

MINISTER OF CONSERVATION

and

WAITAHA

CONSERVATION PROTOCOL

**A PROTOCOL ISSUED BY THE CROWN THROUGH THE MINISTER OF CONSERVATION
REGARDING DEPARTMENT OF CONSERVATION/ TE PAPA ATAWAHI AND WAITAHA
INTERACTION ON SPECIFIED ISSUES**

1. INTRODUCTION

- 1.1 Under the Deed of Settlement dated 20 September 2011 between Waitaha and the Crown (the "Deed of Settlement"), the Crown agreed that the Minister of Conservation (the "Minister") would issue a Protocol ("the Protocol") setting out how the Department of Conservation (the "Department") will interact with the Waitaha Governance Entity (the "Governance Entity") on matters specified in the Protocol. These matters are:
- 1.1.1 Purpose of the Protocol - Part 2
 - 1.1.2 Protocol Area - Part 3
 - 1.1.3 Terms of Issue - Part 4
 - 1.1.4 Implementation and Communication - Part 5
 - 1.1.5 Business Planning - Part 6
 - 1.1.6 Management Planning - Part 7
 - 1.1.7 Cultural Materials - Part 8
 - 1.1.8 Marine Mammals - Part 9
 - 1.1.9 Historic Resources Wāhi Tapu - Part 10
 - 1.1.10 Natural Heritage - Part 11
 - 1.1.11 Pest Control - Part 12
 - 1.1.12 Resource Management Act 1991 - Part 13
 - 1.1.13 Visitor and Public Information - Part 14
 - 1.1.14 Concession Applications - Part 15
 - 1.1.15 Consultation - Part 16
 - 1.1.16 Definitions - Part 17
 - 1.1.17 Provision of Information - Part 18
- 1.2 Both the Department and the Governance Entity are committed to establishing and maintaining a positive and collaborative relationship that gives effect to the principles of the Treaty of Waitangi as provided for in section 4 of the Conservation Act 1987. Those principles provide the basis for an ongoing relationship between the parties to the Protocol to achieve over time the conservation policies, actions and outcomes sought by both the Governance Entity and the Department, as set out in this Protocol.
- 1.3 The purpose of the Conservation Act 1987 is to enable the Department "to manage for conservation purposes, all land, and all other natural and historic resources" under that Act and to administer the statutes in the First Schedule to the Act (together, the "Conservation

Legislation”). The Minister and Director-General, or their delegates, are required to exercise particular functions, powers and duties under that legislation.

- 1.4 Waitaha descend from the tupuna Hei and his son Waitaha who were on Te Waka o Te Arawa. According to Waitaha tradition, Hei claimed the mana of the takapu o Waitaha before Te Arawa landed at Maketu, stating “ka huri mai a Te Arawa i Te Rae o Pāpāmoa ka tohuhia e Hei mi i waho o te moana te takapū o tāku tama a Waitahanui a Hei”. The sons of Waitaha occupied various places along the coast from Katikati through to Ōtamarakau.
- 1.5 Eight generations on, Takakōpiri held the mana of the Tauranga area. He laid the mana of the land on his two grandsons Te Iwikoroke and Kumaramaoa. Te Iwikoroke held the mana on the western side of Te Uku o Takakōpiri (Pāpāmoa Hills); the boundaries of Te Iwikoroke were known as Te Korowai o Wai o Kehu ko Te Iwikoroke and the boundaries of Kumaramaoa were known as Te Aore o Kumaramaoa. The brothers then conferred land on their younger brother, Te Puku o Hākoma, stretching from Te Repehunga (Pāpāmoa Domain) to Wairākei and back to Ōtawa.
- 1.6 Over time, boundaries were agreed to between Waitaha and their relations in the Te Puke and Tauranga areas. Through the raupatu (land confiscations) following the Tauranga Land Wars and the sale of the Te Puke block, Waitaha became virtually landless by the end of the 19th century. Waitaha assert that they have continued to maintain their mana over the lands of their tūpuna.
- 1.7 Hei Marae is the only marae of Waitaha and is located at Motungarara (Manoeka Road), Te Puke. Many Waitaha people continue to live in the area. Waitaha are taking the opportunity to rebuild their tribal infrastructure, restore and revitalise their cultural practices and to build a sustainable relationships with other hapū and iwi, non-Māori stakeholders and with the Department of Conservation in their rohe.
- 1.8 Waitaha accept a responsibility as kaitiaki under tikanga Māori to preserve, protect, and manage natural and historic resources within their rohe.

