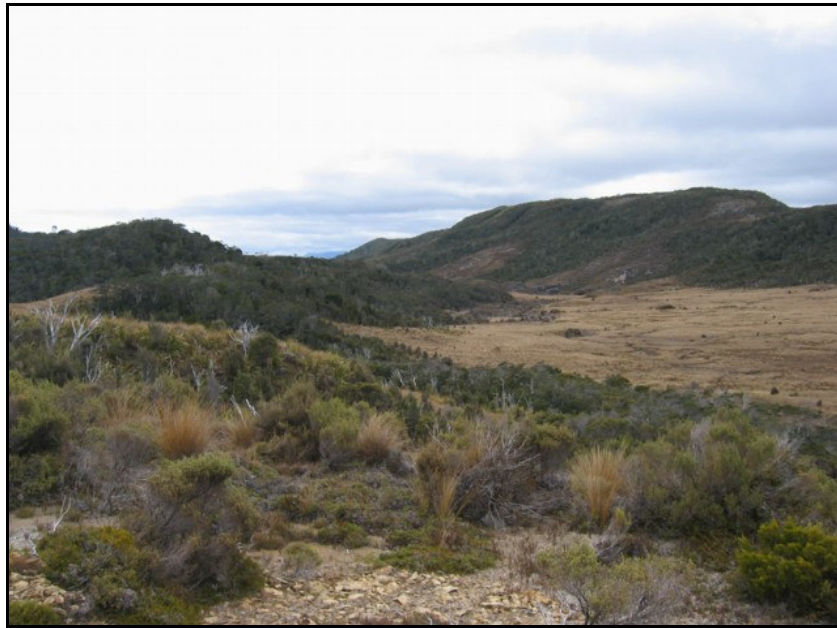


Cultural Impact Assessment Report



**For activities associated with the proposed
Solid Energy Cypress Coal Mine**

February 2004

Prepared for: Solid Energy
By: Dyanna Jolly, on behalf of Te Rūnanga o
Ngāti Waewae

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*Ko Aoraki te maunga tapu tautahi
Ko Tuhua te maunga taina
Ko Arahura te awa
Ko Te Tai Poutini te moana, me te whenua
Ko Ngāti Waewae te hapū
Ko Ngāi Tahu te iwi
Ko Tuhuru te tipuna
Ko Pounamu te taonga*

***Te Huarahi Tōmairangi Aotaetaeata
"The pathway of the dew before the cloud of the
early
morning rain"***

This 1200-pound Pounamu kōhatu (greenstone boulder) was found north of the Taramakau River. The finder Mr. Tony Maitland discovered the pounamu kōhatu and informed the Te Rūnanga o Ngāi Tahu authorities, and in conjunction with Te Rūnaka o Kāti Waewae extracted the pounamu. The handing back of this taonga (treasure) by Tony Maitland is symbolic of a relationship building process with the Maitland whānau (family) and the local community in which Te Rūnaka o Kāti Waewae and Te Rūnanga o Ngāi Tahu will embrace with respect and dignity. The pounamu kōhatu will eventually rest in the planned Marae at Arahura as a mauri stone (Touch stone).

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Summary

This Cultural Impact Assessment Report was commissioned by Solid Energy New Zealand Ltd. (SENZ) to identify the potential impacts of the proposed Cypress opencast coal mine on Poutini Ngäi Tahu cultural values. The report is part of the resource consent application consultation process undertaken by Solid Energy.

The proposed Cypress mine is located in the Buller District, on the Upper Waimangaroa Plateau, northeast of Westport on Te Tai Poutini. The site is in the Buller Coalfields Reserve, near the existing Stockton opencast mine. The mine includes the eastern side of Happy Valley and extends up the slopes of the Mt. William Range.

The main features of the Cypress Mine are two opencast pits (north pit and south pit), an overburden placement area, access and haul roads, water treatment ponds, and drains and diversions associated with water management.

The coastal hills and plateau north of the Kawatiri (Buller) River are part of the larger network of trails, trading routes, pā and kainga sites, mahinga kai and other areas of cultural significance for Poutini Ngäi Tahu. These customary associations are maintained today through the kaitiakitanga rights and responsibilities of Te Rūnanga o Ngāti Waewae.

Poutini Ngäi Tahu have identified six main areas of concern with regards to the proposed Cypress opencast coal mine:

1. Cumulative impacts of mining in this area
2. Impacts related to te whenua / the land
3. Impacts related to te wai / the water
4. Impacts related to te hau / the air
5. Distribution of costs and benefits
6. The relationship between Ngāti Waewae / Ngäi Tahu Whānui and Solid Energy

Impacts on cultural values associated with *te whenua* (the land), *te wai* (the water), and *te hau* (the atmosphere/air) relate to the actual development and operation of the proposed mine. Recommendations are provided to avoid, remedy, or mitigate the concerns identified by the Rūnanga.

However, given the tangata whenua philosophy of ki uta ki tai (mountains to the sea) it is impossible to separate the Cypress mine proposal from the wider context of coal mining in this region - past, present and future. The cumulative impacts of coal mining on the plateau, the distribution of costs and benefits, and improving the relationship between Solid Energy and Ngāti Waewae / Ngāi Tahu are broad scale issues identified by Ngāti Waewae that extend beyond the immediate mine footprint. The Rūnanga does not support the approach Solid Energy has taken; assessing individual mines in isolation from the wider context and cumulative effects of mining overall.

For Te Rūnanga o Ngāti Waewae, impacts on the land, water and air of the current Cypress Mine proposal are unacceptable without a commitment by Solid Energy to addressing the bigger picture of coal mining development activities in the Ngāti Waewae takiwā. In providing this cultural impact assessment, Te Rūnanga o Ngāti Waewae is upholding its kaitiaki responsibilities to protect the land, water, fish, birds, and forests. Forty-two recommendations are provided (listed in Appendix 3), to assist Solid Energy in understanding the impacts on cultural values, and plan for ways to address such impacts.

However, the Rūnanga will not provide any further cultural impact assessments that assess a proposed mine in isolation. The Cypress Mine, and all further proposals, will be opposed until such time that Solid Energy demonstrates a commitment to:

- Commissioning a cultural impact assessment that will provide an opportunity for a more holistic approach to assessing the ecological, physical and cultural impacts of all coal mining development activities in the takiwā of Te Rūnanga o Ngāti Waewae
- Progressing a genuine working relationship with Te Rūnanga o Ngāti Waewae / Ngāi Tahu to address coal mining in the long-term on Te Tai Poutini, one that recognises and provides for State-Owned Enterprises and Treaty of Waitangi responsibilities.

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1 Introduction

This report is a Cultural Impact Assessment prepared for Solid Energy New Zealand Ltd (SENZ), on behalf of Te Rūnanga o Ngāti Waewae. The report is an assessment of cultural impacts associated with the proposed Cypress opencast coal mine. The Cypress Mine is located on the Upper Waimangaroa Plateau, on the eastern side of the Stockton - Denniston Plateau, northeast of Westport on Te Tai Poutini. The area is in the Buller Coalfields Reserve, an area with a history of coal mining, both opencast and underground.

The purpose of this report is to assess the potential impacts of the project on Ngāti Waewae cultural values, and propose ways to avoid, mitigate or remedy such impacts. Solid Energy lodged resource consent applications in late 2003 for the development and operation of the mine. This assessment is part of a wider series of social and ecological assessments undertaken in preparation for resource consent applications.

The proposed Cypress mine is located in the takiwā of Te Rūnanga o Ngāti Waewae. For the purposes of this report, Te Rūnanga o Ngāti Waewae is the administrative body that represents the Poutini Ngāi Tahu hapū of Ngāti Waewae. The hapū of Ngāti Waewae descends from the rangatira Tuhuru. Their takiwā is centered on Arahura, Hokitika, and Māwhera (Greymouth), extending from the north banks of the Poerua River to Kahurangi Point and inland to the main divide, with areas of shared interest with the other hapū of Te Tai Poutini. This report is written on behalf of tangata whenua who hold manawhenua (the right to speak for the land) in the takiwā.

