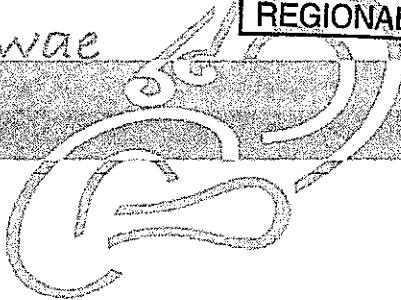


Te Rūnanga o Ngāti Waewae



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21 April 2008

Rick Barber
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To: West Coast Regional Council & Buller District Council

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23 april 2008

<p>TO:THE WEST COAST REGIONAL COUNCIL</p> <p>PO BOX 66</p> <p>GREYMOUTH</p>	<p>Copy to: Applicant Meridian Energy Limited PO Box 2454, Christchurch. PH: 0508 8000 118 Fax: (03) 768 7133</p>
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Submissions in relation to: The all the Resource consent applications to develop a Hydro Electric power Scheme on the Mokihinui river, Seddonville, North Westland.

Name of Submitter:

Te Rūnanga o Ngāti Waewae – which is the Papatipu Rūnanga of the affected part of Te Tai o Poutini and is the Mana Whenua authority responsible for carrying out its obligations as tangata whenua kaitiaki of natural resources within its rohe (runanga boundary).

Name of Applicant

Meridian Energy

Application

This submission by Te Rūnanga o Ngāti Waewae is made in respect of each of the applications made by Meridian to the West Coast Regional Council and the Buller District Council for resource consent for all works associated with the construction and operation of the proposed Mokihinui Hydro Proposal (MHP) as described in the Meridian Energy Ltd AEE Dec 2007 and subsequent DVDs and more recently released reports on the proposal.

Position of Ngāti Waewae

1. As at the date of this submission, Te Rūnanga o Ngāti Waewae **opposes the granting of the consents** applied for by Meridian, on the basis that there remain a number of cultural issues identified within the draft Cultural Impact Assessment and subsequent to it, that are the subject of ongoing discussions between Ngāti Waewae tangata and Meridian.
2. In making this submission, Ngāti Waewae recognises that Meridian has undertaken to continue working closely with the tangata whenua in an endeavour to try and resolve the outstanding cultural concerns. Ngāti Waewae is committed to these ongoing discussions and to the task of seeking to reach a culturally satisfactory resolution with Meridian if possible.
3. However, because such a resolution has not yet been achieved, it is necessary for Ngāti Waewae to lodge this submission so as to engage in the RMA process in respect of the proposal.

Values associated with Mokihinui

4. Ngāti Waewae considers the Mokihinui awa to possess a range of significant cultural values. By way of illustration, it is evident from the Table attached below (from Schedule 1C of the West Coast Water Management Plan) that the Mokihinui rates as possessing seven out of the ten cultural and spiritual values.
5. The various historical and cultural associations with the Mokihinui are presently in the process of being researched and recorded in the draft Cultural Impact Assessment that is being prepared in respect of the MHP. Ngāti Waewae intends to continue to work closely with Meridian in this regard.

Schedule 1C: Schedule of spiritual and cultural beliefs, values and uses of significance to Poutini Ngāi Tahu

This schedule identifies the spiritual or cultural beliefs, values or uses associated with water bodies of significance to Poutini Ngāi Tahu. Poutini Ngāi Tahu provided the information that appears in this schedule.

Kaitiakiaranga and Mauri are not listed for each river as these elements apply to all lakes and rivers on the West Coast. Shared rohe for Makaawhio and Ngāti Waewae are shown in italics.