2. PURPOSE OF THE PROTOCOL

- 2.1 The purpose of this Protocol is to assist the Department and the Governance Entity to exercise their respective responsibilities with the utmost cooperation to achieve over time the conservation policies, actions and outcomes sought by both.
- 2.2 This Protocol sets out a framework that enables the Department and Waitaha to establish a constructive working relationship that gives effect to section 4 of the Conservation Act. It provides for Waitaha to have meaningful input into relevant policy, planning and decision-making processes in the Department’s management of conservation lands and fulfilment of statutory responsibilities within the Waitaha Protocol Area.

3. PROTOCOL AREA

- 3.1 The Protocol applies across the Waitaha Protocol Area which means the area identified in the map included in Attachment A of this Protocol.

4. TERMS OF ISSUE

- 4.1 This Protocol is issued pursuant to section 22 of the Waitaha Claims Settlement Act 2012 (The “Settlement Legislation”) and clause 5.13.1 of the Deed of Settlement. A summary of the terms on which this Protocol is issued are set out in Attachment B of the Protocol.

5. IMPLEMENTATION AND COMMUNICATION

- 5.1 The Department will seek to establish and maintain effective and efficient communication with Waitaha on a continuing basis by:
- 5.1.1 Maintaining information on the Governance Entity's office holders, and their addresses and contact details;
 - 5.1.2 Providing a primary departmental contact for the Governance Entity who will act as a liaison person with other departmental staff;
 - 5.1.3 Providing reasonable opportunities for the Governance Entity to meet with departmental managers and staff;
 - 5.1.4 Holding alternate meetings at the Tauranga Area Office and a Waitaha marae or other venue chosen by the Governance Entity to discuss issues that may have arisen every six months, unless otherwise agreed.
 - 5.1.5 The parties may also:
 - (a) Annually review implementation of the Protocol; and
 - (b) Led by the Governance Entity, arrange for an annual report back to the affiliate iwi and hapū of the Governance Entity in relation to any matter associated with the implementation of this Protocol; and
 - 5.1.6 Training relevant staff and briefing Conservation Board members on the content of the Protocol.
- 5.2 The Department will, where relevant, inform conservation stakeholders about this Protocol and the Waitaha settlement, and provide on-going information as required.
- 5.3 The Department will advise the Governance Entity of any departmental policy directions and the receipt of any research reports relating to matters of interest to Waitaha within the Protocol Area, and provide copies or the opportunity for the Governance Entity to study those reports (subject to clause 18.1).

6. BUSINESS PLANNING

- 6.1 The Department's annual business planning process determines the Department's conservation work priorities.
- 6.2 The process for the Governance Entity to identify and/or develop specific projects for consideration by the Department is as follows:
- 6.2.1 The Department and the Governance Entity will on an annual basis identify priorities for undertaking specific projects requested by the Governance Entity. The identified priorities for the upcoming business year will be taken forward by the Department into its business planning process and considered along with other priorities.
 - 6.2.2 The decision on whether any specific projects will be funded in any business year will be made by the Conservator and General Manager Operations, after following the co-operative processes set out above.
 - 6.2.3 If the Department decides to proceed with a specific project request by the Governance Entity, the Governance Entity and the Department may meet again to finalise a work plan and a timetable before implementation of the specific project in

that business year, in accordance with the resources which have been allocated in the business plan.

6.2.4 If the Department decides not to proceed with a specific project it will communicate to the Governance Entity the factors that were taken into account in reaching that decision.

6.3 The Department will consider inviting the Governance Entity to participate in specific projects, including the Department's volunteer and conservation events that may be of interest to Waitaha.

7. MANAGEMENT PLANNING

7.1 The Department will provide opportunities for the Governance Entity to input into any relevant Conservation Management Strategy reviews or Management Plans, if any, within the Protocol Area.

8. CULTURAL MATERIALS

8.1 For the purpose of this Protocol, cultural materials are plants, plant materials, and materials derived from animals, marine mammals or birds for which the Department is responsible within the Protocol Area and which are important to Waitaha in maintaining and expressing its cultural values and practices. Mai i te rangi ki te whenua me ngā mea katoa o waenganui ka noho kaitiaki a Waitaha mo ake tonu atu. Kaitiakitanga – kia mau, kia pupuri kia manaaki te mauri.