In accordance with the legislative, regulatory and planning framework within which this proposal occurs, the applicant is required to consult with Te Rūnanga o Ngāti Waewae. The applicant has thus requested a Cultural Impact Assessment (CIA) report, to assess the effects of the proposed activity on Ngāti Waewae cultural values.

1.1 Consultation with Te Rūnanga o Ngāti Waewae

Te Rūnanga o Ngāti Waewae is one of eighteen Papatipu Rūnanga that constitute the membership of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu (Te Rūnanga) is a corporate body representing Ngāi Tahu whānui. The Ngāi Tahu Act 1996 and Te Rūnanga o Ngāi Tahu Claims Settlement Act 1998 give recognition to the status of Te Rūnanga o Ngāti Waewae as manawhenua and kaitiaki of natural resources within their takiwā boundaries.

As tāngata whenua, Ngāi Tahu Whānui hold rights that are recognised and guaranteed by numerous agreements and acts of parliament, including the Treaty of Waitangi and the original land sale deeds between Ngāi Tahu and the Crown.

The Resource Management Act (RMA) 1991 and the Resource Management Amendment Act (RMAA) provide for tangata whenua participation in natural resource management through sections including:

Section 5 Purpose of the Act

- (1) The purpose of this Act is to promote sustainable management of natural and physical resources.
- (2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably and foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects on activities on the environment.

Section 6 matters of national importance that must be recognised and provided for in managing the use, development, and protection of natural resources, including:

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga

Under the RMAA, historic heritage is also a matter of national importance, including sites of significance to Māori, including wāhi tapu.

Section 7 other matters that regard is to be had to, including:

(a) Kaitiakitanga

Section 8 states that all persons exercising functions and powers under the RMA in relations to managing the use, development, and protection of natural and physical resources, shall take into account the Treaty of Waitangi (Te Tiriti o Waitangi)

Also relevant to this impact assessment is the responsibility of Solid Energy New Zealand under Part 1 of the State-Owned Enterprises Act 1986.

Section 9 Treaty of Waitangi -

Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

While as a matter of law Te Rūnanga o Ngāi Tahu must be consulted on all matters as the iwi authority within the Ngāi Tahu Takiwā, as a matter of practice Ngāi Tahu Whānui is always represented by both Te Rūnanga and the Kaitiaki Rūnanga of the area involved.

1.2 Description of activity

The proposed Cypress Mine is an opencast coal mine that will see approximately 105 hectares progressively mined over a period of ten years. The coal is bituminous; a high quality coal used as coking coal in steel manufacturing. Coal won from the mine will be relatively low volume, high quality, and be exported to overseas markets.

The proposed mine lies within the Upper Waimangaroa Mining Permit Area (MP 41-515), in the Upper Waimangaroa River Valley north of Westport (see Appendix 1). The valley is part of the Ngakawau Ecological District, an area largely delineated by the presence of the Brunner Coal Measure and associated landforms and vegetations.

The main features of the Cypress Mine are two opencast pits (north pit and south pit), an overburden placement area, access and haul roads, water treatment ponds, and drains and diversions with water management. Mining will begin in the north pit near St. Pat's Dam and end in the south pit, in the Byrne Creek area. The mine includes the eastern side of Happy Valley and extends up the slopes of the Mt. William Range (see Appendix 2).

Access and haul roads will be developed to connect the mine with the existing Stockton mine. A site office and workshop will be located near St. Pat's dam. The hydrology of the area will be changed during the life of the mine, but is expected to revert to its original pattern post closure. The mine also includes overburden and water quality management provisions, to minimise the risk of acidic drainage.

Mine development and operation includes a series of management plans, for works associated with earthworks, water management, acidic drainage, water quality monitoring, stream boundary management, dust management, weather monitoring, weed and pest control, waste management, hazardous substances and dangerous goods, rehabilitation management, contingency and response, and cultural heritage.

Solid Energy is seeking 35-year duration resource consents for the development and operation of the mine. This includes:

Land use consent (Buller District Council)	<ul style="list-style-type: none"> To undertake coal mining and associated activities
Land use consent (West Coast Regional Council)	<ul style="list-style-type: none"> To carry out earthworks and vegetation clearance To build structures and undertake activities in and over the beds of streams
Discharge permits	<ul style="list-style-type: none"> To discharge treated water to St. Patrick's Stream from the St. Pat's

	<p>dam</p> <ul style="list-style-type: none"> • To deposit overburden and other material to the overburden placement area and within the Stockton mine • To discharge stormwater containing contaminants to ground • To discharge dust and other contaminants to air
Water permits	<ul style="list-style-type: none"> • To divert clean surface water runoff around operational mining areas and access road • To divert and take groundwater from within the opencast workings for dewatering purposes • To divert and discharge operational surface water runoff and groundwater from within the opencast workings, access road and overburden placement area • To take water from dust suppression from St. Pat's Dam • To dam and divert watercourses by undertaking ancillary surface activities

2 Objectives

The objectives of this Cultural Impact Assessment Report are to:

- Identify key Ngāti Waewae cultural values associated with the proposed Cypress mine
- Identify key Ngāti Waewae issues and concerns about the proposed project, with regards to the potential adverse impacts on cultural values

- Provide recommendations for appropriate measures to avoid, remedy or mitigate any adverse effects of the proposal

3 Methods

The preparation of this report involved a review of existing information sources, site visits, and a consultative process with Te Rūnanga o Ngāti Waewae.

Review of existing sources:

- Review of the environmental and scientific information about the proposed project and the area, as provided in the Assessment of Environmental Impacts
- Review of the provisions in the RMA 1991 and the Ngāi Tahu Claims Settlement Act 1998 relevant to the protection of cultural interests of Ngāti Waewae
- Review of Te Rūnanga o Ngāti Waewae policies associated with lands and environment
- Review of files, meeting minutes, correspondence and other documents from the Te Rūnanga o Ngāti Waewae office

Site visits:

- Site visit to the proposed site of the mine, with representatives of Te Rūnanga o Ngāti Waewae and Solid Energy

Consultative process:

- Involvement of Te Rūnanga o Ngāti Waewae Land and Environment Portfolio members in the preparation and review of the report
- Discussions with members of Te Rūnanga o Ngāti Waewae, and other individuals holding manawhenua in the area
- A series of small hui with members of Te Rūnanga o Ngāti Waewae, to facilitate discussion and debate about issues
- Open hui for all Rūnanga members to discuss the proposal, with Mark Pizey, Solid Energy

- Consultation with Kaupapa Taiao (Natural Resources Unit), Te Rūnanga o Ngāi Tahu
- Distribution of two draft reports for review by Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu
- Consultative hui to review and discuss draft reports
- Revisions and preparation of final draft
- Approval of Te Rūnanga o Ngāti Waewae, and support of Te Rūnanga o Ngāi Tahu of the final report
- Final report sent to applicant for consideration.

4 Ngati Waewae and Te Tai Poutini

4.1 Poutini Ngāi Tahu historical occupation of Te Tai Poutini

Ngāi Tahu occupation of Te Tai Poutini came largely as result of the presence of the valued pounamu, and the trade opportunities, wealth and mana that were associated with it. Once trails were established across the mountains, Ngāi Tahu from eastern Te Waipounamu began to look westward.

By as early as the seventeenth century, Ngāi Tahu were establishing manawhenua of the west coast of the Te Waipounamu. Tuhuru of the Ngāti Waewae hapū was the leading Poutini Ngāi Tahu rangātira / chief, establishing the manawhenua and manamoana of Ngāti Waewae by defeating the original occupiers, Ngāti Wairangi. Ngāi Tahu residing on Te Tai Poutini were called Poutini Ngāi Tahu, so as to distinguish from their relations living on the east coast.

4.2 The Arahura Purchase

The Arahura Purchase of 1860 was one of eight major land purchases on Te Waipounamu. The deed of purchase transferred Poutini Ngāi Tahu rights to more than seven million acres to the Crown for £ 300. Under the terms of the Arahura purchase, Ngāi Tahu were to retain 10 225 acres - 3 500 for endowment and 6 725 for individual allotment (Waitangi Tribunal 1991).

Poutini Ngäi Tahu, who were well aware of land shortages that followed other sales, had met initial attempts at a west coast purchase with rejection. For Poutini Ngäi Tahu, it was essential that any purchase agreement retain lands that were so important for pounamu and mahinga kai.