Table 2: Explanation of the values identified in the Schedule 1C Columns

Wahi tapu and/ or Waiwhakahahe	Sacred places; sites, areas and values associated with water bodies that hold spiritual values of importance to Poutini Ngāi Tahu. (Note: Poutini Ngāi Tahu may be consulted regarding the location of these places, sites, areas and values.)
Wahi taonga	Treasured resource; values, sites and resources that are valued and reinforce the special relationship Poutini Ngāi Tahu have with the West Coast's water resources.
Mahiinga Kai	Places where food is procured or produced. Examples include eels, whitebait, kauri (lamprey), kokopu (galaxiid species), koura (freshwater crayfish), freshwater mussels, indigenous waterfowl, watercreas and rauupo.
Kohanga	Important nursery/ spawning areas for native fisheries & breeding areas for birds
Navigation routes	Water bodies which formed part of traditional routes.
Cultural materials	Water bodies that are sources of traditional weaving materials (such as rauupo and paru) and rongoa (medicines).
Waipuna	Waters highly regarded for their purity, healing and health-giving powers.
Trad. Campsite	Area or site of either temporary, seasonal or permanent traditional occupation
Nohoanga	Ngāi Tahu seasonal occupation sites, given contemporary effect through the Ngāi Tahu Claims Settlement Act
Statutory Ack. Areas	Statutory Acknowledgements areas are in Appendix 20.1 and are areas of particular significance for Ngāi Tahu.

Schedule 1C Poutini Ngāi Tahu Spiritual and Cultural Beliefs Values and Uses

	Wahi tapu	Wahi taonga	Mahiinga Kai	Kohanga	Navigation routes	Cultural materials	Waipuna	Trad. campsite	Nohoanga	Statutory Ack. areas
Kahurangi	X			X	X			X		
Waiakapou (Heaphy)	X		X	X	X			X		
Waiakana				X						
Kohaitahi				X	X			X		
Opataua			X	X	X					
Roto Aorua		X			X		X			
Karamea	X	X		X	X	X		X		
Whanganui iti			X	X	X					
Mokimimi		X	X	X	X	X	X	X		
Ngatawan			X	X	X					
Onikala			X	X	X			X		
Onswaihi				X	X					
Matakiraki				X	X					

Nature of unaddressed cultural issues

6. From a general perspective, Ngāti Waewae is concerned about the extensive damage and destruction that hydro electricity generation schemes have caused to a number of culturally significant rivers within Te Waipounamu (for example, the Waitaki River). Ngāti Waewae does not wish to see the same damage occur to the Mokihinui.
7. The outstanding concerns that Ngāti Waewae has about the proposal can be summarised as follows:
 - The impacts on the mauri of the awa as a result of dam blockage to the waters, mata, tuna and maunga gravels reaching the oceans.
 - Loss of significant mahinga kai habitat and species: Ngāti Waewae is concerned that the construction of the dam infrastructure and the manipulation of the natural flow will adversely affect high quality and hitherto unmodified mahinga kai resources. Mahinga kai is at the heart of Poutini Ngāi Tahu culture and the unrelenting cultural imperative is to keep the mahinga kai intact.
 - Significant adverse effects upon Tuna / Longfin Eel: The Mokihinui River is regarded as an important habitat for Tuna (Long Fin Eel), which according to Schedule 1A of the West Coast Water Management Plan are a species that is in “gradual decline”. The cultural significance of Tuna simply cannot be underestimated. Tuna are not only prized as a vital source of mahinga kai, but also for its whakapapa significance and as a spiritual-guardian.

Ngāti Waewae considers that the MHP will have a significant adverse effect on the upstream migration and subsequent recruitment of elvers into the Mokihinui catchment. In addition, Ngāti Waewae believe that the MHP will also prevent the downstream migration of breeding adults to the sea. The combination of these effects will adversely affect the sustainability of the freshwater eel fishery.

- Tailrace generating flows: Ngati Waewae has concerns that the frequent daily effects on the Mokihinui awa down to the mouth of the awa will be more than minor and the protection of the kaiawa and recruitment of native fish and erosion of islands and banks is of significant concern.
- Use of Cultural Health Index (CHI): Ngati Waewae would like the Mokihinui assessed using this regime in its current state and under any proposed regimes prior to granting consents re flow regimes. This is a recognised method by both tangata whenua and MfE. The awa is frequented by fishers along much of its length, and effects of the fishery, manu, and natural character from the mountains to the sea using the CHI needs to be undertaken in order to satisfy section 6 of the RMA.