8.2 Current legislation means that generally some form of concession or permit is required for any gathering and possession of cultural materials.

8.3 In relation to cultural materials, the Minister and/or Director-General will:

8.3.1 Consider requests from the Governance Entity for access to and use of cultural materials within the Protocol Area when required for cultural purposes, in accordance to the relevant legislation;

8.3.2 Consult with the Governance Entity in circumstances where there are competing requests between the Governance Entity and non-Waitaha persons or entities for the use of cultural materials, for example for scientific research purposes;

8.3.3 Consider Governance Entity access to cultural materials, taking into consideration the interest of other representatives of tangata whenua, which become available as a result of departmental operations such as track maintenance or clearance, or species management, or where materials become available as a result of accidental death or otherwise through natural causes;

8.4 Where appropriate, the Department will consult with the Governance Entity on the development of procedures for monitoring levels of use of cultural materials in accordance with the relevant legislation.

9. MARINE MAMMALS

Background

9.1 The Department administers the Marine Mammals Protection Act 1978 and the Marine Mammals Regulations 1992. These provide for the establishment of marine mammal sanctuaries, for permits in respect of marine mammals, the disposal of sick or dead specimens and the prevention of marine mammal harassment. All species of marine

mammal occurring within New Zealand and New Zealand's fisheries waters are absolutely protected under the Marine Mammals Protection Act 1978. Under that Act the Department is responsible for the protection, conservation and management of all marine mammals, including their disposal and the health and safety of its staff and any volunteers under its control, and the public.

- 9.2 The Department's approach to strandings is also guided by the Marine Mammal Action Plan and, at a Conservancy level, Marine Mammal Stranding Contingency Plans.
- 9.3 The Protocol also aims at assisting the conservation of cetacean species by contribution to the collection of specimens and scientific data of national and international importance.

Strandings

- 9.4 The Department believes that there are opportunities to meet the cultural interests of Waitaha and to facilitate the gathering of scientific information. This Protocol is intended to meet both needs by way of a co-operative approach to the management of whale strandings and to provide general guidelines for the management of whale strandings in the DOC Protocol Area, and for the recovery by Waitaha of bone (including teeth and baleen) and other material for cultural purposes from dead marine mammals.
- 9.5 There may be circumstances during a stranding in which euthanasia is required, for example if the animal is obviously distressed. The decision to euthanase, which will be made in the best interests of marine mammals and public safety, is the responsibility of an officer or person authorised by the Minister of Conservation. The Department will make reasonable efforts to inform the Governance Entity before any decision to euthanase.
- 9.6 Both the Department and Waitaha acknowledge the scientific importance of information gathered at strandings. Decisions concerning the exact nature of the scientific samples required and the subsequent disposal of any dead animals, including their availability to Waitaha, will depend on the species.
- 9.7 The following species ("category 1 species") are known to strand most frequently on New Zealand shores. In principle these species should be available to the Governance Entity for the recovery of bone once scientific data and samples have been collected. If there are reasons why this principle should not be followed, they must be discussed between the parties to this Protocol. Category 1 species are:
 - 9.7.1 Common dolphins (*Delphinus delphis*)
 - 9.7.2 Long-finned pilot whales (*Globicephala melas*)
 - 9.7.3 Sperm whales (*Physeter macrocephalus*).
- 9.8 The following species ("category 2 species") are either not commonly encountered in New Zealand waters, or may frequently strand here but are rare elsewhere in the world. For these reasons their scientific value has first priority. In most instances, bone from category 2 species will be made available to the Governance Entity after autopsy if requested.
 - 9.8.1 All baleen whales
 - 9.8.2 Short-finned pilot whale (*Globicephala macrorhynchus*)
 - 9.8.3 Beaked whales (all species, family Ziphiidae)
 - 9.8.4 Pygmy sperm whale (*Kogia breviceps*)

