area Commercial Fishing) Regulations 1986*

⁵⁸ Ngāti Pāhauwera Treaty Claims Settlement Act 2012 sections 66-79 and Ngāti Pāhauwera Deed of Settlement Provisions Schedule clause 138

⁵⁹ Ngāti Pāhauwera Treaty Claims Settlement Act 2012 sections 57-61



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Pāhauwera and any other users, sites and rates of extraction, and monitoring of gravel operators;⁶⁰

54.6. As already mentioned above, Ngāti Pāhauwera will be able to nominate members for any special tribunal appointed by the Minister for the Environment to hear any application to revoke or change the Mohaka River Water Conservation Order or make a new water conservation order over those parts of the Mohaka River within our core area of interest;⁶¹ and

54.7. In parallel to the settlement, a good governance initiative for the Mohaka, Waikari and Waihua Rivers involving a scoping study on the health of the rivers (including a cultural health assessment) and a fund of \$2 million to implement recommendations from the scoping study. A newspaper article on our progress with this initiative is annexed and marked "M".

55. The redress we accepted does not reflect the extent of our interests in our moana. But it does reflect our desire to protect it through whatever means available.

Review of Foreshore and Seabed Act and resumption of discussions with Crown following passing of Takutai Moana Act

56. Ngāti Pāhauwera submitted on the various different stages of the Foreshore and Seabed Act review. Our focus was trying to ensure that any changes to that Act or any new Act include better legal mechanisms to support the fact that our moana is ours. In 2011 the Takutai Moana Act was passed. In 2012, we resumed discussions with the Crown regarding our Takutai Moana application.

THE APPLICATION AREA BELONGS TO NGĀTI PĀHAUWERA

57. I have introduced who Ngāti Pāhauwera are and the history leading up to this application. Ngāti Pāhauwera witnesses have explained that the application area belongs to Ngāti Pāhauwera. The challenges of explaining

⁶⁰ Ngāti Pāhauwera Treaty Claims Settlement Act 2012 sections 64 and Ngāti Pāhauwera Deed of Settlement clause 5.13-5.16

⁶¹ Ngāti Pāhauwera Treaty Claims Settlement Act 2012 sections 62



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this in the English language and settings completely different from our own are reflected in the many ways we have tried to describe for others what we know over the years. I do not intend to repeat their evidence. However I will highlight some parts and give some more examples of how the Trustees know that the application area belongs to Ngāti Pāhauwera and how we use and care for it.

TIKANGA

58. Some of our important experts in our tikanga Ramon Joe (now deceased) and Cordry Huata, Wiremu Hodges, Kuki Green, Tama Huata and, do not talk about tikanga in relation to our moana just from 1840. They all acknowledge that we must start at the beginning. For example Wiremu Hodges says *"from time immemorial up to now and into the eternal future there are levels of Māori Social responsibility based on Tikanga"*.⁶² Tama Huata begins *"I want to start at the beginning"* and then explains of the journey of Māori from Rarotonga to New Zealand on the Takitimu.⁶³ In my personal affidavit I detail the connection of Ngāti Pāhauwera through whakapapa and how we are descended through Io and Paptuanuku.⁶⁴ Through these examples we have explained our long connection to our moana and how tikanga provides that our moana is ours to protect.
59. Other witnesses talk about how we exercise our tikanga every day. For example Gaye Hawkins describes how she learned by going everywhere with her father as a small child.⁶⁵ Still other witnesses explain that we have done this for generations and that our tikanga is taught generation to generation. For example Luis McDonnell acknowledges he received his knowledge from Ramon Joe and Wiremu Te Kahu⁶⁶ while Hiro Hamilton acknowledges his responsibility to pass our tikanga on to future generations.⁶⁷

⁶² Affidavit of Wiremu Itarama Sylvester Hodges affirmed 11 December 2013 at paragraph 28

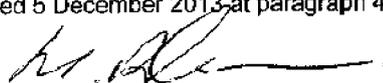
⁶³ Affidavit of Tama Turanga Huata affirmed 28 November 2013 at Paragraphs 2 and 3

⁶⁴ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraphs 21-25

⁶⁵ Affidavit of Gaye Hawkins affirmed 4 February 2014, at paragraph 9

⁶⁶ Affidavit of Luis McDonnell affirmed 28 November 2013, 4th page

⁶⁷ Affidavit of Hiro Hamilton affirmed 5 December 2013, at paragraph 4




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WAIATA

60. Our connection to our moana is also reflected in our waiata. Other witnesses have talked about waiata, but I will add two more examples.

61. "*Tangitu ki te Moana*" is a well known Pāhauwera song. The whakatauki "*Tangitu ki te Moana, Maungaharuru ki uta*" has been mentioned by many witnesses, but the waiata incorporating this whakatauki also talks about our places on the coast: Mohaka, Waihua, Waikari, Moeangiāngi, Waikoau and Arapaoanui. Reference is also made to the net of Te Huki:

Tangitu ki te Moana, Maungaharuru ki uta

*Tangitu ki te Moana, Maungaharuru ki uta
Ko Mohaka te Awa
Ko Ngāti Pāhauwera te Iwi
Kei Waenganui te kupenga o Te Huki*

*Ka hoki mai ki Waihua, ki te wai koropupu
Ki nga ngaru o Te Huki*

*Ka hoki mai ki te awa o Waikari, ki te riu te tai
Patoto ki te ata, Patoto ki te po*

*Ka hoki mai ki Moeangiāngi, ki te whanui
Ki te pataka o Tangaroa*

*Ka hoki mai ki te awa o Waikoau,
Ki Arapaoanui, ki nga toka o nga tipuna*

*Ka hoki mai ki te wai o hingaana, ki ngete ngete te ra u
Ka put ate Kakari. Mo te toa anake tatau.*

62. The line "*Patoto ki te ata, Patoto ki te po*" talks about the sound of crashing waves in the morning and at night at Waikari. We also recite this line as a whakatauki about the bounty of food in Waikare which is expressed in the sound of the crashing waves.⁶⁸

63. Another waiata "*Ko ngā pou o Te Kahu o Te Rangī*" repeats these sites and things of importance to us. It talks about the boundary of Te Kahu o Te Rangī from Ohinepaaka (at Poututu) to Te Wai o Hinaanga (the Esk River), and it records our important mahinga kai, the Maungaharuru ranges and our reef Tangitū. It talks about the healing waters of the Mohaka and our Hāngi stones:

⁶⁸ Māori Land Court Customary Rights Order Hearing Transcript, Evidence of Toro Waaka, 18-22 February 2008 (Day 1-Session1) page 16 of 271

*Ko ngā pou o Te Kahu o Te Rangi
 Ko Ohinepaaka ki raro
 Ko Te Wai o Hingahinga ki runga
 Ko Maungaharuru ki uta
 Ki Tangitū ki te Moana e
 Mohaka Tomoirangi
 He whakamakuku
 Mohaka te Wai Ora e
 Mohaka Harara Tapunga Opunga
 Ngāti Pahauwera, Ngāti Pahauwera
 Ko Ngāti Pahauwera Tihei Mauriora!*