Ngäi Tahu requests to retain such lands were refused by James MacKay, who had earlier arranged the sale of the Kaikoura block, and was authorised by McLean to purchase the Arahura lands. With increasing pressures by European settlement, Poutini Ngäi Tahu chiefs reluctantly signed the Arahura deed of purchase. Mackay did agree to retain the Arahura River and its pounamu for Poutini Ngäi Tahu, however the stipulation was ultimately forgotten in the final deed.

4.3 Ngäi Tahu Deed of Settlement

The Ngäi Tahu Deed of Settlement with the Crown was signed in 1997, and this was given legislative effect by the Ngäi Tahu Claims Settlement Act (NTCSA) 1998. Part of the settlement redress included the transfer of ownership and control of various resources and areas of land of significance to the tribe.

This and other items of economic and cultural redress have re-established the role of Ngäi Tahu in resource management. For decades, the management of natural resources has often occurred at the expense of the customary relationship of tängata whenua to their land and waters. Today, the NTCSA and other legislation set out legally recognised roles for Te Rünanga o Ngäi Tahu and its Papatipu Rünanga in participating in this process.

5 Cultural values

This section describes Ngäti Waewae customary associations with the Kawatiri (Buller) district, and the cultural values that are relevant to this assessment. Such values relate to the traditions, stories and knowledge of the area that are part of Ngäti Waewae

history on the landscape, as well as values that relate to the relationship between tangata whenua and te wai (the water), te whenua (the land) , mahinga kai, and other natural resources.

As with other areas of Te Tai Poutini, the coastal hills and plateaux areas north of the Kawatiri (Buller) River are part of the larger network of trails, trading routes, pā and kainga sites, mahinga kai, and other areas of cultural significance. Customary associations with this area are maintained today through the kaitiakitanga rights and responsibilities of Te Rūnanga o Ngāti Waewae.

Poutini Ngāi Tahu held manawhenua, or customary title, over the Kawatiri (Buller) territory through maintaining occupational status. For example, tangata whenua from Arahura maintained potato gardens on the southern banks of the Kawatiri (Buller) River (Brailsford 1996). At the Whareatea River a small pā was located on one bank, with a guest whare on the other to accommodate travelers from other iwi (Mitchell 1948). Customary title over the area is further evidenced by the wāhi ingoa, or place names, that mark the landscape.

The extensive knowledge, use of, and relationship of Poutini Ngāti Tahu to this area was evident to early Europeans such as Heaphy and Brunner, who were taught by tangata whenua how to live off what the land and sea could provide. On his journey down the Poutini Coast trail to the Kawatiri (Buller) River, Heaphy's party was fed at the Ngakawau River by travellers from Arahura. Brailsford's (1996) description of the event illustrates the association between tangata whenua and the takiwā:

This encounter with Aperahama and his family provides a fascinating glimpse of into Maori use of this trail [Poutini Coastal trail]. The Maori party of father, son and daughter was obviously in good condition. They had their basic supply of dried whitebait and some potatoes but otherwise they simply lived off the land. *This was their land, and they seemed to be able to make themselves at home in any part of it.*

Coastal areas provided tangata whenua with shellfish, the rivers provided eels and fish, and the river mouths were good places for cultivations. Bird-snaring parties regularly travelled along the inland rivers. Hunting parties from the Nelson area were known to travel down the Orikaka (Mackley) River, where the honey and seeds of the kowhai, rata, and miro on the river's banks attracted large numbers of kaka, tui, bellbird, pigeons and robins.

Tangata whenua also came from Hokitika to the Orikaka River to hunt birds. These parties were known to secure large numbers of birds during such trips; enough for their winter supply (Mitchell 1948). The abundance of mahinga kai in this area is evidenced by the names of waterways in the vicinity of the Waimangaroa valley, including Weka Creek, Kiwi Creek, and Keruru Stream.

Specific cultural values relevant to this assessment are discussed below:

Ara Tawhito

Ara tawhito are the ancestral trails and routes used by Poutini Ngäi Tahu, and those that came before them. Coastal and inland trails in this area were well known to Maori and also used in later years by early European travellers and their Mäori guides.

The coastal area from Pakawau Pa (Massacre Bay) south towards Mäwhera (Greymouth) is the northern section of the Poutini Coastal trail, one of the oldest pounamu trails (Brailsford 1996). The Kawatiri trails are also near by, connected to trails that used the Mäwhera (Grey), Inanagahua and Kawatiri (Buller) Rivers as an inland route from Arahura to Nelson. In addition, early Europeans reported a Mäori trail up the Orikaka (Mackley) and over the range to the Waimangaroa as an alternative to the lower Buller Gorge (DoC 1998).

Kaitiakitanga

Kaitiakitanga is defined as the exercise of guardianship by tangata whenua, in accordance with tikanga Mäori, in relations to natural and physical resources. It is an ancestral right and responsibility to protect and enhance such resources for future generations.

Ki uta ki tai

The concept of *ki uta ki tai* is a tribal philosophy that encompasses thinking in terms of a whole catchment, rather than individual waterways or components of a landscape. It means always assessing what is happening at the source, the cumulative and long-term effects of any activity,

and the potential cumulative impacts on other resources.

Mahinga kai

Mahinga kai is considered the heart of Ngāi Tahu culture, providing a key component of cultural identity that holds the tribe together (Tipa and Teirney 2002). It encompasses the whole process of gathering, processing, and storing food and other natural resources. It includes the act of fishing, hunting or gathering; the method used to procure resources; the places where those resources are found, and the actual resource itself. Values associated with mahinga kai are also associated with access, resource health and fitness for cultural usage

Maintenance of unmodified environments

Maintenance of unmodified environments and areas of historical, cultural, and ecological significance is important to Ngāti Waewae; as such environments maintain traditional associations with the area. Examples include the maintenance of skylines (in maunga / mountain areas), natural flow patterns of rivers, areas of indigenous forests and other landscapes of significance. Many such areas are already highly modified with forestry, mining, development, and farming activities. For Ngāti Waewae, cultural and environmental values found in lightly or unmodified environments are priceless, and cannot be measured in terms of money.

Maunga – Paparoa Ranges

Maunga (mountains) play an important role in Ngāti Waewae spiritual and cultural beliefs. They are considered the gateway to the atua (gods) and heavens. Maintaining the skyline and ridgelines of maunga is a cultural value that must be upheld.

The Paparoa Ranges run from south of the Mokihiui River to the Māwhera (Grey) River. Paparoa may have been the ancient name given to Mt. Rochfort by Ngāti Wairangi, with the ridge taking the name from the mountain. The Paparoa Ranges are ancestral mountains; holding the same cultural and spiritual

significance to Te Rūnanga o Ngāti Waewae as Aoraki. The proposed mine must be considered in the context of its physical and spiritual connection to the Paparoa Range.

Ngāi Wai Tūpuna

The spiritual and cultural connection to water is of utmost importance to Ngāti Waewae, as water is the lifeblood of Papatūanuku. Maintenance of natural flow, prevention of mixing of waters, the protection of mauri and wairua, and the enhancement of mahinga kai are key instream values association with ngā wai tūpuna.

Taonga species

Taonga species are native birds, plants, and animals of special cultural and spiritual importance. The Settlement between the Crown and Ngāi Tahu included recognition of the customary relationship that Ngāi Tahu have with taonga species, and included provisions for Ngāi Tahu participation in their management. For example, managers of any taonga species are required to consult with and have regard to the views of Ngāi Tahu about the management of any taonga species.

A complete list of taonga species is included in the Ngāi Tahu Claims Settlement Act 1998.

Wāhi Ingoa/ Ingoa Tawhito

Wāhi ingoa (place names) and ingoa tawhito (traditional ancestral names) uphold tangata whenua history within the Te Tai Poutini landscape, and reinforce longstanding associations with the land and its resources. Such names are often indicators of past environmental and historical information, and capture the spiritual and cultural associations to specific places.