- 9.8.5 Dwarf sperm whale (*Kogia simus*)
 - 9.8.6 Bottlenose dolphin (*Tursiops truncatus*)
 - 9.8.7 Maui's dolphin (*Cephalorhynchus hectori maui*) (North island)
 - 9.8.8 Hector's dolphin (*Cephalorhynchus hectori hectori*) (South Island)
 - 9.8.9 Dusky dolphin (*Lagenorhynchus obscurus*)
 - 9.8.10 Risso's dolphin (*Grampus griseus*)
 - 9.8.11 Spotted dolphin (*Stenella attenuata*)
 - 9.8.12 Striped dolphin (*Stenella coeruleoalba*)
 - 9.8.13 Rough-toothed dolphin (*Steno bredanensis*)
 - 9.8.14 Southern right whale dolphin (*Lissodelphis peronii*)
 - 9.8.15 Spectacled porpoise (*Australophocoena dioptrica*)
 - 9.8.16 Melon-headed whale (*Peponocephala electra*)
 - 9.8.17 Pygmy killer whale (*Feresa attenuata*)
 - 9.8.18 False killer whale (*Pseudorca crassidens*)
 - 9.8.19 Killer whale (*Orcinus orca*)
 - 9.8.20 Any other species of cetacean previously unknown or rarely strand in New Zealand waters.
- 9.9 If Waitaha does not wish to recover the bone or otherwise participate the Governance Entity will notify the Department whereupon the Department will take responsibility for disposing of the carcass.
- 9.10 Because the in-situ recovery of bones involves issues relating to public safety, including the risk of infection from dead and decaying tissue, it needs to be attempted only by the informed and skilled. Waitaha bone recovery teams will also want to ensure that the appropriate cultural tikanga is understood and followed. However, both parties acknowledge that generally burial will be the most practical option.
- 9.11 Subject to the prior agreement of the Conservator, where disposal of a dead stranded marine mammal is carried out by the Governance Entity, the Department will meet the reasonable costs incurred up to the estimated costs which would otherwise have been incurred by the Department to carry out the disposal.
- 9.12 The Department will:
- 9.12.1 Reach agreement with the Governance Entity on authorised key contact people who will be available at short notice to make decisions on the desire of Waitaha to be involved when there is a marine mammal stranding;
 - 9.12.2 Promptly notify the key contact people of all stranding events; and
 - 9.12.3 Discuss, as part of the disposal process, burial sites and, where practical, agree sites in advance which are to be used for disposing of carcasses in order to meet all

the health and safety requirements and to avoid the possible violation of Waitaha tikanga.

- 9.13 The hapū/whānau authorised key contact person will promptly notify the Department's Area Office contact person of any stranding event.

10. HISTORIC RESOURCES – WĀHI TAPU

- 10.1 Waitaha consider that their wāhi tapu and other places of cultural heritage significance are taonga (priceless treasures), and the Department will respect the great significance of these taonga by fulfilling the obligations contained in this clause of the Protocol.
- 10.2 The Department has a statutory role to conserve historic resources in protected areas and will endeavour to do this for sites of significance to Waitaha in association with the Governance Entity and according to Waitaha tikanga.
- 10.3 The Department accepts that non-disclosure of locations of places known to Waitaha may be an option that the Governance Entity chooses to take to preserve the wāhi tapu nature of places. There may be situations where the Governance Entity will ask the Department to treat information it provides on wāhi tapu sites in accordance with the tikanga of Waitaha.
- 10.4 The Department and the Governance Entity will work together to establish processes for dealing with information on wāhi tapu sites in a way that recognises the management challenges that confidentiality can present and protects the mana of Waitaha whilst working with the Department.
- 10.5 The Department will work with the Governance Entity at the Area Office level to respect Waitaha values, tikanga and kaitiakitanga attached to identified wāhi tapu and other places of significance on lands administered by the Department by:
- 10.5.1 Discussing with the Governance Entity, by the end of the second year of this Protocol being issued and on a continuing basis, practical ways in which Waitaha can exercise kaitiakitanga over ancestral lands, natural and historic resources and other taonga managed by the Department within the Protocol Area;
 - 10.5.2 Managing sites of historic significance to Waitaha according to standards of conservation practice which care for places of cultural heritage value, their structures, materials and cultural meaning, as outlined in the International Council on Monuments and Sites (ICOMOS) New Zealand Charter 1993, and in co-operation with Waitaha; and
 - 10.5.3 Informing the Governance Entity if wheua tangata or kōiwi are found within the Protocol Area; and
 - 10.5.4 Assisting in recording and protecting wāhi tapu and other places of cultural significance to Waitaha where appropriate, to seek to ensure that they are not desecrated or damaged.