WAKA AND BOATS

64. Ngāti Pāhauwera have always used waka and boats in our moana. We have adapted over time to new technology and resources.
65. It is well documented that Ngāti Pāhauwera owned boats from the time that Europeans arrived. A Ngāti Pāhauwera ancestor, Henrici, owned a boat called the *Gypsy* which is documented in an article from 1869 annexed and marked "N".⁶⁹ I also refer to our ownership of boats in the mid 1800s in my personal evidence.⁷⁰
66. We used boats for trading. For example, in 1835 my ancestor Waaka Toroiwhiti travelled to Sydney Australia by ship, I was told, to purchase trading flags (which were used by ships for identification). His trip to Sydney is recorded in a book called *Historic Poverty Bay and the East Coast*, the relevant page of which is annexed and marked "O".⁷¹
67. We continue our international connection today. Kuki Green and Charlie Lambert presented cruise ships the *Sun Princess* and the *Princess Dawn* with taonga to welcome them to our rohe moana. Fittingly, one of these taonga is a Ngāti Pāhauwera waka paddle.
68. Ngāti Pāhauwera witnesses talk ongoing use of boats. For example Gaye Hawkins talks about waka being launched at Waihua⁷² and Willie Culshaw talks about fishing the entire bay on his boat.⁷³ Gerald Aranui recounts

⁶⁹ West Coast Times, *The Attack On Mohaka* (21 April 1869) <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=WCT18690421.2.13> at page 2

⁷⁰ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraph 50

⁷¹ Joseph Angus Mackay *Historic Poverty Bay and the East Coast, N.I., N.Z.* (1949), at page 97, available online at <http://nzetc.victoria.ac.nz/tm/scholarly/tei-MackHist-t1-body-d12-d3.html>

⁷² Brief of Evidence of Gaye Hawkins dated 1 September 2007 at paragraph 16 and exhibit A

⁷³ Brief of Evidence of William Culshaw dated 31 August 2007 at paragraph 15 (exhibit A to Affidavit of William Culshaw affirmed 26 November 2013)

being asked by non Pāhauwera if they could use his dinghy to rescue their children who had been swept away at the Mohaka River mouth.⁷⁴

69. Sometimes we even continue our traditional use of waka. For example, Ngāti Pāhauwera were involved with Waitangi Day celebrations in 1990 where the Queen Elizabeth II was accompanied ashore at Waitangi by a flotilla of 25 waka to mark the sesquicentenary of the Treaty of Waitangi. Members of Ngāti Pāhauwera helped build the Tamatea-Ariki-nui waka for the purpose and were among the thirty paddlers. The Tamatea-Ariki-nui went from Porongahau, to Waitangi, back to Porongahau and then to Wairoa. A report about this from the Toi Māori (Māori Arts) Aotearoa website is annexed and marked "P".⁷⁵

WHALES AND SEALIFE

70. Our connection to our moana is reflected in our close relationship to the creatures in our moana.
71. For example, whales feature heavily in our korero. One talks about how Ruamano guided the Takitimu waka to Aotearoa in the form of a whale. This korero has been recorded in the Journal of the Polynesian Society, annexed and marked "Q".⁷⁶ We keep these korero alive. Tiwana Aranui in his affidavit talks about how he and his wife wrote a song about Ruawharo.⁷⁷ In another example, Paikea came to Aotearoa on back of a whale.
72. Our taniwha in the Mohaka River is called Paikea. However, the story of Paikea is not only important to us. At Whangara there is a picture of Paikea the whalerider, which is annexed at photograph 59 of exhibit "R". The people of Whangara are our whanaunga through Te Kupenga o Te Huki. In the stories of old, we have heard that local Māori used to ride the whales, as I record in my personal affidavit. There is a legend of our

⁷⁴ Affidavit of Gerald Aranui affirmed 26 November 2013 at Paragraph 9

⁷⁵ Toi Māori Aotearoa/Māori Arts New Zealand *Waka and the Crown*
http://www.maoriart.org.nz/waka-crown-c-78_90.html

⁷⁶ Journal of the Polynesian Society *Honourific terms, sacerdotal expressions, personifications, etc., met with in Maori narrative* (1927) Volume 36, page 376

⁷⁷ Affidavit of Tiwana Aranui affirmed 10 January 2014 at paragraph 12

ancestor Tunui riding his whale to get pounamu. I also discuss Tunui and Paikea in my 2014 affidavit.⁷⁸

73. Members of Ngāti Pāhauwera take a keen interest in all sealife that comes into our moana. For example photos provided by Maadi Te Aho show a whale in the ocean out at Waihua⁷⁹ and Darren Botica talks about seeing whales at sea and seals on the beach near Poututu.⁸⁰ Photographs of Orca seen at the recent fishing competition at Mohaka are annexed at photographs 45 and 46 of exhibit "R".

Whaling 1835-1860

74. The involvement of Ngāti Pāhauwera in whaling is well documented. Whaling was introduced to Ngāti Pāhauwera by the Europeans who settled at Mohaka. Picture 61 of exhibit "R" is a watercolour by Alfred John Cooper of whale blubber being cut off at Mohaka beach. The description records that there are local Māori in the foreground which would have been Ngāti Pāhauwera.
75. Hairoa (probably translated from Shiloh) a Tasmanian Aboriginal who owned a whaling ship had a lot of local Māori who worked for him. He was married to a woman called Paraturi from Mohaka. A lot of her whanau and relatives worked on his whaleboat – for example Tiopira Konohiwhero and Rewi Poukupenga. Rewi Poukupenga was my Great Grandfather which is how I know this.
76. It is well known that whalers coming from outside the area intermarried into Māori families. For example an article about the involvement of Australian Aborigines in whaling (annexed and marked "S") recorded that "*in northern Hawke's Bay, many of today's Māori families have whalers' names.*"⁸¹ This is certainly true of Ngāti Pāhauwera - names such as Hawkins, Keefe and Spooner are examples of this.

⁷⁸ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraphs 27, 28 and 33

⁷⁹ Photographs 28 and 29 of exhibit B to Affidavit of Maadi Te Aho affirmed 27 November 2013

⁸⁰ Affidavit of Darren Botica affirmed 23 December 2013, 4th bullet point

⁸¹ Nigel Prickett *Trans-Tasman stories: Australian Aborigines in New Zealand sealing and shore whaling* Australian National University Terra Australis 29 (June 2008)
<http://epress.anu.edu.au/wp-content/uploads/2011/03/ch22.pdf>

77. Involvement in whaling is part of the history of Ngāti Pāhauwera. This made sense given our knowledge of the moana and skills. Today though whales are scarce and our focus is more on their protection. We have responsibilities when there are whale strandings in our rohe. The evidence of Ngāti Pāhauwera records a number of examples of this. Gerald Aranui⁸² and Vilma Hape⁸³ all talk about the involvement of Ngāti Pāhauwera when there has been a beaching. When a whale is found it is usually buried. We know therefore that there are whales buried all along the coast.
78. Several years ago a whale was beached in the Ngāti Pāhauwera rohe, and the whale jaw bones were returned to Ngāti Pāhauwera in a ceremonial day.⁸⁴ It was attended by Ngāti Pāhauwera and the Department of Conservation. The bones were on display at the marae for several years but are in storage at the moment.
79. The Charter that we agreed with the Department of Conservation as part of our Treaty settlement includes a section on Marine Mammals.⁸⁵ While this does not reflect our full interests we accepted this redress as one means of supporting what we already do in terms of whales.
80. In the past, the Department of Conservation would record whale sightings in New Zealand. People would call them with longitude and latitude, how many whales and in what direction they were travelling. Annexed and marked "T" is a map and chart of Southern Right whales sightings in Hawkes Bay, prepared by the Department of Conservation.⁸⁶ This process has stopped due to budget cuts. Ngāti Pāhauwera witnesses have talked about taking over this role and others in the moana. For example our witnesses talk about contacting the relevant government agency when trawlers come too close to shore⁸⁷ and initiating prosecutions against those who flout the law in our moana.⁸⁸ It may seem strange that Ngāti Pāhauwera would contact the Crown or utilise the law when the moana is

⁸² Affidavit of Gerald Aranui affirmed 26 November 2013 at paragraph 14

⁸³ Affidavit of Vilma Hape (draft submitted at time of affirming this affidavit) at paragraph 3

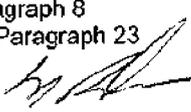
⁸⁴ Brief of Evidence of Wayne Taylor dated 31 August 2007 at paragraphs 4-10

⁸⁵ Ngāti Pāhauwera Deed of Settlement Documents Schedule Co-Management Charter clauses 69-84

⁸⁶ Nathalie J. Patenaude *Sightings of southern right whales around 'mainland' New Zealand* Science For Conservation 225 (July 2003)
<http://csl.doc.govt.nz/Documents/science-and-technical/sfc225.pdf>, pages 17-36
(extract)

⁸⁷ Affidavit of Marie Moses affirmed 19 December 2013 at paragraph 8

⁸⁸ Affidavit of William Culshaw affirmed 26 November 2013 at Paragraph 23

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ours. However, our key priority is to protect our taonga and carry out our kaitiakitanga obligations. If the Crown can help, we will access that help. This is the same as our attitude to the Takutai Moana Act – the law does not accurately reflect the reality that our moana is ours, but if it provides an opportunity to protect our taonga, we will use it.