The custom of naming places served many purposes, including delineating tribal boundaries, determining where fish could be preserved, birds could be snared, berries gathered, and crops planted (Mitchell 1948). For example, the name Orikaka is likely associated the abundance of forest birds

along the waterway, in particular the kaka. A colored piece of flax fabric was waved to and fro "ori", and when a bird came to investigate it was snared in a running noose at the end of a long stick. Waimangaroa refers to long black water, because at one time the river discharged its waters into a dark colored lagoon that ran for a ways parallel to the beach.

Wāhi tapu me te wāhi taonga

Wāhi tapu are places that hold historical, cultural and/or spiritual associations for tangata whenua. Wāhi taonga are places of tribal significance that hold the respect of the people. These include archaeological finds, travel and navigation routes, pā sites, and urupā (burial sites).

Waipuna

Waipuna are springs. They are often the source of waterways and are connected to groundwater. As well as playing an integral role in the natural environment, waipuna were also connected to cultural practices of tangata whenua, as places to gather cultural materials such as raupo. Waipuna were also used as waiwhakaheketüpāpaku (water burial sites).

Whakakaha te Mauri

Mauri is the life force of all things, and is a value that is associated with health, abundance, vitality, the pristine and unpolluted.

The mauri of land, a waterway or the sea must be protected, as it is the life giving essence of that land, water or sea. The mauri of a river or the land is most recognisable when ecosystems are healthy and mahinga kai are plentiful.

The maintenance, protection and enhancement of the mauri of te whenua (the land), te wai (water), and te hau (the air) is a key management principle for Ngāti Waewae.

6 Assessment of Cultural Impacts

The potential adverse impacts on Ngāti Waewae cultural values of any development proposal are considered with in the context of *ki uta ki tai* - mountains to the sea. This means that Ngāti Waewae has assessed the proposed Cypress Mine in terms of the actual mine development and operation (immediate mine footprint); but also how the mine fits in with the wider Denniston and Stockton plateaux, including the Ngakawau and Waimangaroa catchment areas.

Te Rūnanga o Ngāti Waewae has identified six main areas of concern with regards to the proposed Cypress opencast coal mine:

1. Cumulative impacts of mining in this area
2. Impacts related to te whenua / the land
3. Impacts related to te wai / the water
4. Impacts related to te hau / the air
5. Distribution of costs and benefits
6. The relationship between Ngāti Waewae / Ngāi Tahu and Solid Energy

Impacts on cultural values associated with *te whenua* (the land), *te wai* (the water), and *te hau* (the atmosphere/air) relate to mine development and operation. Further concerns, including the cumulative impacts of coal mining on the plateau, the distribution of costs and benefits, and the relationship between Solid Energy and Ngāti Waewae / Ngāi Tahu, extend beyond the immediate mine footprint, highlighting the need for a broad scale, bigger picture assessment of past, present and future coal mining in this area. For Te Rūnanga o Ngāti Waewae, impacts on the land, water and air of the current proposal are unacceptable without a commitment to progressing environmental responsibility and the relationship between Ngāti Waewae / Ngāi Tahu and Solid Energy in this way.

In this section, tangata whenua concerns with regards to the proposed Cypress Mine are discussed, and recommendations are provided to assist Solid Energy in addressing such concerns. For Te Rūnanga o Ngāti Waewae, assessing cultural impacts of the proposed project is a

function of the kaitiaki status of the Rūnanga. This includes the responsibility to protect and preserve the history of Poutini Ngāi Tahu on the landscape for present and future generations.

6.1 CUMULATIVE IMPACTS OF MINING

While the purpose of this cultural impact assessment is to assess the potential impacts of the proposed Cypress mine on Ngāti Waewae cultural values, the assessment ultimately extended beyond the individual mine to encompass a wider view of coal mining activities in this area.

For Te Rūnanga o Ngāti Waewae, individual mines can no longer be looked at in isolation. A new mining proposal cannot be adequately assessed without addressing the wider context of past, present and future mining activities. The proposed Cypress mine is not the first mine in this area, nor will it be the last. Substantial coal resources exist in the Upper Waimangaroa Mining Permit, and in the long term Solid Energy intends to extend its mining to deposits further down the valley. Thus, a big picture view of development, and associated impacts, within this area of the takiwā must be established, rather than looking at individual mines in isolation.

For many tangata whenua who participated in this assessment, there is the feeling that the Cypress mine proposal should be delayed until secure management plans are in place to remedy the effects of past mining. While current mining operations are better designed to prevent adverse impacts, past practices still mark the landscape. A commitment to high quality environmental management would, for Te Rūnanga o Ngāti Waewae, be best demonstrated through working on issues such as improving poor water quality and cleaning up old mines, before moving on to any new mining activity.

Recommended measures:

1. Solid Energy New Zealand Ltd must commission a cultural impact assessment for the entire plateau, that would assess the immediate and the cumulative impacts of past, present and future mining. Te

Rūnanga o Ngāti Waewae will oppose the current Cypress Mine proposal, and all future applications, until such time as Solid Energy commits to this wider impact assessment.

2. Solid Energy New Zealand Ltd must develop a comprehensive plan that will address how to rehabilitate areas of the wider plateau that have been degraded by past mining practices. This should include provisions to clean up the Fly Creek Mine and enhance water quality in the Ngakawau River.
3. Te Rūnanga o Ngāti Waewae does not support applications for 35 year consents. Such a timeframe is seen as inhibiting the ability to effectively manage cumulative adverse impacts. Shorter time frames, with provisions for monitoring and review, are more appropriate.

6.2 IMPACTS RELATED TO TE WHENUA – THE LAND

The Upper Waimangaroa valley is one of a series of coal measure plateaux that characterise the coastal hills areas between the Ngakawau and Kawatiri (Buller) rivers. These plateaux are considered ecologically unique, supporting plant and animal communities distinctive to such places. They are also of cultural significance to tangata whenua, as part of wider customary land use and occupancy networks.

Impacts on te whenua identified by tangata whenua include those related to culturally important landscape features such as maunga (mountains), the maintenance of natural landscapes, the management of overburden, the protection of wāhi tapu and wāhi taonga, the loss of habitat for taonga species, and impacts on the mauri of the land.

6.2.1 Impact on culturally important landscape features - Maunga

Several high peaks (maunga) are located within Solid Energy's existing mining permits, including Mt. August, Mt. Fredrick (a source of the Waimangaroa), and the Mt. William Range. These maunga (mountains) are the source of the rivers below, and are valued by Ngāti Waewae. They all hold names given to them by the tūpuna, even if they are no longer in common use today.

The proposed Cypress mine includes the western slopes of the Mt. William Range. The depth of the north mine pit will vary from 1/3 to 2/3 the way up the slope.

Skylines and ridgelines of maunga and hills are culturally important landscape features, and unimpeded views of these features in their natural state must be maintained. Maunga are considered the gateway to the atua (gods) and heavens, and are visual markers of ancestral connections.

Recommendations:

4. That the ridgeline and skylines of the Mt. Williams Ranges remain intact.
5. The natural landscape connection and flow from this area to the Paparoa Ranges be maintained.

6.2.2 Impact on natural and unmodified landscapes

The proposed Cypress mine is located in one of the least modified areas of the Stockton-Denniston Plateau and the Waimangaroa River Valley. The Upper Waimangaroa Valley - Mt. William area is of high ecological significance as natural area. It is one of seven Recommended Areas for Protection (RAP) in the Ngakawau Ecological District under the Department of Conservation's Protected Natural Areas Programme (PNAP). The programme identified the area as an "outstanding, and fragile, natural area (and landscape)", recommending that its values be recognised in all future management (DoC 1998).

Maintaining areas in an unmodified or natural state is important to Ngāti Waewae, as so much of the landscape is already modified by development. Maintaining such areas is part of protecting the history and presence of Poutini Ngāi Tahu on the landscape.

Te Rūnanga o Ngāti Waewae is of the view that if it were not for the presence of coal, there would be no doubt as to the ecological significance of this area, and the need to protect it intact. While coal seams make this

landscape unique, they also make the landscape vulnerable to exploitation.

A key principle for the Rūnanga in the management of natural resources is that when you take something out of Papatūānuku, you must give something back. Solid Energy has developed comprehensive rehabilitation plans for the proposed Cypress Mine pit areas that will likely result in native vegetation cover long term. Such plans incorporate a variety of techniques for the revegetation and stabilization of the landscape during and after mining. Te Rūnanga o Ngāti Waewae supports Solid Energy in these efforts to mitigate the loss of the natural landscape.