- Te Ahauatanga o Papatuanuku – Natural Character: Ngati Waewae has concerns that the natural character of the Mokihinui catchment will be irrevocably altered.
 - Ki uta ki tai: Ngāti Waewae believes that the construction of the 85 metre high, 300 metre wide concrete dam will interrupt the continuity of flow from the mountains to the sea, of both wai and whenua, which conflicts with the Poutini Ngāi Tahu philosophy of ki uta ki tai.
 - Heritage: The natural channel and ara / track is of high heritage value, Ngati Waewae is concerned that the natural navigable nature of the channel will be lost and the heritage trail will be inundated.
 - Draft Social Impact Assessment Report: Taylor & Bains March 2008: Ngati Waewae are concerned the impacts on tangata whenua, mataawaka (maori) are not mentioned in this report. We look forward to being consulted on the cultural social issues of the MHP.
 - Impact on Soil Health: Ngati Waewae would like to see how this may be impacted due to the civil works and has concerns that both this and water levels may have detrimental affects on soil health.
 - Lack of Information about Benefits to the West Coast: Ngati Waewae appreciates our current reliable supply of electric energy. Ngati Waewae seeks mitigation including more affordable differential pricing as the proposed scheme will provide a significant, so called, export of electric power, over our inefficient transmission system. This is at an enduring cost due to the impacts on the mauri of the awa, kai awa and tangata whenua and requires mitigation.
8. Because an agreed outcome has not yet been finalised with Meridian, Ngāti Waewae is of the view that the proposal, in its present form, fails to promote the sustainable management of natural and physical resources (as required by section 5 of the Resource Management Act 1991 (RMA)).

9. More specifically in relation to section 5, the proposal as it presently stands will:

- Not manage the use, development or protection of natural and physical resources in a way, or at a rate, which enables the people and communities of Te Tai o Poutini to provide for their social, economic and especially their **cultural wellbeing** and for their health and safety (seismic and coastal erosion issues); ref The regional coastal Plan for the West coast lists the coast adjacent to the Mokihiui as CHA 2 – Coastal Hazard Area 2, threatened by beach erosion. The MHP will limit maunga gravels reaching the ocean thereby exacerbating this coastal hazard. This requires mitigation or avoidance.
- Be unable to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations (section 5(2)(a) of the RMA);
- Be unable to effectively safeguard the life-supporting capacity of air, water, soil, and ecosystems (section 5(2)(b) of the RMA); (refer: Landcare Report)
- Fail to effectively avoid, remedy or mitigate the adverse effects of the proposal on the environment (section 5(2)(c));

10. In addition, it is the view of Ngāti Waewae that, at present, Meridian has not satisfactorily recognised and provided for:

- The preservation of the natural character of Mokihiui Awa and its margins affected by the MHP throughout its length including into the coastal zone and the protection of it from inappropriate use and development (section 6(b) of the RMA);
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, taonga species (section 6(C) of the RMA); (Ref Landcare report). This may be shown to be mitigable and Ngati Waewae is willing to korero this issue with the Local Authority and Meridian.
- The relationship of Ngāti Waewae and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga (section 6(e) RMA); and
- The protection of historic heritage from inappropriate use and development (section 6(f)). (The coastlines and landforms).

11. Finally, the incomplete state of discussions, draft CIA between Ngāti Waewae and Meridian means that the proposal does not yet have sufficient regard to the obligations surrounding kaitiakitanga (as provided for in section 7(a) of the RMA); or the principles of the Treaty of Waitangi (section 8 of the RMA).

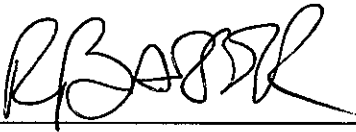
Relief Sought

In the event that discussions between Ngāti Waewae and Meridian do not result in a suitable resolution, then Ngāti Waewae will continue to oppose the grant of consents.

Alternatively, Ngāti Waewae will seek that conditions be imposed that, as far as possible, avoid, remedy or mitigate the cultural concerns.

Te Rūnanga o Ngāti Waewae wish to be heard at a hearing or inquiry in support of its submission.

Dated this 20th day of April 2008



Rick Barber

Team Leader

Land and Environment Unit

Te Rūnanga o Ngāt Waewae

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