KAIMOANA AND FISHING

81. Many Ngāti Pāhauwera witnesses have talked about gathering kaimoana, as is our right. Ngāti Pāhauwera have an extensive knowledge of the fisheries resources within our moana.⁸⁹ Witnesses talk about how this knowledge was passed on orally, through experience, and in more recent times, through written maps.⁹⁰ Ngāti Pāhauwera are always developing our knowledge. For example William Culshaw talks about making a survey of the area.⁹¹ We know better than anyone else where the rocks and holes are in our moana and the best place to gather fin or shell fish or other resources.
82. Our witnesses also describe the adaptability of Ngāti Pāhauwera. With the arrival of horses we incorporated them in our gathering seafood. It has been said that people used to take their horse down to the beach,⁹² some with a nikau bag⁹³ and fill them up with kai. They would stop by each of the houses in the village to drop some off as is done today.⁹⁴ Gerald Aranui talks about the types of seafood that we collect.⁹⁵
83. All of our witnesses have talked about the importance of abiding by tikanga while gathering kaimoana or fishing. Some examples of the correct way of doing things include:
- 83.1. When gathering seafood from reefs and rocks, do not to disturb the rocks, otherwise put them back if they are disturbed;⁹⁶

⁸⁹ Affidavit of William Culshaw affirmed 26 November 2013 at paragraph 22

⁹⁰ See for example Affidavit of Luis McDonnell affirmed 28 November 2013 at page 4, Affidavit of William Culshaw affirmed 26 November 2013 at paragraph 6, Brief of Evidence of Harry Tuapawa dated 31 August 2007 at paragraph 9 and Affidavit of Toro Waaka affirmed 17 January 2014 at paragraph 44

⁹¹ Affidavit of William Culshaw affirmed 26 November 2013 at paragraphs 17 and 18

⁹² Affidavit of Fred McRoberts affirmed 11 December 2013 at paragraph 4

⁹³ Affidavit of Janet Huata affirmed 21 November 2013 at paragraph 5

⁹⁴ Affidavit of Marie Moses affirmed 19 December 2013 at paragraph 5 and Affidavit of Awhina Waaka affirmed 27 November 2013 at paragraph 9

⁹⁵ Gerald Aranui affidavit affirmed 26 November 2013 at paragraph 10

⁹⁶ Affidavit of Awhina Waaka affirmed 27 November 2013 at paragraph 9.6

- 83.2. Never turn your back on Tangaroa⁹⁷ or Paikea;⁹⁸
- 83.3. If you don't want to eat it, don't catch it;⁹⁹
- 83.4. If you catch some fish, share it with the whanau;¹⁰⁰
- 83.5. Don't gut your fish on the beach;¹⁰¹
- 83.6. If someone catches a fish with a Reti board everyone else must move out of the way;¹⁰²
84. They also talk about kaumatua being very strict about these rules.¹⁰³
85. We as Ngāti Pāhauwera know the application area intimately because it is ours and always has been. For example, Willie Culshaw and I, in my personal statement, both talk about how Ngāti Pāhauwera can find water depths and specific fishing spots by using landmarks and astronomy.¹⁰⁴ Also, Willie Culshaw and George Hawkins talk about understanding the water and the tide. Willie Culshaw talks about the waves coming in groups and how you need to know the tides or you could be swept away.¹⁰⁵ George Hawkins describes how he fishes in accordance with the Māori Calendar.¹⁰⁶ Our witnesses also talk about how they fish throughout the application area, but I want to add that what happens in one part of the application area affects the rest of it, which is why for example in relation to fish, we are interested in the health of our whole moana, even though there are specific fishing spots we use. This is just common sense.
86. The species of fish that Ngāti Pāhauwera catch is broad although different areas have their specialities. James Hodges described some:

⁹⁷ Statement of Hazel Kinita signed 12 December 2013 at paragraph 4

⁹⁸ Brief of Evidence of Wiremu Winiana dated 31 August 2007 at paragraph 4

⁹⁹ Affidavit of Awhina Waaka affirmed 2013 at paragraph 9

¹⁰⁰ Affidavit of Marie Moses affirmed 19 December 2013 at paragraph 5

¹⁰¹ Statement of Hazel Kinita signed 12 December 2013 at paragraph 4

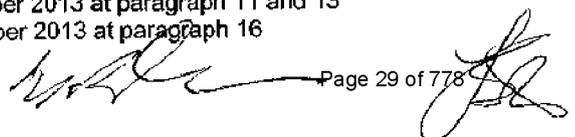
¹⁰² Statement of George Hawkins signed 11 December 2013 at paragraph 7

¹⁰³ Statement of Hazel Kinita signed 12 December 2013 at paragraph 5 and Statement of George Hawkins signed 11 December 2013 at paragraph 17 and 19

¹⁰⁴ Affidavit of Willie Culshaw affirmed 26 November 2013 at paragraphs 14 and 15 and Affidavit of Toro Waaka affirmed 17 January 2014 at paragraphs 45-47

¹⁰⁵ Affidavit of William Culshaw affirmed 26 November 2013 at paragraph 11 and 13

¹⁰⁶ Statement of George Hawkins signed 11 December 2013 at paragraph 16

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*"Locals fish for Kahawai with what is called a "Reti board" with two spinners attached. This Kahawai is delicious food and has a taste of their own known anywhere else. Rods are used also. Because of its deep water a few yards from shore with treacherous undertow hand throw lines are used and also rods to catch snapper. River is also infested by mullet and occasionally flounder plentiful in river, nice clean eels."*¹⁰⁷

87. Gaye Hawkins recounts many varieties of fish that were caught at Waihua, and that the Waihua River used to be red with snapper.¹⁰⁸ Many Mohaka locals remember that the Mohaka river mouth used to be black with Kahawai.¹⁰⁹ Some species are seen much less often now, which is one of the reasons why we want to protect our moana.
88. Kahawai is a highly prized, sought after and succulent of fish. It also is part of us and features in our korero, for example in the whakatauki by Tureia, contained in the evidence of the late Canon Huata:

*"He mao kahawai o te wahapu o te awa o Mohaka, e kore a muri e hokia. A kahawai from the mouth of the Mohaka will not return It was Tureia who said ... there is a day for the kahawai who having reached the mouth of the Mohaka River will not return. Nowadays, when any misfortune is imminent, the kahawai shoal at the mouth of the Mohaka. They do not return to sea. We also use this analogy in farewelling departed people."*¹¹⁰

RETI BOARDS

89. We have even created our own tool to use in our moana. The Reti board is a Ngāti Pāhauwera innovation. It is a wooden fish with lures on a line. Although a rod and reel may sometimes be more convenient, Ngāti Pāhauwera still practice the old ways and use a Reti board to fish.¹¹¹ Recently young Pāhauwera have been interested in Reti boards so we have made them at wananga and reunions, examples of several occasions can be seen in the photographic evidence annexed to Marie Moses's affidavit.¹¹² In the Mohaka River video annexed at "1" George Harvey shows how to use a Reti board. Ngāti Pāhauwera are known for our Reti board. A few years ago Colin Culshaw featured in an episode of "Pio and Tangaroa" on Māori Television showing Pio Terei how to use a Reti board.