11. NATURAL HERITAGE

- 11.1 The Department aims at conserving the full range of New Zealand's ecosystems, maintaining or restoring the ecological integrity of managed sites, and ensuring the survival of threatened species, in particular those most at risk of extinction.
- 11.2 In recognition of the cultural, historic and traditional association of Waitaha with indigenous flora and fauna found within the Protocol Area for which the Department has responsibility, the Department will inform the Governance Entity of the national sites and species

programmes on which the Department will be actively working, and provide opportunities for the Governance Entity to participate in these programmes.

11.3 Species that Waitaha has an interest in are listed in Attachment C.

12. PEST CONTROL

12.1 A key objective and function of the Department is to prevent, manage and control threats to natural, historic and cultural heritage values from animal and weed pests. This is to be done in a way that maximises the value from limited resources available to do this work.

12.2 The Department will:

12.2.1 Seek and facilitate early consultation with the Governance Entity on pest control activities within the Protocol Area, particularly in relation to the use of poisons;

12.2.2 Provide the Governance Entity with opportunities to review and assess programmes and outcomes; and

12.2.3 Where appropriate, consider co-ordinating its pest control programmes with those of the Governance Entity when the Governance Entity is an adjoining landowner.

13. RESOURCE MANAGEMENT ACT 1991

13.1 Waitaha and the Department both have concerns with the effects of activities controlled and managed under the Resource Management Act 1991. Areas of common interest include:

13.1.1 Protection of coastal and marine areas

13.1.2 Protecting and maintaining wetland areas and reserves

13.1.3 Rivers, streams and water ways

13.1.4 The effect of activities on biodiversity

13.2 From time to time, the Governance Entity and the Department will seek to identify further issues of likely mutual interest for discussion. It is recognised that the Department and the Governance Entity will continue to make separate submissions in any Resource Management Act processes.

13.3 In carrying out advocacy under the Resource Management Act 1991, the Department will:

13.3.1 Discuss with the Governance Entity the general approach that may be taken by Waitaha and the Department in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern;

13.3.2 Have regard to the priorities and issues of mutual concern identified when the Department makes decisions in respect of advocacy under the Resource Management Act; and

13.3.3 Make non-confidential resource information available to the Governance Entity to assist in improving their effectiveness in resource management advocacy work.

14. VISITOR AND PUBLIC INFORMATION

14.1 The Department has a role to share knowledge about natural and historic heritage with visitors and the general public, to satisfy their requirements for information, increase their

enjoyment and understanding of this heritage, and develop an awareness of the need for its conservation.

14.2 In providing public information, interpretation services and facilities for visitors on the land it manages, the Department acknowledges the importance to Waitaha of their cultural, traditional and historic values, the kaitiaki role of Waitaha and the association of Waitaha with the land the Department administers within the Protocol Area.

14.3 The Department will work with the Governance Entity at the Area Office level to encourage respect for Waitaha cultural heritage values by:

14.3.1 Seeking to raise public awareness of any positive conservation partnerships between the Governance Entity, the Department and other stakeholders, for example, by way of publications, presentations, and seminars;

14.3.2 Ensuring that information contained in the Department's publications is accurate and appropriate by:

(a) Obtaining the consent of the Governance Entity for disclosure of information from it, and

(b) Consulting with the Governance Entity prior to the use of information about Waitaha values for new interpretation panels, signs and visitor publications.

15. CONCESSION APPLICATIONS

15.1 By the end of the second year of this Protocol being issued and on a continuing basis, the Department will work with the Governance Entity to identify categories of concessions that may impact on the cultural, historic or historical values of Waitaha.

15.2 In relation to the concession applications within the categories identified by the Department and Governance Entity under clause 13.1, the Minister will:

15.2.1 Consult with the Governance Entity with regard to any applications or renewals of applications within the Protocol Area, and seek the input of the Governance Entity by:

(a) Providing for the Governance Entity to indicate within ten working days whether applications have any impacts on the cultural, spiritual and historic values of Waitaha; and

(b) If the Governance Entity indicates that an application has any such impacts, allowing a reasonable specified timeframe (of at least a further fifteen working days) for comment;

15.2.2 When a concession is publicly notified, the Department will at the same time provide separate written notification to the Governance Entity;

15.2.3 Prior to issuing concessions to carry out activities on land managed by the Department within the Protocol Area, and following consultation with the Governance Entity, the Minister will advise the concessionaire of Waitaha tikanga, kaitiakitanga and values and encourage communication between the concessionaire and the Governance Entity if appropriate; and

15.2.4 Ensure when issuing and renewing concessions that give authority for other parties to manage land administered by the Department, that those parties:

- (a) Be required to manage the land according to the standards of conservation practice mentioned in clause 9.6.3; and
- (b) Be encouraged to consult with the Governance Entity before using cultural information of Waitaha.

