

Rangitāiki River Forum

NOTICE IS GIVEN

that the next meeting of the **Rangitāiki River Forum** will be held in **Te Tapiri Conference Room, Te Rūnanga o Ngāti Manawa, 9 Koromiko Street, Murupara** on:

Friday, 10 November 2017 commencing at 10.00 am.

Members please note morning tea will be available from 9.30am.

A Workshop is scheduled after the meeting (duration approx. 2 hours) for members to discuss individual and collective activity to achieve and implement the objectives of Te Ara Whānui o Rangitāiki.

Mary-Anne Macleod
Chief Executive
Bay of Plenty Regional Council Toi Moana
3 November 2017

The Rangitāiki River Forum is a permanent joint committee made up of representatives from:



Rangitāiki River Forum

Terms of Reference

Interpretation

“Rangitāiki River” means the Rangitāiki River and its catchment, including the:

- Rangitāiki River
- Whirinaki River
- Wheao River
- Horomanga River

The scope and delegation of this Forum covers the geographical area of the Rangitāiki River catchment as shown in the attached map.

Purpose

The purpose of the Forum is as set out in Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012:

The purpose of the Forum is the protection and enhancement of the environmental, cultural, and spiritual health and wellbeing of the Rangitāiki River and its resources for the benefit of present and future generations.

Despite the composition of the Forum as described in section 108, the Forum is a joint committee of the Bay of Plenty Regional Council and the Whakatāne District Council within the meaning of clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Despite Schedule 7 of the Local Government Act 2002, the Forum—

- (a) is a permanent committee; and
- (b) must not be discharged unless all appointers agree to the Forum being discharged.

The members of the Forum must act in a manner so as to achieve the purpose of the Forum.

Functions

The principle function of the Forum is to achieve its purpose. Other functions of the forum are to:

- Prepare and approve the Rangitāiki River Document for eventual recognition by the Regional Policy Statement, Regional Plans and District Plans. See Figure 1 Rangitāiki River Document Recognition Process for RPS.
- Promote the integrated and coordinated management of the Rangitāiki River
- Engage with, and provide advice to:
 - Local Authorities on statutory and non-statutory processes that affect the Rangitāiki River, including under the Resource Management Act 1991.
 - Crown agencies that exercise functions in relation to the Rangitāiki River.
- Monitor the extent to which the purpose of the Rangitāiki River Forum is being achieved including the implementation and effectiveness of the Rangitāiki River Document.
- Gather information, disseminate information and hold meetings
- Take any other action that is related to achieving the purpose of the Forum.

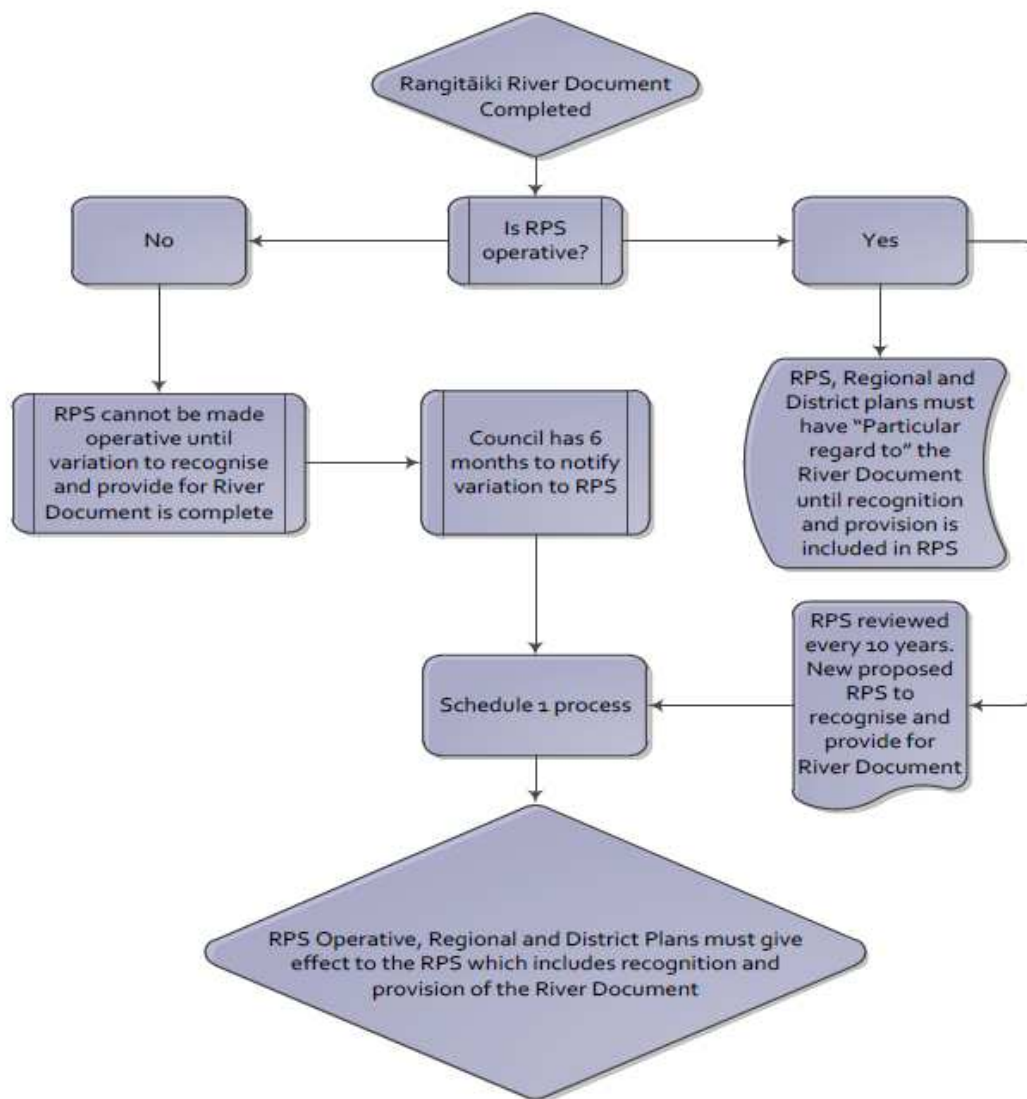


Figure 1 Rangitāiki River Document Recognition Process for RPS

Membership¹

- One member appointed by Te Rūnanga o Ngāti Whare;
- One member appointed by Te Rūnanga o Ngāti Manawa;
- One member appointed by Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust;
- One member appointed by Te Rūnanga o Ngāti Awa;
- One member appointed by Ngāti Hineuru;
- One member appointed by Tūhoe Te Uru Taumatua;
- One member appointed by the Whakatāne District Council;
- One member appointed by the Taupō District Council;
- Four members appointed by the Bay of Plenty Regional Council.

Note:

Despite the composition of the Forum, this is a joint committee of the Bay of Plenty Regional Council and the Whakatāne District Council.

¹ Consequential amendment adopted Council Meeting 17/08/17

Quorum

In accordance with Rangitāiki River Forum standing orders 2.3.3 and 2.3.4, the quorum for a meeting of the Forum is six members, comprising of:

- Three members appointed by the iwi appointers; and
- Three members appointed by the local authority appointers; and
- Must include a member appointed by Ngāti Whare and a member appointed by Ngāti Manawa.

Term of Committee

This Forum is a permanent committee under the Ngāti Manawa Claims Settlement Act 2012 and the Ngāti Whare Claims Settlement Act 2012 and therefore will not disbanded at the end of a triennium.