¹⁰⁷ Brief of Evidence of James William Wainohu Hodges for Planning Tribunal at page 68

¹⁰⁸ Transcript of video at 4th page, exhibit B to Affidavit of Gaye Hawkins affirmed 4 February 2014

¹⁰⁹ Affidavit of Derek Huata affirmed 5 December 2013 at paragraph 8 and Statement of George Hawkins affirmed 11 December 2013 at paragraph 9

¹¹⁰ Waitangi Tribunal *Mohaka River Report* 1992 at 2.6.1

¹¹¹ Affidavit of William Culshaw affirmed 26 November 2013 at paragraphs 8 and 9

¹¹² Photographs 24 and 25 of Exhibit B to Affidavit of Marie Moses affirmed 19 December 2013

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WHANAU EVENTS AND FISHING COMPETITIONS

90. Fishing clubs were very popular when there was a population to sustain them, and still continue in the application area, although to a lesser degree. Bella Gadsby,¹¹³ Gerald Aranui¹¹⁴ and Kuki Green¹¹⁵ all talk about fishing competitions in their evidence.
91. Photographs of a whanau fishing day at Mohaka Beach in the 1980's are seen in the evidence of Marie Moses.¹¹⁶ Maadi Te Aho has photographs of Waihua fishing competitions in her evidence.¹¹⁷ Photographs from the Paikea fishing club day in 1994, the 1990s at Waihua and Paikea fishermen and women and their catch in 1997 are set out at photographs 8-31 of exhibit "R". Isobel Thompson who was the Paikea Club secretary and weigh master for the Mohaka Whanau fishing day on 12 January 2014, is also seen in photograph 60 of exhibit "R" from a fishing competition at Waikare in 2011.
92. At a recent fishing competition on 12 January 2014 there were camper vans, tents, portaloos, a command centre and shade structures set up. The 2014 fishing competition was a fundraiser for the local Anglican Church (whose pastor is Ngāti Pāhauwera) and there were 154 registrations, which did not include other family members and children. The majority of people at the beach that day were Ngāti Pāhauwera and they had travelled from as far as Wellington to support the cause. Photographs of the 2014 competition are set out at photographs 32-46 of exhibit "R". Video (and transcript) from the day are also annexed and marked "U". Annexed and marked "V" is an article from the Wairoa Star about this Mohaka Beach Fishing Competition.¹¹⁸

¹¹³ Affidavit of Bella Gadsby affirmed 21 November 2013 at paragraph 3

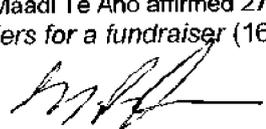
¹¹⁴ Affidavit of Gerald Aranui affirmed 26 November 2013 at paragraph 7

¹¹⁵ Statement of Kuki Green signed 17 January 2014, 1st paragraph (after introduction in Te Reo Māori)

¹¹⁶ Photographs 13-19 of Exhibit B to Affidavit of Marie Moses affirmed 19 December 2013

¹¹⁷ Photographs 10-27 of Exhibit B to Affidavit of Maadi Te Aho affirmed 27 November 2013

¹¹⁸ Wairoa Star *Mohaka Anglicans hook anglers for a fundraiser* (16 January 2014)




FIRES ON THE BEACH

93. My mother Awhina Waaka talks about how after the movies in her youth the locals would light fires on the beach and stay there all night.¹¹⁹ Maraea Aranui talks about campers on the beach and concerts at Mohaka.¹²⁰ Often lighting a fire on the beach goes with our other activities there, but we are careful to clear an area around the fire so that it cannot spread. An example of this can be seen in photograph 42 annexed at "R".
94. However on 6 January 2014 there was a fire lit by some visitors who were camping on Mohaka Beach. The driftwood is very plentiful along the beach and is continuous for kilometres with very large tree sections and branches that have come down the Mohaka River. You can see this in photograph 1 of exhibit "R". Annexed at "U" is a video and transcript of an interview with Robert Nelson about the fire. He describes how the fire raged for three days and it took 5 fire trucks to put out. As soon as the fire was discovered, George Hawkins got the campers to move out of the area because it was very dangerous and could have moved to nearby paddocks with dry grass. This is an extreme example of Ngāti Pāhauwera acting to protect non Pāhauwera on our beach.
95. As a Trustee and concerned Pāhauwera member I went to examine the result of the fire and noticed rubbish from campers such as bottles and plastic so took it upon myself to call the Wairoa District Council to ask them to clean it up, which they agreed to do. This rubbish and the fire are examples of why the beaches in our area need protection. As our witnesses have said, we follow our tikanga and we will require non-Pāhauwera to adhere to our tikanga. But there are times like this when we cannot get to everyone. This is one reason why we have pursued this application.

CLEARING THE BAR OR MAKING CHANNELS

96. Often our exercise of kaitiakitanga is very visible. For example, Ngāti Pāhauwera witnesses talk about how we have cleared the river mouths in the application area on occasion. I gave evidence of my father and the

¹¹⁹ Affidavit of Awhina Waaka affirmed 27 November 2013 at paragraph 19

¹²⁰ Affidavit of Maraea Aranui affirmed 10 December 2013 at paragraphs 21 and 72

Mohaka community working together to dig a channel out from the Mohaka river to ocean.¹²¹ George Hawkins talks about how safety for those fishing at the mouth of the Mohaka River is a concern for Ngāti Pāhauwera.¹²² As Trustees, at hui we regularly hear from members of Ngāti Pāhauwera their views about whether action should be taken to open the mouth of the Mohaka River. Ngāti Pāhauwera have done this for some time. In exhibit "R" the photographs marked 2, 3 and 4 show the Mohaka bar being cleared by James Spooner (Ngāti Pāhauwera) on a digger in 1993. Photograph 7 from exhibit "R" shows the river mouth after the bar has been cleared. Gerald Aranui tells of several occasions where locals have cleared out the blocked river or maintained a culvert.¹²³

OTHER RESOURCES

97. In our 2008 Customary Rights Order hearing under the Foreshore and Seabed Act Ngāti Pāhauwera witnesses talked a lot about the resources that we use the application area. We have not sought new evidence about these as they were well covered in 2008 and we rely on that evidence. I only add a few comments in relation to hāngi stones and pumice.