Ensuring the sustainable development of natural resources, while protecting and enhancing natural landscapes, is a priority for Te Rūnanga o Ngāti Waewae. The Rūnanga is currently assessing the potential to produce a hapū natural resource management plan to assist in realising such goals. Such a plan would benefit both the Rūnanga and external agencies, providing clear statements of cultural values, customary management principles, and natural resource management policy. A funding commitment from Solid Energy is seen as an appropriate mitigation measure to offset the further loss of natural landscape in the area.

Recommendations:

6. That to mitigate the loss of natural landscape values, Solid Energy commit to partially funding a Te Rūnanga o Ngāti Waewae Natural Resource Management Plan.
7. That Solid Energy enter into negotiations with Te Rūnanga o Ngāti Waewae to establish a yearly quota of coal to supplied free of cost to the Rūnanga, or domestic use.

6.2.3 Management of overburden

Overburden is the rock that must be removed prior to mining the coal deposit beneath it. Approximately half of the overburden from the proposed Cypress Mine is potentially acid-forming material (e.g. Brunner Coal Measures Sandstone), which can oxidise if exposed to air.

Water flowing over the oxidised rock can then become acidic and contaminate waterways and groundwater.

To ensure that the risk of acidic drainage is minimised, the mine's overburden management plan includes provisions for the creation of an overburden placement area just west of St. Pat's dam (see Appendix 2). Overburden that cannot be backfilled during the first few years of the mine will be deposited either at the Stockton mine or at the overburden placement area. The majority will be placed at the overburden placement area, with an engineered cover to avoid acidic drainage. Some of this material will later be used for backfill in the Cypress mine when space becomes available.

Ngāti Waewae is of the view that by moving overburden to an overburden placement area, more land is being disturbed than necessary. The preferred alternative is to move the overburden (what is not backfilled into Stockton mine) to the area of the south pit, until such time as the north pit is available for back fill. This would remove the need to create an overburden placement area in a previously undisturbed area.

Disturbance of the landscape must be minimised to only what is absolutely necessary during the mining process. To use an undisturbed landscape primarily for dumping waste rock is not acceptable to Te Rūnanga o Ngāti Waewae. This principle is echoed by one of Solid Energy's own rehabilitation principles - that the mine should have the smallest practical footprint by avoiding disturbance outside the immediate mine area.

Recommendations:

8. The preference of Te Rūnanga o Ngāti Waewae is to use the south pit for storage of overburden material until such time as it can be backfilled into the north pit, as opposed to creating a new overburden placement area. If this is not possible, then Solid Energy should apply for the necessary consents to use the overburden at the Stockton mine.
9. Overburden must be managed as to prevent any contamination of water.
10. Cost efficiency must not override environmental protection with regards to the management of overburden.

6.2.4 Wāhi tapu me te wāhi taonga

As described in section 5, the Kawatiri (Buller) district, including many areas near the Upper Waimangaroa Plateau, was part of Poutini Ngāi Tahu (and earlier Māori) trail, trade and mahinga kai networks. The maunga (mountains) of the region were significant spiritually and culturally. Wāhi ingoa (place names) are evidence of the richness of the area for mahinga kai, particularly manu (birds). The history of Poutini Ngāi Tahu is clearly embedded in this landscape.

Places that hold special cultural, historical, or spiritual significance for tangata whenua may be wāhi tapu or wāhi taonga. Such sites of significance are considered matters of national importance (as historic heritage) under the Resource Management Act (Amendment to section 7).

Solid Energy has a series of management plans (e.g. earthworks, water quality monitoring) that will comprise the Site Environmental Plan for the proposed Cypress mine. One of these plans is a Cultural Heritage Plan. The purpose of the Cultural Heritage plan is to *"ensure that any cultural materials found at Stockton mine are evaluated and if necessary protected"*.

For Te Rūnanga o Ngāti Waewae, the Cultural Heritage plan is a means to ensure the protection of wāhi tapu and wāhi taonga.

Recommendations:

11. The Cultural Heritage Plan must be developed in consultation with Te Rūnanga o Ngāti Waewae. Solid Energy should consider contracting the Te Rūnanga o Ngāti Waewae Land and Environment Committee to ensure the plan is developed appropriately.
12. Solid Energy New Zealand Ltd. must enter into a Cultural Site / Accidental Find Discovery Protocol contract with Te Rūnanga o Ngāti Waewae, before beginning mining operations. The contract will be part of the mine's Cultural Heritage Plan, and will set out how things are to be managed in the case of accidental finds.

13. Prior to any information in this Cultural Impact Assessment Report being used in the Cultural Heritage Plan, approval from Te Rūnanga o Ngāti Waewae must first be obtained.
14. The Cultural Heritage Plan should be part of the wider discussion of relationships between Solid Energy and Ngāti Waewae/Ngāi Tahu (see section 6.6)

6.2.5 Loss of habitat

The loss of habitat for many bird species as a result of the proposed mine is a further concern for Ngāti Waewae. The area is rich in birdlife, such as the great spotted kiwi, South Island kaka, western weka, kakariki, and mata (fernbird). Such species are of high cultural and conservation importance, and are also taonga species under the Ngāi Tahu Claims Settlement Act (NTCSA) 1998. Taonga species are native birds, plants and animals of special cultural significance and importance to Ngāi Tahu.

Taonga and other culturally important species present in the area of the proposed mine	
South Island kaka Koau (black shag) Kakariki (New Zealand parakeet) Kiwi Mata (fernbird) Western weka Korimako (bellbird)	Kakaruai (South Island robin) Kaka Ruru koukou (morepork) Tiritiri-pounamu (South Island rifleman) Piwakawaka (fantail) Tui

The entire Mt. William, Orikaka River, and Ngakawau River catchment area is estimated to support approximately 1 800 great spotted kiwi. Six percent (or 100 birds) of these birds are believed to be in the Upper Waimangaroa Mining Permit, and about 12 birds are believed to be in the actual proposed Cypress Mine Site (Assessment of Environmental Effects 2003).

For Ngāti Waewae, while a relatively small number of birds are believed to live in the actual mine site area, it is impossible to separate those birds from the wider

population and habitat area of the Orikaka, Ngakawau River, and Mt. William ranges. The noise and human activity associated with any mining operations will impact birds in boundary areas, not just in the actual mine area.

Ultimately kiwi and other birds, as taonga species, should be able to stay wherever they are naturally. Relocation is only seen as the second best option when this is not possible. In addition, if relocation occurs it must be done in a culturally appropriate manner.

Recommendations:

15. Any removal plan for kiwi must be include consultation with Te Rūnanga o Ngāti Waewae so that the necessary kawa and tikanga can be observed.
16. Pest control must be an integral part of mitigating habitat loss of taonga species. Solid Energy must adequately provide for pest control in both the proposed mine site as part of the rehabilitation efforts, and in the areas where the birds are relocated, to ensure the survival of birds.
17. Rehabilitation efforts at mine site must be such that the best possible environment is available post-mine closure for taonga species to move back into the area.

6.2.6 Impacts on mauri of land - Rehabilitation

Te Rūnanga o Ngāti Waewae believes that Solid Energy has come a long way towards improving mining practices, through incorporating rehabilitation as an integral part of mine planning. Rehabilitation and restoration plans are seen to demonstrate environmental responsibility and long-term commitment to better mining practices.

While the Rūnanga commends Solid Energy on these efforts, it is important to recognise that while rehabilitation may bring back aspects of the physical and ecological landscape, it may not restore the *mauri*, or life giving essence, of the land.

Once you extract something out of Papatūānuku, such as coal, you take the mauri away (Eli Weepu, Kaumātua, Te Rūnanga o Ngāti Waewae).