The establishment of the Forum is also supported by the Ngāti Whare Deed of Settlement – Clauses 5.49 (October 2009) and the Ngāti Manawa Deed of Settlement – Clause 5.40 (October 2009).

Ngāti Whare Deed of Settlement

5.49 The Crown and Te Rūnanga o Ngāti Whare acknowledge and agree that:

- 5.49.1 *the parties are yet to finalise discussions in relation to a framework for the effective participation of Ngāti Whare in the management of the Rangitāiki River;*
- 5.49.2 *following the signing of this Deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Whare in the management of the Rangitāiki River (“**Rangitāiki River management framework**”), with the objective of improving the health and wellbeing and sustainable use of the river;*
- 5.49.3 *the discussions in relation to the Rangitāiki River management framework will:*
 - a. *be undertaken in good faith, honour and integrity and will reflect the wider commitments set out in the Deed of Settlement;*
 - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the Settlement Legislation;*
 - c. *where appropriate, reflect a catchment wide and integrated approach to management of the Rangitāiki River and its resources;*
 - d. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
 - e. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
 - f. *allow for the Rangitāiki River management framework to be incorporated in the Settlement Legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*
- 5.49.4 *the discussions will be based on:*
 - a. *Ngāti Whare’s principles, to be agreed with the Crown, regarding the Rangitāiki River;*
 - b. *as appropriate, the principles of other iwi with interests in relation to the Rangitāiki River as agreed with the Crown;*
 - c. *the need to protect the integrity of existing statutory frameworks; and*
 - d. *the need to ensure consistency and fairness between settlements.*

Ngāti Manawa Deed of Settlement

5.40 The Crown and Ngāti Manawa acknowledge and agree that:

- 5.40.1 *the parties are yet to finalise the redress for the effective participation of Ngāti Manawa in the management of the Rangitāiki River;*
- 5.40.2 *following the signing of this deed the parties will continue to discuss a framework that provides for the effective participation of Ngāti Manawa in the management of the Rangitāiki River (the “Rangitāiki River management framework”), with the objective of improving the health and best use of the river;*
- 5.40.3 *the discussions will be based on:*
 - a. *Ngāti Manawa’s principles regarding the Rangitāiki River as set out in clause 5.41;*
 - b. *the need to protect the integrity of existing statutory frameworks; and*
 - c. *the need to ensure consistency and fairness between settlements;*
- 5.40.4 *the discussions will:*
 - a. *be undertaken in good faith, honour and integrity and will reflect the commitments set out in the deed of settlement;*
 - b. *be undertaken in accordance with an agreed programme for further engagement and completed by the date of the introduction of the settlement legislation;*
 - c. *reflect the need to recognise and provide for the interests of other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River;*
 - d. *develop a programme for engagement with other iwi, local authorities, and other entities with interests or statutory roles in relation to the Rangitāiki River; and*
 - e. *allow for the Rangitāiki River management framework to be incorporated in the settlement legislation as necessary either at the time of introduction to Parliament or by way of a Supplementary Order Paper.*

Specific Responsibilities and Delegations

To avoid doubt, the Forum, except as identified in the functions above, has the discretion to determine in any particular circumstance:

- Whether to exercise any function identified.
- To what extent any function identified is exercised.

Provision for other groups to join the Forum

Other iwi and local authorities through consensus of the Forum, may join the Forum.

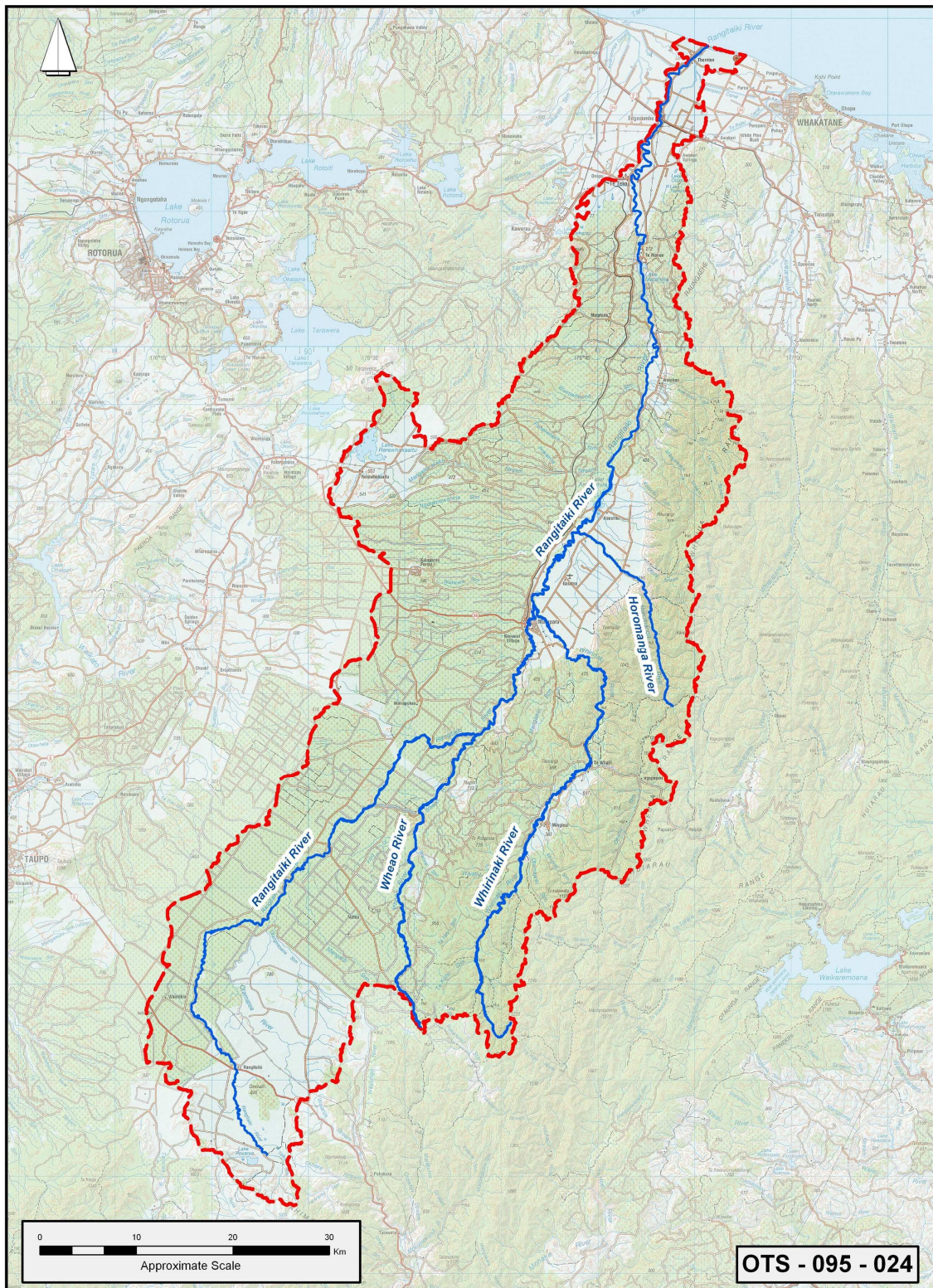


Figure 2 Map of the Rangitāiki River Catchment

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	M Vercoe (Te Rūnanga o Ngati Manawa)
Deputy Chairperson:	E Rewi (Te Rūnanga o Ngati Whare)
Appointees:	Bay of Plenty Regional Council Crs W Clark, T Marr, K Winters, D Love, M McDonald (Alternate) Ngāti Hineuru I Kahukiwa Smith, D Jones (Alternate) Ngāti Tuwharetoa (BOP) Settlement Trust Reverend G Te Rire, E August (Alternate) Taupo District Council Crs T Kingi, R Harvey (Alternate) Te Rūnanga o Ngāti Awa M Araroa, T O'Brien (Alternate) Te Rūnanga Ngāti Whare W Rangiwai (Alternate) Tūhoe Te Uru Taumatua N Rangiaho Whakatāne District Council Cr G Johnston, Mayor A Bonne (Alternate)
Committee Advisor:	S Kameta

Recommendations in reports are not to be construed as policy until adopted.