Hāngi Stones

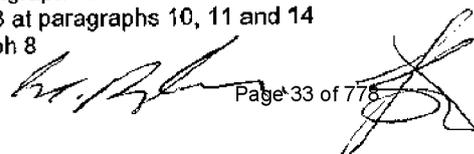
98. Hāngi stones are carved from the mountain, and are moved by the current through the river and out to sea and the foreshore is made up of sediment from Maungaharuru through the Mohaka River to the moana. The example of hāngi stones demonstrates how our moana, awa and whenua cannot be thought of separately.
99. Ani Keefe in 2008 talked about how hāngi stones come out the river and end up on the beach:

'Ngāti Pāhauwera hangi stones are important taonga of Ngāti Pāhauwera Those from the river and those that washed down the river into the ocean and are spat back up on the beach. We would customarily trade our hangi stones with people from further away, whatever they could get in exchange because you cannot get hangi stones like the ones we have anywhere else. We traded with people from the coast, Te Araroa. Whanau from Ngāti Pāhauwera would take hangi stones

¹²¹ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraph 70

¹²² Statement of George Hawkins signed 11 December 2013 at paragraphs 10, 11 and 14

¹²³ Affidavit of Gerald Aranui 26 November 2013 at paragraph 8

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away, even down to the South Island to Invercargill. One of my brothers on the coast has a foreshore headstone made out of hangi stones and little ones'.¹²⁴

100. We do not know how far our hāngi stones travel out into our moana before they wash onto the beach. This is another reason why this application goes right out to the 12 mile mark available in an application.
101. In 2008 Angela Culshaw-Kaisa detailed the importance of hāngi stones and the meaning of the school logo in her evidence.¹²⁵ Wiremu Hodges also adds that he took his hāngi stones wherever he lived in the country.¹²⁶

Pumice

102. Many people gave evidence in 2008 about pumice use. We have some new photographs provided by whanau of pumice centrepieces from the unveiling of my father, Ted Waaka, in June 2013, at photographs 55-58 of exhibit "R".

ISOLATION OF THE APPLICATION AREA

103. Our moana is very isolated. The evidence of our members is that generally the only people who are using the application area are Ngāti Pāhauwera. Tiwana Aranui states that when he goes to Mohaka he never meets any strangers.¹²⁷ Ray Edwards states that it was predominantly Ngāti Pāhauwera at Waikare in his years there and that he knew them all as whanau.¹²⁸
104. The land adjacent to the application area, our core area of interest, is rural. To say that for Ngāti Pāhauwera, this area is very important is a real understatement. However, there is little here for others. There are no shops, petrol stations or post offices within the application area. The State Highway through the area is not along the coast and it only almost reaches the coast at one place, Waihua. The road into Mohaka from the State Highway was only sealed in the late 1990s when the Waitangi Tribunal came to Mohaka for the Mohaka ki Ahuriri Inquiry.

¹²⁴ Māori Land Court Customary Rights Order Hearing Transcript, Evidence of Ani Keefe, 18-22 February 2008.(Day 3 – Session 1)

¹²⁵ Brief of Evidence of Angela Culshaw-Kaisa dated 31 August 2007 at paragraphs 10-18

¹²⁶ Affidavit of Wiremu Itarama Sylvester Hodges affirmed 11 December 2013 at paragraphs 47-50

¹²⁷ Affidavit of Tiwana Aranui Affirmed 10 January 2014, at paragraph 9

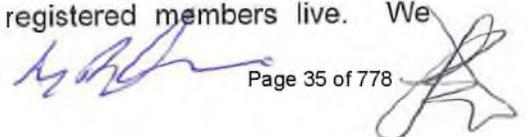
¹²⁸ Affidavit of Raymond Russell Edwards affirmed 25 November 2013, at paragraphs 5 and 6

105. Census information confirms that our rohe is isolated. The Ngāti Pāhauwera core area of interest which is adjacent to the application area, falls within two census areas, Raupunga and Maungataniwha. Annexed and marked “W” are Statistics New Zealand maps of Raupunga and Maungataniwha, and our own rough sketch of these two areas onto the core area of interest map.
106. From a visual comparison of the Raupunga and Maungataniwha census areas to the core area as shown on the sketch plan, it looks as if the Ngāti Pāhauwera core area comprises around 80-90% of the Raupunga census area and 20-30% of the Maungataniwha census area. While I acknowledge that this is very much a rough estimate only, it is useful to help demonstrate our isolation.
107. Annexed and marked “X” is census data for Raupunga and Maungataniwha. According to this, the population of Raupunga is 642 people. Of these, 55.4% or 355 people are Māori. The population of Maungataniwha is 351 people. Of these, 41.8% or 146 people are Māori.
108. By applying the midpoint of the percentages estimated from of the visual comparison to the census figures, we can make a rough estimate of the total and Māori population for the Ngāti Pāhauwera core area, as follows:

Raupunga	Census	85%	Maungataniwha	Census	25%
People	642	546	People	351	88
Māori	355	302	Māori	146	37

<i>Core area estimate</i>			
<i>85% Raupunga + 25% Maungataniwha</i>			
<i>People</i>	633		
<i>Māori</i>	338	<i>(or 53%)</i>	

109. This rough estimate confirms our isolation. There are only 633 people living in the whole Ngāti Pāhauwera core area. Of those people, 338 or more than half, are Māori. We believe we can be more specific and say that more than half those people living in our core area are not Māori generally, but rather Ngāti Pāhauwera specifically. As part of our membership roll we record where our registered members live. We



currently have 313 registered members of Ngāti Pāhauwera living in the core area. This figure pretty closely matches our estimate of Māori from the census data.

110. We have prepared some mapping which also confirms that we are a significant presence in our core area and on the coast. Annexed and marked "Y" is a map showing Māori Land under Te Ture Whenua Māori Act 1993 and land returned to the Trustees through our Treaty Settlement in our core area. This does not show all Ngāti Pāhauwera owned land as some will be owned as general land. Also annexed, marked "Z", is a map of the coastal land next to the application area, and a table setting out our comments on whether the landowners of each piece of land are members of Ngāti Pāhauwera.

ROLE OF THE TRUSTEES

111. The people of Ngāti Pāhauwera exercise our tikanga in the application area. It is what we have always done and will always do. The Trustees therefore see our role as being to support our people in the exercise of our tikanga. In this application we are trying to obtain legal recognition for what Ngāti Pāhauwera already do.

112. Protecting the application area is a key focus for the Trustees. This is based on the feedback we receive from members of Ngāti Pāhauwera.¹²⁹ For example in the past two years alone, we have held a number of hui where our moana was a matter for discussion:

112.1. At a Hui a Iwi in 2011 the Trustees provided an update to the Iwi including on plans to manage fisheries in our core area, annexed and marked "AA". It also outlined the intention. The strategic planning diagram that accompanied the report is annexed and marked "BB", it includes "*protection of our wāhi tapu*", "*protection of customary fishing*" and "*reduction of leeching and/or runoff into Ngāti Pāhauwera waterways*".

112.2. The Ngāti Pāhauwera Development Trust Annual General Meeting Minutes for 2012 show discussion on Nga Tangata Kaitiaki

¹²⁹ Affidavit of Toro Waaka affirmed 17 January 2013 at paragraph 68

(individuals with a leading caretaker role), Wairoa Hard and specifics of the Takutai Moana Claim, annexed at “CC”. The Trustees Report for the 2013 Annual General Meeting (annexed and marked “DD”) informed our members that the claim was advancing and that the trust was holding information sharing and Tikanga hui. This was presented at the Annual General Meeting held at Waipapa-A-Iwi Marae on 11 September 2013 and there were no objections to this. Minutes, agendas and documentation are available online for our people to access.

112.3. Information Sharing Hui and Hui a Iwi have been held in locations such as Taupo, Mohaka and Napier. There are approximately six of these meetings per year. The most recent was on 1 December 2013 and an advertisement for this is annexed and marked “EE”.

112.4. The Ngāti Pāhauwera 2012-2103 Annual Plan annexed at “FF” includes our guiding principles, and in the plan are topics of importance such as gravel extraction, protection of the mana and mauri of river, purnice, driftwood, waste management plan and takutai moana,

113. Continuing practice of our tikanga in relation to the moana can be seen in our wananga¹³⁰ and waiata practices.¹³¹ Now that we have resources from our Treaty Settlement, we are in a better position to support wananga, as set out below.

113.1. A karanga wananga was held on 16 November 2013. It was run by Rose Pere and was for those with advanced Te Reo and competent tikanga.

