



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage
Associate Minister of Māori Affairs

03 JUL 2014

David Manuel
Chair
Ngātikahu ki Whangaroa Trust Board
PO Box 83
KAITIĀIA 0441

Tēnā koe

Crown Refined Offer to December 2007 Agreement In Principle for the settlement of Ngātikahu ki Whangaroa's historical Treaty of Waitangi claims

On 24 January 2014 I wrote to you regarding potential approaches for progressing Ngātikahu ki Whangaroa (NKKW) settlement negotiations and resolving the occupation of Stony Creek Station.

I understand that OTS officials discussed the key elements of a potential refined AIP proposal with your Trust Board on 6 June 2014, and on Monday 9 June you responded that you are comfortable with the new approach and are willing to progress with settlement negotiations on this basis.

I now wish to formally present the Crown's refined offer to the December 2007 Agreement In Principle (AIP) for the settlement of Ngātikahu ki Whangaroa's (NKKW) historical Treaty of Waitangi claims. I am pleased to be able to make this refined settlement offer to the NKKW Trust Board.

As discussed earlier, I propose that this refined offer, if accepted by the NKKW Trust Board, will maintain the commitment made in the AIP signed in 2007 with a few amendments. All aspects of the AIP remain the same, except where refinements are provided in this letter.

Elements of the Crown's refined offer

1. Aspects of the Agreement in Principle to be preserved

It is proposed that a Deed of Settlement (DOS) maintain the commitments made in the 2007 AIP to provide for:

- the transfer of the Thomson and Clarke blocks (part of the 'Stony Creek Assets') to the Ngātikahu ki Whangaroa Post Settlement Governance Entity (PSGE);

- the vesting of ten sites identified in the AIP (totalling approximately 217 hectares) to the PSGE as cultural redress;
- the Minister of Conservation and the Minister for Arts, Culture and Heritage to issue relationship protocols to the PSGE;
- the Minister for Treaty of Waitangi Negotiations to write to the relevant local authorities encouraging each council to enter into a memorandum of understanding with the PSGE;
- a Joint Advisory Committee over certain sites;
- the declaration of a non-exclusive overlay classification over certain sites;
- statutory acknowledgements to be made in relation to certain sites;
- a deed of recognition to be made in relation to certain sites; and
- the possible altering or assigning of place names in consultation with the New Zealand Geographic Board as specified in the 2007 AIP.

I propose the following amendments or refinements to the 2007 AIP:

2. Cash payment in lieu of Crown's obligations to maintain Stony Creek Assets and Stock

In my letter on 24 January 2014 I proposed that the Crown would make a cash payment to the NKKW PSGE in lieu of the 2007 AIP commitment to maintain the condition of the Stony Creek Assets in substantially the same condition as they were at the date of the of the AIP, bearing in mind those circumstances are outside the Crown's control.

I propose a cash payment of \$6.2 million in lieu of the Crown's existing AIP commitment.

3. Ngātikahu ki Whangaroa Trust Board to manage the Thomson and Clarke Blocks

In my letter on 24 January 2014 I proposed that the Trust Board be offered the opportunity to manage the Thomson and Clarke Blocks prior to DOS and until they are transferred in settlement to the NKKW PSGE.

I now confirm the Crown's commitment in that regard and have asked officials to work on those matters with you.

4. On-account payment for restoring the Thomson and Clarke Blocks

In my letter on 24 January 2014 I proposed the Crown would consider making an on-account payment, after signing a management agreement for the Thomson and Clarke blocks, to help re-stock and restore the land.

I now propose a \$300,000 on-account payment (out of the \$6.2 million in (2)) would be made to the NKKW Trust Board (or PSGE if established) after signing the refined AIP and lease agreement (in 3) for the Thomson and Clarke Blocks. The payment would provide support to the NKKW Trust Board to manage these remaining farm blocks.

5. Consideration of issues raised by Kaitangata hapū regarding Kowhairoa Peninsula

In my letter on 24 January 2014 I said that I would consider the issues raised by Kaitangata hapū regarding the entire Kowhairoa peninsula being transferred to the PSGE as a historic reserve.

I now offer an increased (148.9 hectares) vesting, as a historic reserve, of public conservation land at the centre of Kowhairoa Peninsula which is part of Ranfurly Bay Scenic Reserve to NKKW subject to conditions. This means the entire Kowhairoa Peninsula will be vested in the NKKW PSGE.

In addition, I offer \$300,000 of cultural funding to assist with the development and implementation of a Historic Reserve Management Plan for the Peninsula. This \$300,000 is in addition to the \$6.2 million cash payment in (2).

6. Letter of Recognition and archaeological covenants

The refinements would also further amend the 2007 AIP, which included a fisheries protocol, to provide a Letter of Recognition from the Ministry of Primary Industries that would apply to fisheries and the wider Ministry's role in supporting the primary sector.

In addition, the 2007 AIP proposed new archaeological covenants to be imposed over the Thomson and Clarke blocks. You requested this proposal be removed. I now confirm the removal of the 2007 AIP proposal for new archaeological covenants over the Thomson and Clarke blocks. However, existing statutory protections relating to archaeological sites will continue to apply.

7. On-Account Payments

In addition to the on-account payment in (4), I also offer \$3 million (out of the \$6.2 million in (2)) that would be made available to the PSGE on-account of the future settlement following the signing of the DOS, agreeing settlement legislation and NKKW ratifying the PSGE.

8. Stony Creek Station ownership to be determined post-settlement


The key element of the refined offer noted in my letter on the 24 January 2014 involves a new approach to resolving the future ownership of Stony Creek Station post settlement. I understand that discussions between the NKKW Trust Board and the advisor for a majority of the Stony Creek occupiers are underway. I encourage you to continue the discussions with a view to coming to a resolution if possible. As I have said before any solution will need to be approved by the NKKW Trust Board as the mandated body. This issue needs to be resolved before we can initial a Deed of Settlement.

Next Steps

If you agree to the Crown's refined offer set out above, I ask that you counter sign this letter and return to me within 5 working days of receiving this letter.

I look forward to your response.

Nāku noa, nā



Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations



07/07/2014

David Manuel
Chair
Ngātikahu ki Whangaroa