Agenda

- 1 Opening Karakia
- 2 Apologies
- 3 Public Forum
- 4 General Business and Tabled Items

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

- 5 Declarations of Conflicts of Interests

6	Previous Minutes	
6.1	Rangitāiki River Forum Minutes - 29 September 2017	15
7	Report	
7.1	Appointment of Chairperson and 2018 Meeting Dates	29
8	Presentation and Discussion	
8.1	Rangitāiki River Scheme Review	
	Independent Review Panel Chair Hon Sir Michael Cullen will be in attendance to present the item.	
9	Reports Continued	
9.1	Taupo District Council - Rangitāiki River Catchment	37
9.2	Matahina HEPS: Certified Fish Passage Options Report	41
	APPENDIX 1 - 65750 Matahina Fish Passage Options Report - Summary of Consultation	45
9.3	Potential for Establishing a Rohe Awa and Mahinga Mataitai within the Rangitāiki River	49
10	Consideration of General Business	
11	Closing Karakia	

Previous Minutes

Minutes of the Rangitāiki River Forum Meeting held in Council Chambers, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne on Friday, 29 September 2017 commencing at 10.00 a.m.

Present:

Chairman: M Vercoe (Te Rūnanga o Ngati Manawa)

Deputy Chairman: E Rewi (Te Runanga o Ngati Whare)

Appointees: Bay of Plenty Regional Council: Crs T Marr, K Winters, W Clark, D Love; M Araroa (Te Rūnanga o Ngati Awa), E August (Alternate, Ngati Tuwharatoa (BOP) Settlement Trust), N Rangiaho (Tuhoe), Cr G Johnston (Whakatāne District Council)

In Attendance: Bay of Plenty Regional Council: S Stokes (Eastern Catchments Manager), N Willems (Team Leader Eastern & Rangitāiki Catchments), S Bermeo (Senior Planner), M Lee (Planner - Water Policy), N Steed (Programme Leader - Statutory Policy), A Vercoe (Māori Policy Team Leader), H Simpson (Senior Treaty Advisor), M Stensness (Committee Advisor), Y Tatton (Interim Governance Manager), B Hughes (Manager Policy & Strategy, Te Rūnanga o Ngāti Awa), S Pickles (Regulatory Compliance Team Leader), S Mahupuku (Regulatory Project Officer), S McGhie (Principal Planner, Whakatāne District Council), C Fern, A Davies (Trustpower), D Petrie (Ministry for Primary Industries), S Kameta (Committee Advisor)

Apologies: Reverend G Te Rire (Ngati Tuwharetoa (BOP) Settlement Trust), Crs T Kingi, R Harvey (Alternate) (Taupō District Council), W Rangiwai (Alternate, Te Runanga o Ngati Whare), I Kahukiwa Smith, D Jones (Alternate) (Hineuru), T O'Brien (Alternate, Te Rūnanga o Ngati Awa), Cr M McDonald (Alternate, Bay of Plenty Regional Council); Staff: K O'Brien (Strategic Engagement Manager, Bay of Plenty Regional Council)

1 Opening Karakia and Mihi/Welcome

Cr Marr provided a karakia to open the meeting.

Miro Araroa gave a mihi to acknowledge and welcome newly appointed members Ngapera Rangiaho and Cr David Love.

2 Apologies

Resolved

That the Rangitāiki River Forum:

- 1 **Accepts the apologies of: Crs Tangonui Kingi, Rosie Harvey and Matemoana McDonald, Reverend Te Rire, Te Waiti Rangiwai, Ivy Kahukiwa-Smith, David Jones, Tuwhakairiora O'Brien tendered at the meeting.**

**Marr/Love
CARRIED**

3 **General Business and Tabled Items**

The following item was omitted in error from the agenda and was requested to be included as an item under Member Updates and Discussion:

- 1) Agenda Item 10.2: Discussion on potential for Mahinga Mataitai in the Rangitāiki River (Charlie Bluett, Ngati Awa Customary Fishing Authority).

4 **Order of Business**

The Chair advised Agenda Item 7.3 may be delayed to accommodate the arrival of the reporting officer.

5 **Declaration of conflicts of interest**

No conflicts of interest were declared.

6 **Previous Minutes**

6.1 **Rangitāiki River Forum Minutes - 15 June 2017**

Resolved

That the Rangitāiki River Forum:

- 1 **Confirms the Rangitāiki River Forum Minutes of 15 June 2017, as a true and correct record.**

**Winters/Clark
CARRIED**

7 **Reports**

7.1 **Appointments to the Rangitāiki River Forum and Treaty Settlement Update**

The report informed of additional members appointed onto the Forum and updated the Forum on the recently signed Deed of Settlement between Ngāti Tūwharetoa (Taupo) and the Crown.

Members discussed and requested that the Forum's Terms of Reference and Standing Orders be reviewed and that the timing of the reviews occur in 2018 and be cognisant of incorporating Ngāti Tūwharetoa (Taupō).

In response to a query regarding resourcing the Forum for capacity, Interim Governance Manager Yvonne Tatton advised that remuneration of meeting fees would be built into Regional Council's Governance budget and that Governance and Māori Policy staff would work closely with others to review the Terms of Reference and

Standing Orders. In regard to the Rangitāiki River Catchment programme body of work, the Forum would be kept abreast of activity and funding needed to achieve the objectives and actions of Te Ara Whānui o Rangitāiki. Eastern Catchments Manager Simon Stokes noted an understanding of Iwi partners' work was missing and needed to be factored into the programme. Consideration of including Te Kawa o Te Urewera into the programme was noted and acknowledged as bringing strength to the programme and Te Ara Whānui o Rangitāiki.

Correction

An error was noted within the amended Terms of Reference on page 4 of the agenda, where 'Tūhoe Te Uru Taumatata' should be corrected to 'Tūhoe Te Uru Taumatua'.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Appointments to the Rangitāiki River Forum and Treaty Settlement Update;**
- 2 Notes the following appointments onto the Forum:**
 - a. Ngapera Rangiaho as the member for Tūhoe Te Uru Taumatua;**
 - b. Councillor David Love as an additional member and Councillor Matemoana McDonald as the replacement alternate member for Bay of Plenty Regional Council.**
- 3 Notes that the Rangitāiki River Forum's Terms of Reference membership have been updated accordingly.**
- 4 Notes the recent Deed of Settlement signed by Ngāti Tūwharetoa (Taupō) and the Crown on 8 July 2017 and that a further update will be provided to the Forum, prior to legislation coming into force.**
- 5 Requests a review of the Terms of Reference and Standing orders to be brought back to the Forum for consideration.**

**Araroa/Marr
CARRIED**

7.2 General Matters

The report provided an update on general matters concerning the Forum and the catchment. Additional to the report, Eastern Catchments Manager Simon Stokes advised that new National Environmental Standards for Plantation Forestry would be introduced in May 2018. A report on implications to areas of the catchment would be provided at a future Forum meeting.