113.2. An Ukaipo Hikoi Haere was held on 9 November 2013 for whanau and rangatahi. This hikoi took them to areas of importance to Ngāti Pāhauwera, focussed on this occasion around the Waihua area. The agenda for this hikoi is annexed in Maadi Te Aho’s 2013 affidavit and is one of many hikoi planned in the next year. Approximately 40 people attended this hikoi.¹³²

¹³⁰ Affidavit of Vilma Hape (draft submitted at time of affirming this affidavit) at paragraph 6

¹³¹ Affidavit of Awhina Evelyn Waaka affirmed 27 November 2013 at paragraph 23

¹³² Affidavit of Maadi Te Aho affirmed 27 November 2013, Exhibit A photographs 35-41

113.3. The Waihua Ukaipo Hikoi Haere is part of an Ukaipo project headed by Kym Hamilton to encourage whanaungatanga and to educate Pāhauwera youth and interested whanau on what it means to be Ngāti Pāhauwera.¹³³

114. We find that the hui we hold are well attended. If people have moved away from the area, they return when they can for whanau or iwi events. I gave an example in my personal affidavit of a kaumatua living in the South Island returning for a hui.¹³⁴ The attitude of the people who have moved away is seen in the Ngāti Pāhauwera waiata, Toku Marae Tu Mokemoke.¹³⁵

FURTHER DOCUMENTS ANNEXED IN SUPPORT

115. As well as affidavit and statement evidence, our project manager has collected a number of further relevant documents which are annexed as follows:

115.1. A letter of support for our claim from MTG the Hawkes Bay (annexed and marked “GG”), detailing some of the taonga that are held in the museum and are labelled as being related to Ngāti Pāhauwera. The second page of the letter describes how Europeans were dependent on Ngāti Pāhauwera and their waka to ferry goods down to boats waiting at the fiver mouth. The museum is going to host Ngāti Pāhauwera for a private tour in early 2014. This museum has other taonga of Ngāti Pāhauwera which are not yet attributed including carvings of our ancestors and fish hooks. We intend to work with MTG to ensure our taonga are correctly attributed and protected;

115.2. A selection of photographs provided by Ngāti Pāhauwera, annexed and marked “R”, many of which have been referred to earlier in this affidavit. These are indicative only. We did not request photographs from our entire membership in order to avoid being overwhelmed. Also it is important to remember that in relation to the photographs of members of Ngāti Pāhauwera, these are not taken every time Ngāti

¹³³ Affidavit of Maadi Te Aho affirmed 27 November 2013 at Paragraph 9 and Agenda annexed and marked B

¹³⁴ Affidavit of Toro Waaka affirmed 17 January 2014 at paragraph 69

¹³⁵ Tahī Rau Tau o Te Marae o Mohaka Booklet, exhibit C to Affidavit of Marie Ketia Moses affirmed 19 December 2013, at page 3

Pāhauwera uses the application area. For example George Hawkins fishes nearly every day. He does not record this as it is just what he does. The photographs we have therefore are generally of special occasions. They are as follows:

- 115.2.1. Photographs of clearing the Bar 1993 (photographs 1-7);
- 115.2.2. Photographs of Mohaka Fishing Competition 1994 (photographs 8-20);
- 115.2.3. Photographs of Waihua Fishing Competition 1990's (photographs 21-26);
- 115.2.4. Photographs of Paikea Club Day (photographs 27-31);
- 115.2.5. Photographs of Fishing Competition 2014 (photographs 32-46);
- 115.2.6. Photographs of Māori Land Court Foreshore and Seabed Hearing 2008 (photographs 47- 54);
- 115.2.7. Photographs of pumice (photographs 55-58);
- 115.2.8. Miscellaneous photographs (photographs 59-61);

115.3. A report which I helped produce for the Ministry for the Environment, *Planning in Iwi Waste Management – Te Whakaaro o Takitimu*, annexed and marked “HH”. This report provides useful explanation about how Hawke’s Bay Iwi managed resources. One example given is flax baskets used for shellfish. The baskets would have different sized holes in them, so that the small ones would fall out. Other examples are optimum condition controls, mechanical controls, gender and size controls, quota systems and rotations;¹³⁶

115.4. A NIWA report on Sedimentation effects of a proposed hydro-dam on the Mohaka River near Kakariki, annexed and marked “II”. This report was prepared for Meridian Energy, which had recognised that we are the tangata whenua of this area and committed to not proceeding with a dam on the Mohaka River without the support of Ngāti Pāhauwera; and

115.5. A Social Impact Assessment Scoping Report also prepared for Meridian Energy on the social impacts of a dam on the Mohaka River, annexed and

¹³⁶ Planning in Waste Management – Te Whakaaro o Takitimu by Mana Cracknell and Toro Waaka, Page 35




marked "JJ". One of the authors, Tureiti Moxon, is a member of Ngāti Pāhauwera.

MAPPING PROVIDED IN SUPPORT

116. Also annexed are [redacted] further maps in support, as follows:

116.1. [redacted]
[redacted] All Ngāti Pāhauwera witnesses have provided evidence applying to the whole application area, reflecting our holistic view of our moana. For much of the evidence they talk about the application area generally, not specifying locations.
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

116.2. Annexed and marked "LL" is a map showing the boundary of Ngāti Pāhauwera described in the korero of Wepiha Wainohu.

WĀHI TAPU

The whole application area is a wāhi tapu

117. To Ngāti Pāhauwera, our moana is a wāhi tapu. We are unwilling to cut it up and compare the importance of different parts. This would be at odds with the holistic nature of our relationship to all of our taonga which members of Ngāti Pāhauwera have tried to explain over the years. For example, in the Mohaka River Inquiry, Rameka Cope said, to illustrate that we cannot separate ourselves from our taonga or them from each other:

'Can I say that from a Maori perspective, the concept of ownership is alien to Maori thinking, whether it be land, or whether it be sea ... You cannot separate the people from the land. You cannot separate the water from the land. You cannot separate the water from the people'¹³⁷

¹³⁷ Wai 201, C10 Evidence of Rameka Cope

118. The nature of water highlights this. Just as the water cannot be separated from the land, the water in one part of our application area is indistinguishable from the water in another part of our application area. Water is fluid and touches every part of the application area so what happens in one part affects every other part. Also, as we told the Waitangi Tribunal in the Mohaka River Inquiry, water is of paramount importance to Ngāti Pāhauwera.¹³⁸ *Ngati Kahugnunu Kaitiakitanga mo nga taonga tuku iho* written by Ngāti Pāhauwera member Wiremu Hodges and supported by Ngāti Pāhauwera reiterates this:

*"Water quality is the very essence of life and the preservation of Mauri within the natural world. Within the Maori management regime for the physical world, water had a variety of classifications according to the intended use...with each "use" care was taken to respect and preserve the natural quality and inherent Mauri."*¹³⁹

119. In the report I prepared with Mana Cracknell for the Ministry of Environment (annexed and marked "HH") we said essentially the same thing in various ways, "All water is considered sacred", "Water sustains life" and "Water gives meaning to the identity of Tangata Whenua. For example it is significant that the question "Ko wai koe" may be used to ask a person what well or part of the ocean they belong to."

120. Witnesses have talked about taniwha, koiwi and other important places within the application area. I do not go into more detail here except to say that we are not prepared to map specific points as we do not want to give the mistaken impression that some parts of our moana are more important than others and because as I have already explained they are part of our moana as a whole. Also, as I have already explained, some wāhi tapu related evidence we are not prepared to submit in order to protect it. The whole application area is also vital to continuing our traditional way of life. Again, other witnesses have explained this in a lot of detail.