The protection and enhancement of the mauri of both te whenua (the land) and te wai (the water), is a primary natural resource management principle for Ngāti Waewae. Te Rūnanga o Ngāti Waewae believes that impacts on the mauri of the land can be mitigated to some extent through taking responsibility for past mining practices. The need to rehabilitate landscapes extends beyond just the development and operation of this mine. As described in section 6.1, the proposed Cypress mine plans should include provisions to rehabilitate and enhance landscapes that have been degraded by past mining activity

In addition, weeds and other pest species must not be allowed to establish. Allowing weeds such as gorse, and pest species such as possums or stoats to colonise areas that support indigenous flora and fauna also impacts the mauri of that land. Many of these species are currently absent from this area, and often establish as a result of disturbance.

Recommendations:

18. That rehabilitation efforts are extended to the wider coal mining landscape to enhance the mauri of previously desecrated areas.
19. That Ngāti Waewae is permitted access to all rehabilitation activity. This will allow ongoing monitoring and assessment of success. In consultation with the Rūnanga, yearly visits may be arranged.
20. Te Rūnanga o Ngāti Waewae supports and encourages on site nurseries to supply rehabilitation efforts.
21. Only indigenous species are to be used in rehabilitation works, and to the largest extent possible these species must be indigenous to the area.
22. Weed and animal pest control must be an integral part of the rehabilitation process to ensure success of efforts. Te Rūnanga o Ngāti Waewae

expects all precautions to be taken to ensure that pest species currently not in the area (e.g. gorse) do not establish, and any existing pest species are part of an ongoing pest control program.

6.3 IMPACTS RELATED TO TE WAI - THE WATER: WATER DIVERSION, DRAINAGE AND MANAGEMENT

The opencast pits of the proposed Cypress Mine straddle the upper catchments of two river systems, the Cypress Stream (a tributary of the Waimangaroa), and the St. Patrick's Stream (a tributary of the Ngakawau). While the hydrology of the site will be changed during the life of the mine, it is expected to be restored to close to its original pattern post closure. The water management system that is part of the mine's development and operation is based on two principles: preventing the clean water from waterways on the boundaries of the mine from entering the operational mine area; and ensuring that all mine runoff is contained and treated before discharge (Solid Energy 2003).

The importance of te wai (the water) to tangata whenua cannot be under-estimated, as water is the lifeblood of Papatūānuku. Ngāti Waewae concerns related to te wai and the proposed mine include issues associated with diverting water from one catchment to another, reduced flows to the Waimangaroa, water quality, groundwater, sediment control, dam stability, and mahinga kai.

6.3.1 Diverting water from one catchment to another

The protection and enhancement of the mauri, or life-giving essence of a resource is a primary management principle for Ngāti Waewae. Diversions and mixing of waters from different catchments are water use and development activities that negatively impact the mauri of many waterways. Te Rūnanga o Ngāti Waewae opposes the mixing of waters from one catchment with those of another.

The proposed Cypress mine will result in the loss of some parts of the Waimangaroa and St. Patrick Stream catchments, and the diversion of other parts.

The upper St. Patrick Stream (upstream of the dam) will be diverted along the edge of the north pit of the mine to keep it from entering mine operations. In addition, surface water runoff (rainfall) from the slopes of the Mt. Williams range that would normally flow into the Cypress Stream catchment will be diverted north to the St. Pat's dam and ultimately discharged to the St. Patrick Stream. Diversions occur using a system of clean water diversion drains, with the purpose of ensuring that clean water will not be contaminated by mining activities. All clean water is to be caught and diverted to existing waterways. All dirty water (minewater) will be caught, diverted to St. Pat's dam, and treated.

While Ngāti Waewae recognises that water diversions associated with the proposed mine are for the purpose of maintaining water quality, concern remains with regards to changing the natural flow courses of waterways, and also to diverting water (surface runoff) that would naturally flow into one catchment, into another.

Recommendations:

23. Te Rūnanga o Ngāti Waewae opposes the mixing of waters from one catchment into another. Instead of diverting all runoff north to St Pat's Dam, the Rūnanga recommends using existing catchment boundaries along a high point on the Mt. William ranges, and diverting half of runoff water south to the Cypress and Waimangaroa catchment, to ensure that water runs into the catchment as it would in an undisturbed state.
24. All clean water diversion channels must be filled and revegetated as part of rehabilitation processes.

6.3.2 Impact on the Waimangaroa River from reduced flows

The proposed Cypress mine design includes modification to the hydrology of the Waimangaroa River catchment that will see a reduction in waters flowing into the Waimangaroa River.

Mining activity will result in the loss of Byrne Creek and the headwaters of the Cypress Stream, both tributaries of the Waimangaroa River. Areas of the Cypress Stream outside immediate mine boundaries is to be diverted north to the St. Patrick Stream catchments, to ensure that clean water does not enter mining operations. Ultimately, mining activity will see 49% of the Cypress Stream catchment and 39% of the Byrne Creek catchment diverted into the mine water management system (Solid Energy 2003).

Both tributaries are collectors of rain and runoff from the slopes above, feeding new water into the Waimangaroa on its journey to the sea. Ngāti Waewae is concerned that the cumulative loss of flow from water diversions may impact the overall health of the Waimangaroa, through denying the river the life giving essence of incoming water.

Recommendations:

25. Solid Energy must ensure that there are no adverse affects from reduced flows to the Waimangaroa River.

6.3.3 Impact on water quality of adjacent and connected waterways

Te Rūnanga o Ngāti Waewae is also concerned with how mining activity at the Cypress mine will impact the water quality and mauri of waterways outside of the immediate mine boundaries. For example, the poor health and pollution of the Ngakawau River is directly attributed to cumulative effects of mining activities in this area.

The Cypress Stream, which flows along the western boundary of the mine, and the Waimangaroa River, which flows south westerwards from the southern end of the proposed mine pit area are both seen to be at risk from activities in the proposed Cypress mine. Mine runoff, mine water discharge, and contaminated stormwater may enter these waterways. Contaminants in the air (e.g. coal dust) may also settle in waterways (and adjacent riparian vegetation), and thus have adverse affects on water quality.

Recommendations:

26. Coal dust and other contaminants in air from mining activities must not adversely affect water quality of boundary waterways (see also section 6.4).
27. Water treatment must be of a standard that there are no adverse affects on waterways as a result of minewater discharge.
28. Acceptable levels of discharge must recognise, provide for and protect tangata whenua values, in addition to scientific criteria.
29. Water quality monitoring must include cultural monitoring in terms of tangata whenua values (cultural, spiritual, and ecological) alongside scientific values, with results assessed against scientific and cultural criteria.

6.3.4 Impact on groundwater

Tangata whenua also highlighted the potential impact on groundwater relating to the proposed mine. Groundwater systems nourish the land and waterways from below the surface. Due to the nature of the coal plateaux landscape, there is concern that waipuna (springs) and other underground water flows (e.g. caverns) that are connected to both surface and groundwater may be adversely affected.

The opencast mine pits will intersect the water table, exposing groundwater and allowing it to enter the pits. Ngāti Waewae is thus concerned about both potential for contamination of this groundwater (and thus cumulative impacts on other water), and the subsequent reduced contributions to baseflows of waterways in the area.

Recommendations:

30. Groundwater must not be contaminated by any activities associated with this mine.

31. The potential for reduced groundwater contributions to the baseflow of streams must be included in the overall mine water monitoring plan.

6.3.5 Sediment control

The existing St. Pat's Dam will be refurbished to accommodate the needs of the mining operations for water treatment and sediment control. The dam will be used to create a settlement system to provide secondary treatment for pit water. Primary settlement will occur in sumps within the pit.

There are two issues for Ngāti Waewae in relation to sediment and sludge. First, that sediment and sludge will build up in the waterways over time and have impacts downstream, particularly in waterways such as the Ngakawau; and second, the means for removal and disposal of material that builds up in the dam. It is assumed that build up of sludge will occur over time, and that clearing or dredging of the area may be required. Disposal of this material must be done in such a way as to avoid any adverse effects on the land or water.

Recommendations:

32. Sediment and sludge by-product from mining activities must not be allowed to contaminate waterways.
33. The removal and disposal of any sediment or sludge material in St. Pat's dam must occur in such a way as to avoid any adverse effects on the land or water.

6.3.6 Dam structure and stability

As described, St. Pat's Dam will be refurbished to provide a water storage and treatment reservoir during the life of the proposed Cypress Mine. All operational

mine water will either flow or be pumped into the dam for treatment, including road and overburden runoff, stormwater, water from the workshop/facility area, and minewater from the sump pits within the mine pits. Treatment involves the reduction of suspended solids, and acceptable metal and pH (acidity) levels.