Mr Stokes introduced Scion representative Andrew Dunningham who gave a brief overview of Scion's government-funded project for exploring effective engagement and co-development solutions to address complex challenges of climate change mitigation and adaptation at a catchment scale. Mr Dunningham explained climate change goals nationally had progressed slowly, with the Minister for Primary Industries wanting further progress to be made. Input from the Forum was being sought on effective engagement. Mr Stokes assured members the project would not interfere with Council or Forum business and that Scion would report back to the Forum on progress made on the project.

Further to the Chair's activity, members were informed that on the Chair's behalf, Deputy Chair Earl Rewi had recently presented at the Maori Co-Governance Forum in Wellington on Co-Governance operational matters and how the Forum intended to achieve its purpose and work together.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, General Matters.**

**Marr/Love
CARRIED**

Order of Business

It was noted that Agenda Item 7.4 would be received next. Agenda Item 7.3 'Update on Proposed Change 3 to the Regional Policy Statement' would be deferred to accommodate the arrival of the reporting officer.

7.3 Rangitāiki Catchment Programme: Annual Report 2016/2017 and Annual Work Plan 2017/2018

Refer PowerPoint Presentation Objective ID A2708333.

Team Leader Eastern & Rangitāiki Catchments Nancy Willems presented key highlights on work achieved against the 2016/2017 Annual Work Programme and work to be implemented for the 2017/2018 Annual Work Programme for the Rangitāiki River Catchment.

Advice and clarification was provided on the following matters:

- 1) Repairs to flood damaged fencing, including subsidised fencing, was not covered by insurance. Staff would look to assist where possible and process funding where criteria allowed.
- 2) The application submitted to the Ministry for the Environment for wetland funding had been granted \$1.5 million, with 50 percent funded by Regional Council based on existing budget available in the Rangitāiki Catchment fund.
- 3) Surveillance monitoring was being carried out to control and mitigate wallaby incursions, with strong wording to be incorporated into the Whirinaki-Putaki management plan.
- 4) A literature review of all research and alternative options for fish passage had been taken into account in phase 2 implementation of Te Hekenga Nui o Te Tuna.

The Chair posed the question to Forum members on how they wished to guide and take ownership of the work programme. Mr Stokes further queried for consideration and feedback, what activities Iwi would likely pick up within the work streams. Members acknowledged the comments made and noted biosecurity would be critical to the programme, with due consideration needed on flood impacts and subsequent constraints placed on Regional Council's Long Term Planning.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the report, Rangitāiki River Catchment Programme: Annual Report 2016/2017 and Annual Work Plan 2017/2018;**
- 2 **Endorses the Rangitāiki River Catchment Programme: Annual Work Plan 2017/2018.**

**Rewi/Love
CARRIED**

7.4 Update on Proposed Change 3 to the Regional Policy Statement

Refer Tabled Document Numbers 1 and 2.

Programme Leader (Statutory Policy) Nassah Steed presented the report and update on Proposed Change 3 to the RPS (PC3). Mr Steed advised that the release date for notification of Council's decisions to PC3 was Tuesday, 17 October 2017 and that the closing date for lodgement of appeals to the Environment Court was 1 December 2017. Members were advised of key changes made to PC3, as a result of the hearing committee's recommendations and advised that the recommendations supported the majority of submission points made by the Forum and Iwi. Copies of the Hearing Committee's recommendations report and PC3 tracked change version 7.3b were provided to members (Tabled Document Numbers 1 and 2).

Clarification was provided on the following matters:

- 1) Commercial fishing quota was not part of the PC3 submissions process. The mechanism for seeking compensation for loss of commercial revenue rested with the Ministry for Primary Industries.
- 2) The change made to Objective 7 had shifted focus to the maintenance and enhancement of amenity values, to translate the language into RMA policy, which was considered equivalent to naturalness under case law.
- 3) Relevant resource management decision making processes (e.g. for dam consent renewals) would need to have regard to the provisions in the interim, prior to the provisions being implemented by district and regional plans, where upon they would have regulatory bite in resource consent decision making processes.

Resolved

That the Rangitāiki River Forum:

- 1 **Receives the report, Update on Proposed Change 3 to the Regional Policy Statement.**

**Winters/Johnston
CARRIED**

7.5 External Presentation: North Island tuna fishery review and tuna fishery management within the Rangitāiki River Catchment

Refer PowerPoint Presentation Objective ID A2708329

Ministry for Primary Industries (MPI) In-Shore Senior Analyst Duncan Petrie presented a summary of the stock assessment and management of tuna fisheries across the North Island and Bay of Plenty sub-catchment, in anticipation of seeking input from tangata whenua prior to development of proposed options for the North Island Tuna review.

Information was presented on short and longfin tuna classification, quota management areas (QMAs), catch limits and allowances, Eel Statistical Areas (ESAs), modelling and monitoring methodology for tuna and elver recruitment, including limitations and trends; and percentages of longfin and shortfin tuna habitat fished commercially.

The following points and clarification was provided:

- 1) MPI tuna monitoring was taken below dam structures, updated on a three-year cycle using standardised catch per unit effort (CPUE) trends, face to face interviews with fishermen and included the abundance of legal size tuna in each ESA that was commercially fished, which excluded gazetted areas for mahinga mataitai, Department of Conservation estates and areas closed to commercial fishing by MPI. It was noted that CPUE data did not take into account tuna outside catch areas.
- 2) 17.4 percent of longfin habitat in the Bay of Plenty ESA (AE) was commercially fished, which was significantly lower than previously thought. The total maximum area impacted by commercial fishing was noted at 23.9 percent. Mr Petrie considered that banning commercial fishing in area AE would not make a difference to the overall abundance of longfin tuna.
- 3) CPUE trends for area AE showed an upward trend for shortfin tuna and flat trend for longfin. It was acknowledged that the trend results may not be on par with the aspirations of Iwi and tangata whenua.
- 4) Trap and transfer trends of longfin tuna showed consistent fluctuations, which could be attributed to weather conditions and the tuna lifecycle. From a scientific perspective the trend was assessed as stable. It was noted that target reference points were based on maximum takes and that MPI were in the process of engaging with Iwi and hapū to look at where those management target levels should be set.
- 5) Recreational takes were difficult to establish and were not recorded. Feedback would be sought on whether customary and recreational takes should be increased if they were seen to be higher than the current limit and allowances.
- 6) MPI had been challenged on the large scale management of the fishery. Given the strong views put forward by North Island Iwi and hapū, consultation was being undertaken at the sub-catchment level.
- 7) The majority of commercial fishers used net only for sustainable management purposes. Future considerations were being considered for GPS tracking of fishers however, challenges were noted around commercial sensitivities for areas that had low numbers of fishers.
- 8) Mahinga mataitai would in effect ban commercial fishing, was considered to be the best way to manage a fishery and could be exercised by Iwi through the Ngāti Awa Customary Fishing Authority.
- 9) Customary takes were determined by Iwi, hapū and marae.

Mr Petrie advised he would be seeking input from Iwi, hapū and tangata whenua as much as possible, prior to development of proposed options for the North Island Tuna review, which would inform the discussion document that was due to be released for public consultation in February-March 2018. Mr Petrie noted pre-engagement with Iwi comprised face to face meetings with the Ngāti Awa Customary Fishing Authority and the Rangitāiki River Forum, followed by email correspondence to Iwi and interested stakeholders.

Mr Petrie was available to contact for any questions about the review. Submissions on the discussion document would be compiled for submitting to the Minister who would make his recommendations, which would be put forward to Cabinet for decision.