121. I understand that through this application we can obtain support for restrictions that we require to protect our wāhi tapu, our moana. Our witnesses have consistently explained the restrictions we as Ngāti Pāhauwera put on those we allow to use our moana. No one may use any part of our moana if they pollute or litter or if they gut their fish onto the beach or into the water. They also may not access our moana to over-

¹³⁸ Waitangi Tribunal *Mohaka River Report 1992* at 2.6.3

¹³⁹ Ngati Kahugnunu Kaitiakitanga mo nga taonga tuku iho, Conservation ethic 1994, Wiremu Hodges, at Issue 6 (page 18 of 39), exhibit B to affidavit of Wiremu Iteama Sylvester Hodges affirmed 11 December 2013

exploit or waste the resources there. Our witnesses talk about these rules and how we enforce them, but to date we have had little support or recognition of these rules from the Crown. Support through wāhi tapu protection would assist us greatly. I record though, that we already enforce these restrictions and will continue to do so whatever the outcome of our application.

Koiwi

122. There are koiwi throughout the application area. Again other witnesses have set this out including me in my personal affidavit. However, the locations of these koiwi are generally lost to us. All we know is that people have been buried in and near our moana. Importantly, our coastline has been affected by erosion, as demonstrated in the map annexed and marked "MM". This mapping only shows recent erosion, between 1942 and 2011. Before that erosion would also have happened, and we know some land was washed away in the 1931 earthquake.
123. The changeable nature of our coast is was also confirmed by NIWA in a report dealing with the Mohaka River:

"At normal flows, the Mohaka River enters the ocean via a small lagoon. The lagoon is fronted by a gravel beach barrier and drains through a channel that is often offset alongshore from the river centreline (Figure 5) The outlet channel can migrate to north or south, depending on where it is pushed by wave action. Historical air photographs capture it in various locations (Figure 6), while geomorphic evidence indicates that it has at times migrated up to 1.5km to the north and 1km to the south of the river centreline. This is evident in the 'accommodation space' that the river has cut into the coastal hillslopes and cliffs at times when it has been diverted (emphasis added) alongshore, leaving a low lying swale between the beach crest and the hillslopes. This range of migration was also noted by Ruku Wainohu (pers. comm). During floods, the river cuts a direct opening and builds a sandy gravel delta to seaward. After the flood, waves return this material to shore, quickly reforming the barrier across the lagoon and constricting the opening. As a result of the varying dominance of river flows and waves, and of varying wave approach directions, the mouth shows substantial variability in form. The extent of tidal influence will depend on the location and width of the mouth, but it would appear to extend about only as far upstream as the bridge – about 1km from the ocean."¹⁴⁰

124. The NIWA report (annexed and marked "II") includes photographs showing the changeable nature of the Mohaka river mouth.¹⁴¹ Because our coastal area is so changeable, it is not possible to predict where koiwi may be

¹⁴⁰ NIWA Sedimentation Effects of a proposed hydro-dam on the Mohaka River near Kakariki (March 2007), at page 20

¹⁴¹ NIWA Sedimentation Effects of a proposed hydro-dam on the Mohaka River near Kakariki (March 2007), at Figure 6, page 22

discovered. It is simply a matter of time before koiwi are uncovered or wash ashore. This has already happened in our rohe as set out in the evidence of Phyllis St Clair McIntosh regarding the Mohaka River from the Planning Tribunal:

"Three sites of bones have been found at Willowflats at Carter Holt Village and recorded by George Thomson. It has not been possible to determine whether these skeletons are part of an urupa. Mr Thomson speculates in his site recording that they may be victims of an epidemic, a battle or that they may be Te Kooti raiders reported to have been drowned while trying to cross the river just upstream from the Willowflat bridge."¹⁴²

125. Also, only a few months ago koiwi were discovered at Long Bay Beach. A newspaper article about this is annexed and marked "NN".¹⁴³
126. When koiwi are found in our moana, Ngāti Pāhauwera take the necessary steps including karakia, dealing with the bones according to our tikanga and imposing rahui preventing access to the area where the koiwi are found. We have always done this. Wiremu Hodges explains rahui generally.¹⁴⁴
127. We find it hard that our role as tangata whenua is recognised only sometimes in relation to things that happen in our moana. Legal recognition of our rahui when and where koiwi are found through wāhi tapu protection would support us.

Drowning

128. Likewise, if a person drowns or otherwise dies in our moana, a rahui is required. There have been several drownings in the area. In 1941 Roger Joe drowned while crossing the Mohaka River.¹⁴⁵ Gaye Hawkins relates the death of a young boy at the Waihua River mouth when she was a child.¹⁴⁶ Derek Huata talks of his father's death at the Mohaka Bar.¹⁴⁷

¹⁴² Statement of Evidence of Phyllis St Clair McIntosh (Planning Tribunal), page 6 of 7

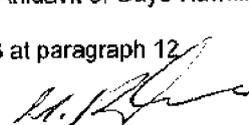
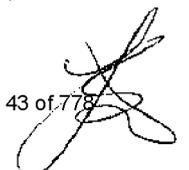
¹⁴³ Stuff.co.nz *Pre-European Bones discovered in Long Bay* (12 July 2013) <http://www.stuff.co.nz/auckland/local-news/north-shore-times/8906065/Pre-European-bones-discovered-in-Long-Bay>

¹⁴⁴ Affidavit of Wiremu Itarama Sylvester Hodges 11 December 2013 at paragraphs 30 and 33

¹⁴⁵ Page 33 of exhibit A to Brief of Evidence of James William Wainohu Hodges for Planning Tribunal re WCO

¹⁴⁶ Transcript of Video Evidence exhibit B annexed to Affidavit of Gaye Hawkins affirmed 4 February 2014, second page

¹⁴⁷ Affidavit of Derek Huata affirmed 5 December 2013 at paragraph 12

129. Kuki Green,¹⁴⁸ George Hawkins¹⁴⁹ and Derek Huata¹⁵⁰ have given evidence about rahui being put in place when there is a death. According to Ngāti Pāhauwera tikanga, when someone dies or drowns, the place that they died has significance. Tiwana Aranui describes this place being called *turangawaewae*.¹⁵¹
130. We hope that we will not face death in our moana again, but we know it can be dangerous. Again legal recognition of our rahui if this happens through wāhi tapu protection would support us in responding.

River mouths

131. As I have already said, we enforce restrictions across our moana. We do not allow access to those who pollute, litter, gut their fish onto the beach or into the water, or over-exploit the moana. I highlight the river mouths however, as the river mouths and areas around them are the places on land most visited by non-Ngāti Pāhauwera. Our rivers have featured heavily in our evidence. For example witnesses have talked about taniwha in and near the river mouths. They are also access points for our moana, and places for fishing, teaching swimming and exercising our tikanga.
132. In addition to the other restrictions in our moana we require that our rivers are not used as toilets, and again we will enforce this restriction when it is not followed. Legal recognition for this additional restriction in our river mouths would support us.