Concerns with dam structure and stability relate to the possibility of the dam failing during a catastrophic event, such as an earthquake. Dam failure would mean be a direct risk of discharge of contaminants into St. Patrick's Stream, the Ngakawau River, and associated tributaries.

Recommendations:

34. The dam must be refurbished to an extent that it can withstand catastrophic events such as an earthquake or flood events.

6.3.7 Impact on mahinga kai - fish species

The Cypress Mine Assessment of Environmental Effects (2003) concluded that increased mining activity on the plateau area would have no direct impact on fish, as fish are absent of the upper reaches of both the Waimangaroa and Ngakawau Rivers.

However, Ngāti Waewae is more concerned with *why* there are no fish in the upper reaches of the waterways in this area. While it is recognised that waterfalls, steep gorges and the naturally acidic nature of water all contribute to the paucity of fish species on the plateau, tangata whenua also believe it is important to recognise the impact mining has had on waterway health and productivity in these areas. In addition, while increased activity may have no direct impacts, what will the indirect effects on downstream fish populations be?

Recommendations:

35. Mining activity associated with the proposed Cypress Mine must have no adverse impacts on mahinga kai species in downstream areas and connected waterways.

6.4 IMPACTS RELATED TO TE HAU - THE AIR

Air, just as with the land and water, is considered taonga in its life supporting capacity to all other things. As such it is to be used with respect and passed on to the next generation in a healthy state. Discharges to air that result in air pollution degrade the mauri of the air.

Discharges to air from the proposed opencast mine will include coal dust, overburden dust, road dust, and vehicle emissions. One of the primary concerns for Te Rünanga o Ngäti Waewae is how such discharges will adversely impact the air itself and the surrounding environment, including waterways and vegetation.

Concern over the impacts of coal dust on vegetation has been raised by other parties with regards to the Stockton Mine and coal dust entering the Mangätini Stream. Ngäti Waewae also identified the impacts on the Ngakawau, where people have seen the dust settling on the river.

Recommendations:

36. That the life supporting capacity of air be protected in all mine activities associated with the Cypress Mine.
37. That no adverse impacts on waterways or vegetation occur as a result discharges to air such as coal and overburden dust.

6.5 COSTS AND BENEFITS TO TE TAI POUTINI

Ultimately, it is important to Ngäti Waewae to clearly assess the cultural and ecological costs/risks and benefits of any proposed project. In discussing the Cypress Mine, many people felt that the proposal was another example of natural resources and wealth leaving Te Tai Poutini to benefit elsewhere. Wereta Tainui, Upoko of Te Rünanga o Ngäti Waewae, described how during the

timber days of the past Te Tai Poutini was sending rail cars full of timber to the east coast, and they were coming back empty. To him, "it was like we were buying back railroad cars full of air".

Natural resources from Te Tai Poutini are often destined for overseas markets rather than to produce value-added products locally. Coal from the Buller District is shipped from Lyttleton on the east coast, rather than a west coast port. For Ngāti Waewae, if the Te Tai Poutini is going to provide natural resources and bear the ecological, social, and cultural costs, then more of the benefits must remain in the region.

Recommendations:

38. Solid Energy, as an environmentally and socially responsible company, should promote the establishment and use of a West Coast port.

6.6 THE RELATIONSHIP BETWEEN NGÄI TAHU WHÄNUI AND SOLID ENERGY

As described previous, there are several broad scale issues that Te Rünanga o Ngāti Waewae want to see addressed before the Cypress Mine proposal proceeds. One of these is the need to improve the relationship between Solid Energy and Ngäi Tahu Whänui. Such a relationship would encompass a long-term genuine working partnership that would recognise and provide for Treaty and State Owned Enterprise responsibilities. It would better enable both Solid Energy and Te Rünanga o Ngāti Waewae to establish a big picture view of development within the takiwä, rather than looking at individual mines in isolation.

In some ways, Te Rünanga o Ngāti Waewae is unsure about the nature of its relationship with Solid Energy. Although consultative processes do exist, the relationship between the company and the Rünanga needs to be formalised to an extent that it provides for Ngāti Waewae a higher level of involvement with coal mining activities in their takiwä.

There are many reasons why the Rūnanga sees the need for such a relationship, including that:

- Substantial coal resources exist in the Upper Waimangaroa Mining Permit, and in the long term Solid Energy intends to extend its mining to deposits further down the valley.
- Solid Energy has a large number of mining and exploration permits that exist within the takiwā of Te Rūnanga o Ngāti Waewae
- Solid Energy currently have several mining proposals at an advanced stage
- Solid Energy currently have several applications for permits with Crown Minerals that require consultation with Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae
- Solid Energy, being a state owned enterprise, must adhere to Section 9 (Treaty of Waitangi) of the State-Owned Enterprises Act 1986, which states that "nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi".

Recommendations:

39. Solid Energy should work towards identifying, on all licenses, areas of significance (natural and cultural) on Te Wai Pounamu.
40. Solid Energy is to consider, and initiate discussion on, the creation of a cultural environmental monitoring officer for all Te Waipounamu operations, to be filled by tangata whenua. This person would work alongside the environmental manager for Solid Energy.
41. That a Solid Energy - Te Rūnanga o Ngāti Waewae Trust be created. The Trust would provide monies on a yearly basis for youth, and fund project such as kapa haka sponsorship. Such a fund would be a tangible aspect of the long-term relationship between Solid Energy and Ngāti Waewae.
42. That a greater involvement of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu is enabled at the permit consultation stage, when permits are issued to Solid Energy by Crown Minerals.

43. Solid Energy shall provide to Te Rūnanga o Ngāti Waewae a list of existing permits and historical licenses, and an outline of long-term plans for future development activities.

7 Addressing Cultural Impacts - Conclusions

The objectives of this report are to identify key Ngāti Waewae cultural values associated with the proposed Cypress Mine, the potential adverse impacts on such values, and to provide recommendations for appropriate measures to avoid, remedy or mitigate any adverse effects of the proposal. This information allows Solid Energy a clear understanding of how the proposed project may impact Ngāti Waewae cultural and spiritual values, and thus respond with appropriate resolutions.

Te Rūnanga o Ngāti Waewae believes that Solid Energy is improving the way coal is mined, and has demonstrated a commitment to the area in terms of rehabilitation of the landscape and monitoring of adverse effects. The Rūnanga also commends Solid Energy on the consultative process, which was seen as genuine and in good faith.

At the same time, many tangata whenua feel that Papatūānuku has already given up so much coal, and that the waterways and land have suffered as a result. There is the feeling that if there were no coal in the Upper Waimangaroa, it would undoubtedly be a protected area due to its obvious ecological significance. While current mining operations may be better designed to prevent adverse impacts, past practices still mark the landscape.

Any disturbance of the magnitude of opencast coal mining is going to have adverse impacts on cultural values. In this assessment, impacts associated with te whenua (the land), te wai (the water), and te hau (the air) are discussed, and recommendations provided to avoid, remedy, or mitigate such impacts. Some recommendations are precautionary, such as ensuring adequate standards of weed control and water quality monitoring. Others, such as recommended changes to water diversion plans to ensure

that water is not mixed between catchments, are means to minimise impacts on specific cultural values.

The impacts associated with te whenua, te wai and te hau relate to the actual development and operation of the Cypress mine, as proposed by Solid Energy. However, given the philosophy of *ki uta ki tai* (mountains to the sea) it is impossible to separate the proposed Cypress Mine from the wider context of past, present and future coal mining in this region, and on Te Waipounamu. One of the primary issues that arose during the preparation of this report was the need to address the big picture of coal mining. Te Rūnanga o Ngāti Waewae concluded that a more holistic approach was needed to assessing the ecological, physical and cultural impacts of coal mining, and that a the relationship between Solid Energy and Ngāti Waewae / Ngāi Tahu needed to be improved with regards to coal mining in the takiwā.