Members provided the following comments:

- 1) Monitoring of fisheries needed to be at the sub-regional catchment level as opposed to the existing ESAs.
- 2) Quota allocation on the basis of population was not seen as appropriate for customary take and sustainable fishery as a whole.
- 3) Te Ohu Kaimoana was noted as another avenue for MPI to engage on the review.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the presentation, North Island tuna fishery review and tuna fishery management within the Rangitāiki River Catchment.**

**Araroa/Rangiaho
CARRIED**

Adjournment

The meeting adjourned at 12:26 pm and reconvened at 12:58 pm.

7.6 Rangitāiki River Catchment Activity Update

Team Leader Eastern & Rangitāiki Catchments Nancy Willems presented the report on general matters and operations occurring within the catchment. Ms Willems highlighted key points from the report, including advice that TrustPower Limited's *'Upstream and downstream fish passage options report (September 2017)'* had been finalised as part of completion of certification of their consent conditions, with copies made available at the meeting.

Clarification and comments were raised on the following points:

- 1) It was confirmed that biodiversity funding grants required a legal protection agreement to be made with the landowner.
- 2) Work was progressing with TrustPower and others on fish passage options, with a review of all literature and research. A desire to see work ramped up was noted. Comment was made seeking a review of TrustPower's original consent conditions in regard to the requirement to provide for fish passage.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Rangitāiki River Catchment Activity Update.**

**Love/Marr
CARRIED**

7.7 Rangitāiki River Wetland Restoration Project

The report provided an update on the Rangitāiki River Wetland Restoration Project, which was initiated from the successful application for funding to the Freshwater Improvement Fund, of which the Forum had supported. Eastern Catchments Manager Simon Stokes noted the tight management structure and pending process and deadline for funding commitments to be confirmed by January 2018.

Further to the project structure outlined in the report, Mr Stokes sought the Forum's involvement to act as a sponsor to the overall project, noting quarterly reports would be provided to the Forum. Mr Stokes asked if one or two members wished to participate and support the business owner (Mr Stokes) on behalf of the Forum. He advised that involvement would include attending steering group type meetings and expected time and resource for members would be minimal.

Forum members were supportive of Mr Stokes's proposal. The following nominations were put forward, acknowledging the area of interest was situated above the dam, within the members' rohe and area of interest:

- 1) **Maramena Vercoe** was nominated by Cr Winters and seconded by Cr Marr.
- 2) **Earl Rewi** was nominated by Cr Clark and seconded by Cr Marr.
- 3) **Ngapera Rangiaho** was nominated by Elaine August and seconded by Cr Clark.

The nominees accepted their nominations, which were supported by Forum members. In accepting the nomination, the Chair advised they would be mindful to seek advice and involve other members on any matters that may arise where they may have manawhenua and interest, which was acknowledged.

Resolved**That the Rangitāiki River Forum:**

- 1 Receives the report, Rangitāiki River Wetland Restoration Project;**
- 2 Appoints Maramena Vercoe, Earl Rewi and Ngapera Rangiaho to support the business owner (Simon Stokes) in the project.**

**Winters/Marr
CARRIED**

7.8 Freshwater Futures Update

Refer PowerPoint Presentation Objective ID A2702681.

Water Policy Planners Michelle Lee and Santiago Bermeo provided the report and a presentation on national and regional activity, including the Rangitāiki catchment in

relation to implementing the National Policy Statement for Freshwater Management (NPS-FM). The following advice was provided in regard to matters reported:

- Hearing of submissions for the Region-wide Water Quantity Plan Change (Proposed Plan Change 9) that were scheduled in November may be deferred to early-mid 2018.
- Information and updates on workshop progress of the Rangitāiki Freshwater Futures Community group, which was established to inform development of implementing the NPS-FM in the Rangitāiki Water Management Area (WMA), were available online for interested people, who could subscribe to receive updates. The Forum could expect to receive regular updates on progress at each Forum meeting.
- Catchment modelling to support development of freshwater objectives and limit-setting was in its first stage of exploring a range of future scenarios. Modelling would look at land use change, management and mitigation practices and would rely on a range of inputs, including climate and soil data to estimate water quality and quantity outcomes and resource use.

Discussion was raised on how Te Mana o te Wai (TMotW) and Mātauranga Māori would be incorporated into resource management planning to provide for tangata whenua values and the health and mauri of water, in the context of implementing the NPS-FM. It was noted that TMotW initially featured within the preamble of the NPS-FM and that the recent amendments had clarified its meaning and increased its emphasis. TMotW was an over-arching principle of the NPS-FM, giving priority to the health of waterways and the environment. Although expressed in Te Reo Māori, it was not an exclusively Māori concept.

The NPS-FM implementation process required local interpretation of TMotW values to be identified with the Freshwater Futures community group, tangata whenua and the community, which had been progressed in the Rangitāiki WMA. The latest NPS-FM amendments also required monitoring plans, to measure progress towards achieving freshwater objectives set under the NPS-FM, to contain methods that include Mātauranga Māori. It was noted that the Regional Council was in the process of developing a Mātauranga Māori framework, which was expected to assist with this mahi.

Members were referred to MfE's guidance on TMotW and monitoring frameworks, which were available online at: <http://www.mfe.govt.nz/publications/fresh-water/fact-sheets-changes-freshwater-nps-2017>

Attendance

Cr G Johnston left the meeting at 1.40pm.

The following comments were noted:

- 1) A two-way understanding of Mātauranga Māori and western science practices was needed when establishing indicators and setting limits;
- 2) Mātauranga Māori could be interpreted as a sensory and narrative representation of the numeric attributes of western science outputs.
- 3) Hearing Commissioners would need to gain a good understanding of these concepts prior to hearing submissions.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, “Freshwater Futures Update”.**

**Love/Rewi
CARRIED**

Order of Business

With the leave of the Forum, the Chair advised that Members Updates and Discussion items (Item 10.1 and 10.2) would be received next on the agenda before Item 9.4. To accommodate the guest presenter, item 10.2 would be taken first.

8 Member Updates and Discussion**8.1 Potential for establishing a Rohe Awa and Mahinga Mataitai (Charlie Bluett, Ngāti Awa Customary Fishing Authority)**

At the request of Ngāti Awa member Tuwhakairiora O'Brien, Ngāti Awa Customary Fishing Authority (NACFA) representative Charlie Bluett addressed the Forum to seek dialogue and input from the Forum on the potential for establishing a Mahinga Mataitai (mataitai) within the Rangitāiki River to improve the management and sustainability of tuna fishing.

Mr Bluett advised that NACFA was responsible for the sustainable management of customary fishing in their rohe and were considering implementing a mataitai on the Rangitāiki River, which was a customary tool available to them under the Kaimoana (Customary Fishing) Regulations. A mataitai would allow for implementation of bylaws to sustainably manage fishing within it, which could exclude commercial fishing within the mataitai and allow customary and recreational fishing to continue. Mr Bluett noted examples observed of other mataitai operating successfully. If a Rohe Awa and mataitai were to be installed, NACFA hoped to extend the area from the head of the river out to sea.

It was noted that the proposal was a matter for Iwi members to consider and that further opportunity was needed for them to discuss and form a view of the proposal with their Iwi organisations, before coming back together to discuss further. Te Rūnanga o Ngāti Awa Manager Policy & Strategy Beverley Hughes undertook to prepare a report. It was suggested that an opportunity may be available for Iwi to discuss the matter further at a future meeting of the Mai i ngā Kuri a Whareki Tihirau (Customary Fishing) Regional Forum.