CONCLUSION

133. Ngāti Pāhauwera have exercised our customary rights in the application area from well before the Treaty of Waitangi through today and will continue to do so. William Culshaw states;

*"I have always known that we exercise manawhenua, manamoana and manatipuna over the foreshore and seabed"*¹⁵²

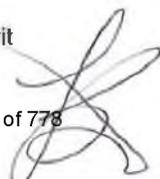
¹⁴⁸ Statement of Kuki Green signed 17 January 2014, third page

¹⁴⁹ Statement of George Hawkins signed 11 December 2013 at paragraph 10

¹⁵⁰ Affidavit of Derek Huata affirmed 5 December 2013 at paragraph 12

¹⁵¹ Affidavit of Tiwana Aranui affirmed 10 January 2014 at paragraph 6

¹⁵² Brief of evidence of William Culshaw dated 31 August 2008 at paragraph 2 and affidavit affirmed 26 November 2013 at paragraph 3

134. This sentiment was repeated at the Customary Rights Order hearing in 2008 by many of our whanau and repeated again in the evidence of our people.¹⁵³
135. We have identified generations of use and occupation of the application area in the statements and affidavits supporting this application. For example, Awhina Waaka at 87 talks about her great-grandchildren learning Ngāti Pāhauwera tikanga in the area,¹⁵⁴ Wiremu Hodges at 72 recalls his childhood in the area,¹⁵⁵ Derek Huata talks about being brought up by his grandparents in the area¹⁵⁶ and Hazel Kinita¹⁵⁷ and Marie Moses¹⁵⁸ talk about how they want the area protected for their moko.
136. Let this be the end of our days in court proving who we are and our rights in our ancestral lands and ocean. Just as we have always known this and known who we are, so do our neighbouring iwi:

Ko Ngāti Pāhauwera Matou

Affirmed at *NAPIER* this *7th*)
 day of *FEBRUARY* 2014)
 before me:)




Hilton R Verry
 Solicitor
 Napier

A Solicitor of the High Court of New Zealand/~~Justice of the Peace~~

¹⁵³ See for example Affidavit of Hiro Hamilton affirmed 5 December 2013 at paragraph 3, Affidavit of Ani Keefe affirmed 21 November 2013 at paragraph 4 and Affidavit of Toro Waaka affirmed 17 January 2014 at paragraph 10

¹⁵⁴ Affidavit of Awhina Waaka affirmed 27 November 2013 at paragraph 21

¹⁵⁵ Affidavit of Wiremu Hodges affirmed 11 December 2013 at paragraphs 3-14

¹⁵⁶ Affidavit of Derek Huata/King affirmed 5 December 2013 at paragraph 4

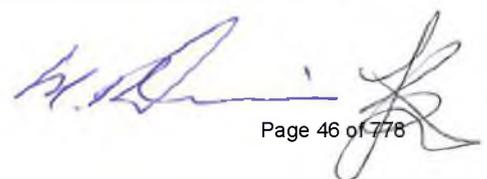
¹⁵⁷ Statement of Hazel Kinita signed 12 December 2013 at paragraphs 5 and 8

¹⁵⁸ Affidavit of Marie Moses affirmed 19 December 2013 at paragraph 7



LIST OF EXHIBITS

- A** Map of Ngāti Pāhauwera Core Area of Interest
- B** Map of Application Area
- C** Joy Hippolite *Wairoa* (November 1996), Page 26 (extract)
- D** Ngāti Kahungunu Marine and Freshwater Fisheries Strategy 2009
- E** Peter Gibson *Maori Methods and Indicators for Marine Protection* (abbreviated from 'Takitimu' T.H. Mitira)
<http://www.doc.govt.nz/documents/science-and-technical/sap233.pdf>
- F** Te Ara Encyclopedia of New Zealand *Biography of Wiremu Te Tau Huata*
<http://www.teara.govt.nz/en/biographies/5h39/huata-wiremu-te-tau>
retrieved 26.10.13
- G** Maaori.com *Te Hononga-Marei-Kura O Ngati Kahungunu – Takitimu*
<http://maaori.com/whakapapa/hononga.htm> retrieved 31.01.14
- H** Takitimu Festival 2011 website *Welcome to the Takitimu Festival 2011*
<http://www.takitimufestival.co.nz/> retrieved 26.01.14
- I** Mohaka River Video (1992) (extract)
- J** Water Conservation (Mohaka River) Order 2004
- K** Information regarding Wairoa Hard: section 11 *Fisheries (Central Area Commercial Fishing) Regulations 1986*, Map of and explanatory note about Wairoa Hard and SA14 Hawkes Bay Regional Coastal Plan 1999 regarding Wairoa Hard
- L** Extracts of *Fisheries (Central Area Commercial Fishing) Regulations 1986* regarding commercial eeling on the Mohaka River
- M** Wairoa Star *Grant of \$2m for restoring waterways* (12 December 2013)
- N** West Coast Times, *The Attack On Mohaka* (21 April 1869)
<http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=WCT18690421.2.13>
- O** Joseph Angus Mackay *Historic Poverty Bay and the East Coast, N.I., N.Z.* (1949) available online at <http://nzetc.victoria.ac.nz/tm/scholarly/tei-MacHist-t1-body-d12-d3.html>, page 97 (extract)
- P** Toi Māori Aotearoa/Māori Arts New Zealand *Waka and the Crown*
http://www.maoriart.org.nz/waka-crown-c-78_90.html
- Q** Journal of the Polynesian Society *Honorific terms, sacerdotal expressions, personifications, etc., met with in Maori narrative* (1927) Volume 36, page 376
- R** Photographs
- S** Nigel Prickett *Trans-Tasman stories: Australian Aborigines in New Zealand sealing and shore whaling* Australian National University Terra Australis 29 (June 2008) <http://epress.anu.edu.au/wp-content/uploads/2011/03/ch22.pdf>
- T** Nathalie J. Patenaude *Sightings of southern right whales around 'mainland' New Zealand* Science For Conservation 225 (July 2003)
<http://csl.doc.govt.nz/Documents/science-and-technical/sfc225.pdf>, pages 17-36 (extract)



- U** Video of Robert Nelson interview at Ngāti Pāhauwera Whanau Fishing Competition held on 12 January 2014 (extract relating to fire on the beach) and of Angela Culshaw Kaisa and Tangiwai Newton interview at Ngāti Pāhauwera Whanau Fishing Competition held on 12 January 2014 (extract relating to Fishing Competitions) and transcript
- V** Wairoa Star *Mohaka Anglicans hook anglers for a fundraiser* (16 January 2014)
- W** Statistics New Zealand maps of Raupunga and Maungataniwha, and rough sketch of Raupunga and Maungataniwha onto the Ngāti Pāhauwera core area of interest map
- X** Census data for Raupunga and Maungataniwha
- Y** Map of Māori Land under Te Ture Whenua Māori Act 1993 and land returned to the Trustees through Treaty Settlement in Ngāti Pāhauwera Core Area of Interest
- Z** Map of the coastal land next to the application area, and table setting out Ngāti Pāhauwera comments on whether the landowners of each piece of land are members of Ngāti Pāhauwera
- AA** 2011 update from Trustees of Ngāti Pāhauwera Development and Tiaki Trusts
- BB** Strategic Planning diagram accompanying 2011 update ("AA")
- CC** Minutes of Annual General Meeting of the Ngāti Pāhauwera Development & Tiaki Trusts held at Waipapa- A Iwi Mohaka Marae on 2 September 2012
- DD** Ngāti Pāhauwera Development Trust Trustees Report for the 2013 Annual General Meeting
- EE** Advertisement for Ngāti Pāhauwera Information Sharing Hui 1 December 2013
- FF** Ngāti Pāhauwera Development and Tiaki Trusts 2012-2103 Annual Plan
- GG** Letter of Support from MTG (Hawkes Bay Museum) dated 12 December 2013
- HH** Mana Cracknell and Toro Waaka report for the Ministry for the Environment *Planning in Waste Management – Te Whakaaro o Takitimu*, Page 35
- II** NIWA *Sedimentation effects of a proposed hydro-dam on the Mohaka River near Kakariki* (March 2007)
- JJ** Taylor Baines & Associates and Tureiti Moxon *The proposed Kakariki Hydro Development: A Social Impact Assessment – Scoping Report* (May 2006)
- LL** Map showing the boundary of Ngāti Pāhauwera described in the korero of Wepiha Wainohu
- MM** Maps of erosion between 1942 and 2011 in the application area
- NN** Stuff.co.nz *Pre-European Bones discovered in Long Bay* (12 July 2013) <http://www.stuff.co.nz/auckland/local-news/north-shore-times/8906065/Pre-European-bones-discovered-in-Long-Bay>