16. CONSULTATION

16.1 Where the Department is required to consult under this Protocol, the basic principles that will be followed by the Department in consulting with the Governance Entity in each case are:

- 16.1.1 Ensuring that the Governance Entity is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal or issues to be the subject of the consultation;
- 16.1.2 Providing the Governance Entity with sufficient information to make informed discussions and submissions in relation to any of the matters that are subject of the consultation;
- 16.1.3 Ensuring that sufficient time is given for the effective participation of the Governance Entity, including the preparation of submissions by the Governance Entity, in relation to any of the matters that are the subject of the consultation;
- 16.1.4 Ensuring that the Department will approach the consultation with an open mind and genuinely consider any views and/or concerns that the Governance Entity may have in relation to any of the matters that are subject to the consultation. Where the Department has consulted with the Governance Entity as specified in clause 16.1, the Department will report back to the Governance Entity on the decision made as a result of any such consultation.

17. DEFINITIONS

17.1 In this Protocol:

Conservation Management Strategy has the same meaning as in the Conservation Act 1987;

Conservation Legislation means the Conservation Act 1987 and the statutes in the First Schedule of the Act;

Crown means Her Majesty the Queen in right of New Zealand and includes, where appropriate, the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Department means the Minister of Conservation, the Director-General and the Departmental managers to whom the Minister of Conservation's and the Director-General's decision-making powers can be delegated.

Governance Entity means the Waitaha Governance Entity;

Ngā Tikanga o Waitaha means:

- He Mauri — recognises the life force of all things
- Te Mauriora — symbolises the life principles ie the superiority of the wellbeing of humans

- Te Mauritapu — symbolises and acknowledges the principles and disciplines of emotions and the expression of behaviours
- Te Whakakaha — strengthening;
- To Whakanui — to elevate;
- Te Manaaki/awhina — to care, to nurture, to support;
- Te Tihi — the pinnacle of all things;
- Ngā Tetekura — descendants; as one tree falls another rises;
- Te Wairua — spiritual wellbeing;
- Te Reo me ona ahuatanga katoa o Waitaha — the language of Waitaha, and the disciplines;
- To Whakapapa — genealogy;
- Te Whanaungatanga — relationships; kinship/blood ties;
- Te Whakapapa ki te whenua — relationships to the land;
- Te Kaitiaki — stewardship/guardianship;
- Te Waiora — health;
- Te Hauoranga — holistic wellbeing;
- To Matauranga — knowledge and understanding; and
- Ngā mea Tapu katoa — all things sacred.

Kaitiaki means environmental guardians;

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to the Waitaha Governance Entity under the Settlement Legislation and the Deed of Settlement and includes this Protocol;

Tikanga Māori refers to Māori traditional customs.

Waitaha has the meaning set out in clause [] of the Deed of Settlement

18. PROVISION OF INFORMATION

18.1 Where the Department is to provide information to the Governance Entity under this Protocol, this information will be provided subject to the provisions of the Official Information Act 1981.

ISSUED on the 2nd day July
of June 2013
NS

SIGNED for and on behalf of **HER
MAJESTY THE QUEEN** in right of
New Zealand by Nick Smith the
Minister of Conservation:



A handwritten signature in black ink, appearing to be 'N. Smith', written over a horizontal line.

WITNESS: *David Rodley*

Name: David Rodley

Occupation: Private secretary

Address: Wellington

ATTACHMENT B

SUMMARY OF TERMS OF ISSUE

This protocol is subject to the the deed of settlement and the settlement legislation. A summary of the relevant provisions is set out below.

1. Amendment and cancellation

- 1.1 The Minister may amend or cancel this protocol, but only after consulting with the governance entity and having particular regard to its views (section 19).