8.2 Water Ownership and Allocation (Miro Araroa)

Te Rūnanga o Ngāti Awa member Miro Araroa and Manager Policy & Strategy Beverley Hughes brought to members' attention, matters of concern and interest to Ngāti Awa in relation to water ownership and allocation:

- Mr Araroa related comment from recent discussions with Regional Council staff who confirmed there were no water over-allocation issues below the Matahina dam, which had alleviated prior concerns.
- Over-allocation of water above the dam was identified as a problem that was affecting the ability of iwi with recently returned settlement land to have access to water for their land use activities.

- Mr Araroa described the desire of a Maori Land Trust below Matahina Dam that was researching the possibility of changing their current land use from dairying to manuka tree growing, to be supported by the installation of a bore.
- Ms Hughes referred to the Mataatua Declaration on Water which underpinned the rights of Maori confirmed in Treaty of Waitangi Article II regarding decision-making about the use of water, access to water and occupation of space in, under and on water.
- Concern was raised regarding the process being used by proposed purchasers of Otakiri Springs water bottling plant given the current state of freshwater management provisions and the implications of Treaty of Waitangi Article II (a discussion proposed to be had between Ngāti Awa, other iwi and central government agencies) and the desire to avoid being an iwi authority that sets precedents in terms of those issues within a 20 days consenting statutory timeframe.
- It was noted that the cultural impacts assessments (CIA) currently being prepared by Ngāti Awa were taking those matters into account in expressing the relationships of Ngāti Awa with the water resources relevant to those consents.
- The value of cultural impacts assessments in the consenting process and greater understanding of the status of Maori in respect to their decision-making rights for matters relating to Article II of the Treaty of Waitangi (including water) were identified as key integrating factors to be taken into account when giving effect to existing statutes and regional and district planning tools.

Ms Hughes advised that Ngāti Awa would be contacting Iwi partners to schedule a time to meet and further discuss the above matters.

9 Report

9.1 Whakatāne District Recovery Update

Refer PowerPoint Presentation Objective ID A2708496.

The report provided an update on current activity of the Whakatāne District Recovery Project. A presentation was delivered by Eastern Catchments Manager Simon Stokes who was seconded into the Whakatāne District Recovery Project as Natural and Rural Environment Lead. An overview of progress made was provided, along with depictions of road damage at Horomanga Bridge, Galatea Road below the Matahina Dam and at Te Whaiti.

Mr Stokes advised the recovery process was a long way from completion and that the effects on flood affected people was still substantial. Mr Stokes noted some areas of the awa had changed and may not be able to be rectified; with due consideration required on maintaining natural realignment and adhering to Department of Conservation strict guidelines. A thorough analysis of river scheme and non-river scheme repairs and prioritisation had been completed totalling \$18 million.

Resolved

That the Rangitāiki River Forum:

- 1 Receives the report, Whakatāne District Recovery Update.**

**Miro/Rewi
CARRIED**

Closing karakia

The meeting closed with a karakia provided by Cr Marr.

The meeting closed at 2:56 pm.

Report

Report To: Rangitāiki River Forum

Meeting Date: 10 November 2017

Report From: Simon Stokes, Eastern Catchments Manager

Appointment of Chairperson and 2018 Meeting Dates

Executive Summary

As the current three year term appointment of the Rangitāiki River Forum Chairperson is expiring, the Forum is required to reappoint a Chairperson for the next three year term.

Recommendations

That the Rangitāiki River Forum under its delegated authority:

- 1 Receives the report, Appointment of Chairperson and 2018 Meeting Dates;**
- 2 Selects System B as the voting system to elect the Chairperson.**
- 3 Elects _____ as the Chairperson of the Rangitāiki River Forum.**
- 4 Approves the 2018 Rangitāiki River Forum Meetings dates as: 16 March; 8 June; 14 September, 7 December.**

1 Election of Chair

As the Chairperson has completed a three year term as the Chair of the Rangitāiki River Forum, the Forum may reappoint the current Chair or appoint a new Chair.

The provisions for appointment of the Chair are set out under Rangitāiki River Forum Standing Order 2.5:

- The appointment is for a term of 3 years, unless the Chair resigns or is removed by the Forum during that term.
- The Chair may be reappointed or removed by the Forum.
- The appointment must be decided at a meeting by vote and by the majority of members present and voting.

1.1 Voting Systems

The Forum must resolve to use one of the following voting systems, as set out on pages 14 and 15 of the Standing Orders:

“System A

- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the Forum voting; and*
- (b) *has the following characteristics:*
 - (i) *there is a first round of voting for all candidates; and*
 - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
 - (iii) *If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
 - (iv) *In any round of voting if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*

System B

- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
- (b) *has the following characteristics:*
 - (i) *there is only one round of voting; and*
 - (ii) *if 2 or more candidates tie for the most votes, the tie is resolved by lot.”*

It is recommended that the Forum selects System B as its voting system.

1.2 The voting process step

It is advised that the Chairperson vacates the chair and the Deputy Chair assumes the chair for this item.

- a) The Forum resolves to adopt a voting system and the procedure in the event of a tie.
- b) The Deputy Chair calls for nominations for Chairperson (nominated and seconded).
- c) Nominees may be allowed up to 10 minutes to make a presentation.
- d) Voting for the appointment of the Chairperson as per agreed system.
- e) Chairperson declared elected.
- f) The Chairperson then assumes the role of the chair and presides over

In agreeing the voting process, ground rules are also agreed.

Ground rules

- a) A member may nominate or second themselves.

- b) Any member may call for a Division – where the names of members voting for and against and any abstentions, are taken down in random order.

2 2018 Meeting Schedule

The Bay of Plenty Regional Council have considered and approved their meeting schedule for 2018. The Rangitāiki River Forum meet quarterly and in order to provide some consistency for members an effort has been made to ensure regularity of a week day. In this instance most meetings have been scheduled for a Friday. The proposed dates for the Forum meetings being 16 March, 8 June, 14 September, 7 December were discussed with the Chair prior to the report being prepared.

Yvonne Tatton
Governance Manager

for Eastern Catchments Manager

2 November 2017

Presentation and Discussion

Reports Continued

TAUPO DISTRICT COUNCIL – RANGITĀIKI RIVER CATCHMENT

Author: Sue Mavor Senior Policy Advisor

Authorised by: Alan Menhennet, Group Manager: Finance and Strategy

PURPOSE

This report is intended to provide an overview of Taupo District Council's functions and priorities in a general sense. It also provides more context to Council's current role within the Rangitāiki River catchment.

RECOMMENDATION

That the Rangitāiki River Forum receives this report, Taupo District Council – Rangitāiki River Catchment.

DISCUSSIONTaupo District Council's functions

As a local authority Taupo District Council is given a reasonably wide set of functions under the Local Government Act. At the heart of Council's functions is the purpose set out in the Local Government Act:

"To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses:"

Council also has specific functions under the Resource Management Act. Those focus on managing the way that land is used and subdivided. Importantly, these functions are different but complementary to those of regional councils. The regional policy statement is required to provide an overview of the resource management issues of the region and policies and methods to achieve integrated management of natural and physical resources including how councils will work together in an integrated way.

Other parts of the Council operations are governed by separate pieces of legislation. As an example, the management of reserve areas in the district is controlled by the Reserves Act, while the Land Transport Act imposes transport planning functions on Council. Ultimately, Council's functions stem from statute. The breadth of its functions, the way it invests and makes decisions is all defined by legislation.