In providing this cultural impact assessment, Te Rūnanga o Ngāti Waewae is upholding its kaitiaki responsibilities to protect the land, water, fish, birds, and forests. However, the Rūnanga will not provide any further cultural impact assessments that assess a proposed mine in isolation. The Cypress Mine, and all further proposals, will be opposed until such time that Solid Energy demonstrates a commitment to:

- Commissioning a cultural impact assessment that will provide an opportunity for a more holistic approach to assessing the ecological, physical and cultural impacts of all coal mining development activities in the takiwā of Te Rūnanga o Ngāti Waewae
- Progressing a genuine working relationship with Te Rūnanga o Ngāti Waewae to address coal mining in the long-term on Te Tai Poutini, one that recognises and provides for State-Owned Enterprises and Treaty of Waitangi responsibilities.

The recommendations provided in this Cultural Impact Assessment Report are intended to provide the basis for communication and cooperation between Solid Energy and Te Rūnanga o Ngāti Waewae at the next stage of the consultation process. To assist this process, Te Rūnanga o Ngāti Waewae requests a written response to the issues, concerns and recommendations in this report to be supplied to the Rūnanga, by April 1, 2004.

References and Source Information:

Manawhenua:

This report is a product of the commitment, time and energy of the people of Ngāti Waewae who hold manawhenua (the right to speak for the land). Many thanks to everyone who contributed, particularly the Land and Environment Committee, Te Rūnanga o Ngāti Waewae.

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Appendices:

Appendix 1: Location of the proposed Cypress Mine and the Upper Waimangaroa Mining Permit

Appendix 2: Cypress Mine plan view

Appendix 3: List of recommendations contained in this report.

Appendix 3: List of recommendations contained in this report

1. Solid Energy New Zealand Ltd must commission a cultural impact assessment for the entire plateau, that would assess the immediate and the cumulative impacts of past, present and future mining. Te Rūnanga o Ngāti Waewae will oppose the current Cypress Mine proposal, and all future applications, until such time as Solid Energy commits to this wider impact assessment.
2. Solid Energy New Zealand Ltd must develop a comprehensive plan that will address how to rehabilitate areas of the wider plateau that have been degraded by past mining practices. This should include provisions to clean up the Fly Creek Mine and enhance water quality in the Ngakawau River.
3. Te Rūnanga o Ngāti Waewae does not support applications for 35 year consents. Such a timeframe is seen as inhibiting the ability to effectively manage cumulative adverse impacts. Shorter time frames, with provisions for monitoring and review, are more appropriate.
4. That the ridgeline and skylines of the Mt. Williams Ranges remain intact.
5. The natural landscape connection and flow from this area to the Paparoa Ranges be maintained.
6. That to mitigate the loss of natural landscape values, Solid Energy commit to partially funding a Te Rūnanga o Ngāti Waewae Natural Resource Management Plan.
7. That Solid Energy enter into negotiations with Te Rūnanga o Ngāti Waewae to establish a yearly quota of coal to be supplied free of cost to the Rūnanga, or domestic use.
8. The preference of Te Rūnanga o Ngāti Waewae is to use the south pit for storage of overburden material until such time as it can be backfilled into the north pit, as opposed to creating a new overburden placement area. If this is not possible, then Solid Energy should apply for the necessary consents to use the overburden at the Stockton mine.
9. Overburden must be managed as to prevent any contamination of water.

10. Cost efficiency must not override environmental protection with regards to the management of overburden.
11. The Cultural Heritage Plan must be developed in consultation with Te Rūnanga o Ngāti Waewae. Solid Energy should consider contracting the Te Rūnanga o Ngāti Waewae Land and Environment Committee to ensure the plan is developed appropriately.
12. Solid Energy New Zealand Ltd. must enter into a Cultural Site / Accidental Find Discovery Protocol contract with Te Rūnanga o Ngāti Waewae, before beginning mining operations. The contract will be part of the mines' Cultural Heritage Plan, and will set out how things are to be managed in the case of accidental finds.
13. If any information in this Cultural Impact Assessment Report is to be used in the Cultural Heritage Plan, approval from Te Rūnanga o Ngāti Waewae must first be obtained.
14. The Cultural Heritage Plan should be part of the wider discussion of relationships between Solid Energy and Ngāi Tahu (see section 6.6)
15. Any removal plan for kiwi must include consultation with Te Rūnanga o Ngāti Waewae so that the necessary kawa and tikanga can be observed.
16. Pest control must be an integral part of mitigating habitat loss of taonga species. Solid Energy must adequately provide for pest control in both the proposed mine site as part of the rehabilitation efforts, and in the areas where the birds are relocated, to ensure the survival of birds.
17. Rehabilitation efforts at mine site must be such that the best possible environment is available post-mine closure for taonga species to move back into the area.
18. That rehabilitation efforts are extended to the wider coal mining landscape to enhance the mauri of previously desecrated areas.
19. That Ngāti Waewae is permitted access to all rehabilitation activity. This will allow ongoing

monitoring and assessment of success. In consultation with the Rūnanga, yearly visits may be arranged.

20. Te Rūnanga o Ngāti Waewae supports and encourages on site nurseries to supply rehabilitation efforts.
21. Only indigenous species are to be used in rehabilitation works, and to the largest extent possible these species must be indigenous to the area.
22. Weed and animal pest control must be an integral part of the rehabilitation process to ensure success of efforts. Te Rūnanga o Ngāti Waewae expects all precautions to be taken to ensure that pest species currently not in the area (e.g. gorse) do not establish, and any existing pest species are part of an ongoing pest control program.
23. Te Rūnanga o Ngāti Waewae opposes the mixing of waters from one catchment into another. Instead of diverting all runoff north to St Pat's Dam, the Rūnanga recommends using existing catchment boundaries along a high point on the Mt. William ranges, and diverting half of runoff water south to the Cypress and Waimangaroa catchment, to ensure that water runs into the catchment as it would in an undisturbed state.
24. All clean water diversion channels must be filled and revegetated as part of rehabilitation processes.
25. Solid Energy must ensure that there are no adverse affects from reduced flows to the Waimangaroa River.
26. Coal dust and other contaminants in air from mining activities must not adversely affect water quality of boundary waterways (see also section 6.3).
27. Water treatment must be of a standard that there are no adverse affects on waterways as a result of minewater discharge.
28. Acceptable levels of discharge must recognise, provide for and protect tangata whenua values, in addition to scientific criteria.
29. Water quality monitoring must include cultural monitoring in terms of tangata whenua values (cultural, spiritual, and ecological) alongside scientific values, with results assessed against scientific and cultural criteria.

30. Groundwater must not be contaminated by any activities associated with this mine.
31. The potential for reduced groundwater contributions to the baseflow of streams must be included in the overall mine water monitoring plan.
32. Sediment and sludge by-product from mining activities must not be allowed to contaminate waterways.
33. The removal and disposal of any sediment or sludge material in St. Pat's dam must occur in such a way as to avoid any adverse effects on the land or water.
34. The dam must be refurbished to an extent that it can withstand catastrophic events such as an earthquake.
35. Mining activity associated with the proposed Cypress Mine must have no adverse impacts on mahinga kai species in downstream areas and connected waterways.
36. That the life supporting capacity of air be protected in all mine activities associated with the Cypress Mine.
37. That no adverse impacts on waterways or vegetation occur as a result discharges to air such as coal and overburden dust.
38. Solid Energy, as an environmentally and socially responsible company, should promote the establishment and use of a West Coast port.
39. Solid Energy should work towards identifying, on all licenses, areas of significance (natural and cultural) on Te Wai Pounamu.
40. Solid Energy is to consider, and initiate discussion on, the creation of a cultural environmental monitoring officer for all Te Waipounamu operations, to be filled by tangata whenua. This person would work alongside the environmental manager for Solid Energy.
41. That a Solid Energy - Te Rūnanga o Ngāti Waewae Trust be created. The Trust would provide monies on a yearly basis for youth, and fund project such as kapa haka sponsorship. Such a fund would be a tangible aspect of the long-term relationship between Solid Energy and Ngāti Waewae.

42. That a greater involvement of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu is enabled at the permit consultation stage, when permits are issued to Solid Energy by Crown Minerals.
43. Solid Energy shall provide to Te Rūnanga o Ngāti Waewae a list of existing permits and historical licenses, and an outline of long-term plans for future development activities.