2. Noting

- 2.1 A summary of the terms of this protocol may be noted in the conservation documents affecting the protocol area, but the noting-

2.1.1 is for the purpose of public notice; and

2.1.2 does not amend the conservation documents for the purposes of the Conservation Act 1987 or the National Parks Act 1980 (section 22).

3. Limits

- 3.1 This protocol does not -

3.1.1 restrict the Crown from exercising its powers, and performing its functions and duties, in accordance with the law and government policy, including -

(a) introducing legislation; or

(b) changing government policy; or

(c) issuing a protocol to, or interacting or consulting with anyone the Crown considers appropriate, including any iwi, hapū, marae, whānau, or representative of tangata whenua (section 20); or

3.1.2 restrict the responsibilities of the Minister or the Ministry or the legal rights of the settling group (section 20); or

3.1.3 grant, create, or evidence an estate or interest in, or rights relating to, land held, managed, or administered, under -

(a) the Conservation Act 1987; or

(b) the enactments listed in schedule 1 of that Act.

4. Non-compliance

- 4.1 Subject to the Crown Proceedings Act 1950, the governance entity may enforce this protocol if the Crown fails, without good cause, to comply with it, but damages or monetary compensation will not be awarded (section 21).

- 4.2 A breach of this protocol is not a breach of the deed of settlement (clause 5.16).

ATTACHMENT C

SPECIES THAT WAITAHA HAVE AN INTEREST IN

Waitaha have identified the following species which have been traditionally eaten, protected and/or conserved and are therefore of interest to Waitaha.

Ngā momo manu/birds

Name	Scientific name
Black swan	<i>Cygnus atratus</i>
Fantail	<i>Rhipidura fuliginosa</i>
Heron	<i>Ardea novaehollandiae?</i>
Kākā	<i>Nestor meridionalis</i>
Kākāriki	<i>Cyanoramphus auriceps</i>
Kawau – mallard duck	<i>Anas platyrhynchos</i>
Kawau – paradise duck	<i>Tadorna variegata</i>
Kawau – spoon duck	<i>Anas rhynchotis</i>
Kererū	<i>Hemiphaga novaeseelandiae</i>
Kiwi	<i>Apteryx mantelli</i>
Kōkako	<i>Callaeas cinerea</i>
Kōtuku	<i>Egretta alba</i>
Matuku – reef heron	<i>Egretta sacra</i>
Mute swan	<i>Cygnus olor</i>
Stilt	<i>Himantopus novaezelandiae</i>
Tui	<i>Prothemadera novaeseelandiae</i>

Ngā Ikafish

Name	Scientific name
Conger eel	<i>Conger verreauxi</i>
Yellow moray eel	<i>Gymnothorax prasinus</i>
Grey moray eel	<i>Gymnothorax nubilus</i>

Name	Scientific name
Speckled moray eel	<i>Gymnothorax obesus</i>
Mottled moray eel	<i>Gymnothorax prionodon</i>
Mosaic moray	<i>Enchelycore ramosus</i>
Uaua or Herring (yellow eyed mullet)	<i>Aldrichetta forsteri</i>
Kōaro*	<i>Galaxias brevipinnis</i>
Kōkopu (banded)*	<i>Galaxias fasciatus</i>
Kōkopu (giant)*	<i>Galaxias argenteus</i>
Smelt (common)*	<i>Retropinna retropinna</i>
Native trout *	<i>Galaxias maculatus</i>
Kahawai	<i>Arripis trutta</i>
Kopuroa (spotted star gazer)	<i>Genyagnus monopterygius</i>
Lamprey – blind eel	<i>Geotria australis</i>
Black mudfish	<i>Neochanna diversus</i>
Grey mullet	<i>Mugil cephalus</i>
Parore	<i>Girella tricuspidata</i>
Pātiki (Common sole)	<i>Peltorhamphus novaezeelandiae</i>
Tāmure (Snapper)	<i>Pagrus auratus</i>
Tawatawa (Blue mackerel)	<i>Scomber australasicus</i>
Tuna – long finned eel	<i>Anguilla dieffenbachii</i>
Tuna – short finned eel	<i>Anguilla australis</i>
Shark – rig (rig dogfish)	<i>Mustelus lenticulatus</i>]
Shark – pioke (Spiny dogfish)	<i>Squalus acanthias</i>
Shark – school	<i>Galeorhinus australis</i>