The District context

Taupo District is a large district that is largely rural with substantial urban areas at Taupo, Kinloch, Mangakino and Turangi. There are also smaller lifestyle settlements that tend to have a high proportion of holiday homes.

Dominating the district is Lake Taupo with the Waikato River to the north and the Tongariro River to the south. These waterways play a crucial role in the character, economy and cultural relationships within the district.

In a regional government sense, the district looks in many directions. Much of the district falls within the boundaries of the Waikato region and that is where we tend to look with regard to managing environmental issues. However, in an economic sense, the links through the Bay of Plenty region are incredibly important to the community. Similarly, many of the government agencies serving the district are located in the Bay of Plenty. There are also smaller parts of the District which fall within the Hawkes Bay and Manawatu regions.

Taupo District Council's priorities

Council's role is to prioritise the investment of public money to achieve outcomes for the betterment of the community. Doing so invariably involves trade-offs as it is rare that everyone in the community agrees on what should be done.

For Council those investment decisions need to be made within the context of what is legally required and what is affordable for the community. Council has been through a period of substantial investment in major new infrastructure. In particular, there has been investment in the East Taupo Arterial road, the Turangi wastewater treatment plant and the Taupo water treatment plant. That investment in infrastructure has created a situation where Council has a reasonably high level of debt.

Council's long term financial strategy is focused on repaying that debt, while keeping rates rises affordable. There is also a recognition that Council still needs to meet legal obligations and maintain the existing services and infrastructure. This is an incredibly challenging set of objectives to balance.

Council is in the process of developing its long-term plan for 2018. That will set out how Council intends to balance these objectives, however at this stage there are some clear themes are emerging:

- Substantial investment will be required to meet the requirements of the New Zealand Drinking Water Standards
- Investment in the renewal of old pipe networks will need to be prioritised
- Significant work is required at the Turangi wastewater treatment plant
- Major investment in new civic buildings will be required
- Subdivision growth will drive investment in new water supply infrastructure, particularly reservoirs.

In addition to the capital expenditure programme Council has also prioritised the following policy work streams:

- Council continues to work with Ngati Tūwharetoa, Waikato Regional Council and the Crown on improving the water quality of Lake Taupo
- A comprehensive review of the District Plan is in its early stages and will become a major policy focus for the next five years
- Council is advocating on behalf of the community on the Healthy Rivers plan change relating to the Waikato River

Implementing these and Council's other priorities, as well as continuing to pay down debt, will strain the ability of the community to pay. This is likely to make Council cautious about taking on new or discretionary projects.

Current involvement in the catchment

The upper part of the Rangitāiki River catchment is within the Taupo District and consists mainly of farmland, forestry and indigenous vegetation. As the Rangitāiki River catchment within the district is rural the population in this part of the district is sparse.

Currently the Council has the following involvement in the Rangitāiki River Catchment:

Council services

The Council does not provide water, wastewater, stormwater or solid waste services in the catchment. Council does however provide and maintain some rural roads in the area although the main transportation route, State Highway 5, is operated and maintained by NZ Transport Agency. There are no Taupo District Council administered parks or reserves within the catchment. Council does provide emergency management for community wellbeing and safety for this area, which has been required particularly during extreme snow events.

Significant natural areas and landscapes.

The operative district plan identifies and protects a number of Significant Natural Areas and landscape areas within the catchment of the Rangitāiki River. The district plan seeks to:

- protect Significant Natural Areas in the Taupō District from more than minor adverse effects of indigenous vegetation clearance.
- facilitate the long term protection of areas of natural value in the Taupō District
- enhance areas of natural value in the Taupō District.
- protect Outstanding Landscape Areas from inappropriate subdivision, use, and development which may adversely affect the landscape attributes.
- maintain the landscape attributes of Amenity Landscape Areas
- recognise and encourage the enhancement of amenity values within Landscape Areas in the Taupō District.
- acknowledge and encourage mechanisms that appropriately manage Landscape Areas in the Taupō District.

Review of the District Plan

The review of the district plan is in its early stages with work streams focusing on efficiency and effectiveness monitoring and issues identification commencing shortly. For the Rangitāiki River Catchment the district plan review will focus on giving effect to Change 3 (Rangitāiki River) to the Regional Policy Statement.

Taupo District 2050

Council is currently reviewing its urban growth strategy, Taupo District 2050. No urban growth areas are proposed in the Rangitāiki River Catchment.

Other projects

There are a number of work streams that will result from Change 3 to the Regional Policy Statement for the Taupo district. Council is anticipating undertaking work on a biodiversity strategy in the future. This is expected to result in Council facilitating more work on biodiversity and the protection of SNA's. This is likely to involve working with the forum members on biodiversity issues in the upper reaches of the Rangitāiki River catchment.

These mechanisms will assist in achieving “a healthy Rangitāiki River, valued by the community, protected for future generations.”

Other involvement with water quality issues

Taupo District Council is currently involved in two major water quality projects. These are:

- *The improvement of water quality in Lake Taupo.*

In the late 1990s, monitoring showed that the health of Lake Taupo was under threat from increasing nitrogen leaching from land uses in the catchment. To just maintain the lake's current water quality, the amount of nitrogen entering the lake from farmland and urban areas needed to be reduced by 20 per cent.

For more than a decade Taupo District Council has been working with Waikato Regional Council, central government, Tūwharetoa Maori Trust Board, other agencies and groups to find the best solutions for both the lake and the community. The 20 per cent reduction has been achieved by the partners through a mix of solutions including improved infrastructure, planning regulation, and changes away from intensive pastoral land uses. Central to this success has been the significant investment by the partners into a public fund of more than \$80 million that has facilitated the transition of land uses and the retirement of some land into forestry.

The focus for the partners has now shifted to consolidating these gains and continuing to monitor progress. There is also an impending review of the science and regulatory framework within the Waikato Regional Plan.

- *The Improvement of water quality in the Waikato River.*

The Healthy Rivers: Plan for Change/Wai Ora: He Rautaki Whakapaipai project has been a collaborative effort with stakeholders to develop changes to the Waikato Regional Plan to help restore and protect the health of the Waikato and Waipa rivers. Taupo District Council was involved in the collaborative process to formulate this plan change.

The plan change focuses on reducing sediment, bacteria and nutrients (nitrogen and phosphorus) entering water bodies (including groundwater) in the Waikato and Waipa River catchments. Council is now advocating on behalf of the Taupo district community on this plan change.

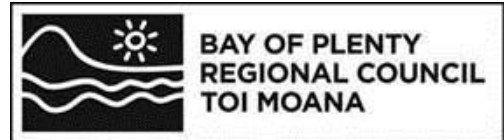
Taupo District Council will use this experience in managing water quality issues to work with the Rangitāiki River Forum to assist in the work streams that need to be undertaken to achieve the vision of the forum.

CONCLUSION

In August 2016 the membership of Ngāti Hineuru and the Taupō District Council on the Rangitāiki River Forum was confirmed. Taupo District Council is supportive of the forum's vision "A healthy Rangitāiki River, valued by the community, protected for future generations. Tihei Mauri Ora." Currently Council is not widely involved in the Rangitāiki River Catchment.

It is anticipated that through future work streams, especially the review of the district plan, the preparation of a biodiversity strategy and the implementation of Plan Change 3 to the Regional Policy Statement, there will be more opportunities for the Council to become directly involved in this catchment and contribute to the work of the forum.