* All known to Waitaha as Inanga when in their juvenile stage

Name	Scientific name
Trevally	<i>Caranx georgianus</i>
Piper (Garfish)	<i>Hyporhamphus ihi</i>
Pilchard	<i>Sardinops neopilchardus</i>
Gurnard	<i>Chelidonichthys kumu</i>
Mackerel	<i>Trachurus novaezelandiae</i>
Tarakihi	<i>Nemadactylus macropterus</i>
Kingfish	<i>Seriola lalandi</i>
Cod – rock	<i>Lotella rhacinus</i>
Cod – red	<i>Pseudophycis bachus</i>
Cod – blue	<i>Parapercis colias</i>
Butterfish	<i>Odax pullus</i>
John Dory	<i>Zeus faber</i>
Porae	<i>Nemadactylus Douglasi</i>
Alfonso (Big eye)	<i>Priacanthus tayenus</i>
Lobster	<i>Jasus edwardsii</i>
Freshwater kōura	<i>Paranephrops planifrons</i>

Kai moana/shell fish, other

Name	Scientific name
Karengo	<i>Porphyra species</i>
Kina	<i>Evechinus chloroticus</i>
Freshwater kōura	<i>Paranephrops planifrons</i>
Kuakua	<i>Zygoclamys delicatula</i>
Kuku (Mussels)	<i>Perna and Mytilus spp</i>
Kukuroa (Horse mussels)	<i>Atrina zelandica</i>
Pāua	<i>Haliotis iris</i>
Pāua (yellow foot pāua)	<i>Haliotis australis</i>
Pūpū or periwinkle	<i>Buccinum undatum</i>
Tio (Pacific oyster)	<i>Crassostrea gigas</i>
Titiko (Mud snails)	<i>Amphibola crenata</i>
Toheroa	<i>Paphies ventricosa</i>
Tuangi (Cockles)	<i>Austrovenus stutchburyi</i>
Tuatua	<i>Amphidesma subtriangulatum</i>
Squid	<i>Nototodarus gouldii</i> and <i>Nototodarus sloanii</i>
Octopus	<i>Pinnoctopus cordiformis</i>
Kahitua (bi-valve mollusc)	<i>Paphies subtriangulatum</i>

Ngā tipu/plants

Name	Scientific name
Aruhe	<i>Pteridium esculentum</i>
Harakeke	<i>Phormium tenax</i>
Harore	<i>Pholiota adiposa</i>
Kahikatea	<i>Dacrycarpus dacrydioides</i>
Kānuka	<i>Kunzea ericoides</i>
Karaka	<i>Corynocarpus leavigatus</i>

Name	Scientific name
Karamuramu	<i>Coprosma lucida</i> and/or <i>Coprosma robusta</i> -
Kauri	<i>Agathis australis</i>
Kawakawa	<i>Macropiper excelsum</i>
Kiekie	<i>Freycinetia baueriana</i> subsp. <i>banksii</i>
Kōwhai	<i>Sophora microphylla</i>
Mamaku	<i>Cyathea medullaris</i>
Mānuka	<i>Leptospermum scoparium</i>
Mataī	<i>Prumnopitys taxifolia</i>
Miro	<i>Prumnopitys ferruginea</i>
Nīkau	<i>Rhopalostylis sapida</i>
Pikopiko	<i>Asplenium bulbiferum</i> subsp. <i>bulbiferum</i>
Pōhutukawa	<i>Metrosideros excelsa</i>
Ponga	<i>Cyathea dealbata</i>
Rewarewa	<i>Knightia excelsa</i>
Tawa	<i>Beilschmiedia tawa</i>
Tāwhara	<i>Freycinetia baueriana</i> subsp. <i>banksii</i>
Ti kōuka	<i>Cordyline australis</i>
Ure	<i>Freycinetia baueriana</i> subsp. <i>banksii</i>

Amphibians

Name	Scientific name
Hochstetters frog	<i>Leiopelma hochstetteri</i>
Whistling frog	<i>Litoria ewingii</i>

Reptiles

Name	Scientific name
Common gecko	<i>Hoplodactylus maculatus</i>
Forest gecko	<i>Hoplodactylus granulatus</i>
Green gecko	<i>Naultinus elegans</i> (two sub.species are found in the Bay of Plenty - <i>N. elegans elegans</i> and <i>N. elegans punctatus</i>)