Receives Only – No Decisions



Report To: Rangitāiki River Forum

Meeting Date: 10 November 2017

Report From: Alex Miller, Regulatory Compliance Manager

Matahina HEPS: Certified Fish Passage Options Report

Executive Summary

Recently Bay of Plenty Regional Council certified Trustpower Limited's Fish Passage Options report. The report fulfils a requirement of Trustpower Limited's consent 65750, which is the main consent authorising the operation of the Matahina Hydro Electric Power Station (HEPS).

A copy of the report was made available to the Committee members at the 29 September 2017 Rangitāiki River Forum meeting.

This agenda report follows a request made to staff by the Chair to provide the Committee with the background to, and understanding of, the process behind the recent certification of the Fish Passage Options report.

A staff member from BOPRC's Regulatory Compliance team, as well as members of Trustpower Limited will provide a short presentation as well as be available to answer questions.

Recommendations

That the Rangitāiki River Forum under its delegated authority:

- 1 Receives the report, Matahina HEPS: Certified Fish Passage Options Report**

1 Background

In May 2009, BOPRC received a resource consent application from Trustpower Limited, to renew their existing resource consents for the Matahina HEPS. The new consents were granted by BOPRC in February 2012. The consents were appealed, with the appeals heard by the Environment Court. The Court released its decisions with the consents becoming operative in September 2013.

2 Conditions relating to Fish Passage

There are two key sections of the consent conditions which deal with fish passage. These relate to the Intake Screens (conditions 9 to 13), and Fish Passage (conditions 46 to 57). Both sets of conditions require a report be produced for certification by BOPRC, after consultation with a variety of parties.

The key points relating to these requirements are outlined below.

2.1 Intake Screens

- Screens shall not have gaps any larger than 90mm (condition 9)
- A report must be prepared (condition 10) for certification that:
 - Describes the feasibility of installing deterrent measures at Dam to avoid or minimise the entrapment of adult eels;
 - Describes the alternate deterrent measures considered;
 - Recommends a deterrent measure for deflecting adult eels away from intake structure towards spillway gates or alternative migration pathway.
- Within 12 months of certifying the report, implement the recommended deterrent measures (condition 12)

2.2 Fish Passage

- A requirement to facilitate upstream transfer of native fish species that arrive at the Dam face and facilitate the downstream passage of adult eels past the Matahina Dam (condition 46);
- The objective is to ensure the Dam does not prevent the establishment and maintenance of diadromous native fish populations in the Rangitāiki River upstream of the Dam (condition 46);
- A report must be prepared (condition 47) for certification that describes:
 - The practicable up and downstream fish passage systems for use at the site, including detailing the system to be used at the site;
 - The monitoring programme used to record live fish transfer/passage up and downstream to demonstrate the objective set out in condition 46 (see above);
 - The targets in terms of numbers transferred and survivability used to measure the effectiveness of the transfer/passage systems adopted
- In relation to upstream transfer, the report required additional details to be included around periods when trap and transfer are to be undertaken, monitoring used to refine peak migration periods, design and location of fish trap, locations (and reasons) for where fish to be transferred to, and methods adopted to enhance fish survival rates.

- In relation to downstream transfer, the report required additional details to be included around the proposed eel passage system, alternatives considered, cost/benefit of alternates, and reasons for recommending proposed passage system.

3 Consultation during development of the Fish Passage Options Report

The consent required the reports detailed above to be prepared within 6 months of the consent being granted (September 2013).

In March 2014, Trustpower circulated the draft report. Since that time, up until September 2017, several iterations of the report have been produced, taking into account comments received through consultation with the parties listed within the consent (including the RRF), and comments from the technical review (both internally through BOPRC in-house science team, and through an external review by NIWA's Dr Jacques Boubée).

A summary of the consultation undertaken throughout the last three years is appended to this report.

4 Compliance with conditions

The process of certifying the Fish Passage Options report has been robust, spreading over several years and reflecting comments from a range of parties.

Technical review of the Trustpower report's proposed methodologies for the transfer/passage of native fish both upstream, and eels downstream, confirmed that the proposal met the intent and requirements of conditions of the consent.

Therefore in September 2017, Bay of Plenty Regional Council certified the Fish Passage Options report in accordance with the requirements of consent 65750.

5 Te Hekenga Nui o Te Tuna

This document identifies and articulates an action plan for achieving Objective 1 of Te Ara Whānui o Rangitāiki.

A key area of work within the plan is working through options for achieving fish passage, primarily for tuna, over both the Matahina and Aniwhenua dam structures. The first action is to gather information on different ways that fish passage has been achieved internationally and nationally to identify some options that may be feasible in the Rangitāiki Catchment. From there, the goal is to narrow down to one or two options for each dam that could be further investigated to determine technical feasibility and ultimately design and implementation at each site in order to achieve 'hands free' fish passage for tuna to travel up- and down-stream over the dams. Financial feasibility will also need to be worked through.

This action is in its early investigative stages and is not yet at a point to go into detailed investigations of specific options. Both HEPS companies are engaged in this work through the project group and will be integral to the conversations going forward.

6 Presentation

A brief presentation will be undertaken at the meeting by both Regional Council and Trustpower staff.

7 Māori implications

The report and following presentations provide information relating to hydro-electric power schemes operating within the Rangitāiki Catchment. It provides for all parties to discuss and work together to achieve improved outcomes in the future management of the Rangitāiki River catchment, with particular regard to the habitat of tuna as well as their ability to migrate freely up and down the catchment.

Te Hekenga Nui o Te Tuna is an action plan that supports the delivery of Te Ara Whānui o Rangitāiki – Pathways of the Rangitāiki, particularly Objective 1, which supports positive implications for Māori in the long term and working with hydro-generation companies around fish passage. Te Ara Whānui o Rangitāiki is required by legislation and takes into consideration all planning documents of importance to Māori.

Steve Pickles
Regulatory Compliance Team Leader

for Regulatory Compliance Manager

2 November 2017

APPENDIX 1

65750 Matahina Fish Passage Options Report - Summary of Consultation



15 September 2017

Scott Mahupuku
Bay of Plenty Regional Council
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Whakatane 3158

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Dear Scott

Matahina HEPS – Consultation of Fish Passage Options Report

Trustpower Limited ('Trustpower') was granted a number of resource consents which authorise the maintenance and operation of Matahina Hydroelectric Power Scheme (HEPS). Consent 65750 Conditions 9 to 13 (intake screens) and 46 to 49 (fish passage) require Trustpower to prepare and submit a comprehensive report to *ensure that the Matahina Dam does not prevent the establishment and maintenance of a diadromous native fish population in the Rangitaiki River catchment upstream of the Matahina Dam.*

Trustpower is required to circulate the draft report required by conditions 9 to 13 and 46 to 49 to all parties identified in conditions 11 and 48, and allow them one month to provide a response. The draft *Matahina HEPS: Upstream and Downstream Fish Passage Options* report was circulated to all parties listed in conditions 11 and 48 on 21st March 2014. Bay of Plenty Regional Council (BoPRC) requested the Rangitaiki River Forum ('RRF') also form part of this consultation.

Trustpower was invited to give a presentation to the RRF on 26th March 2014 which summarised the findings of the report - including the recommendation of a trap and transfer system to provide downstream eel passage. Following this meeting, and as request by the RRF for further consultation, BoPRC instructed Trustpower to provide an additional opportunity for stakeholders to be consulted in relation to the report. Trustpower agreed to this.

A second round of invites to consult with the individual iwi making up the RRF were sent, however Trustpower received no responses to those invites. On the 21st July 2014 a second meeting was held with the RRF and Kokopu Charitable Trust at the Matahina HEPS. Trustpower presented an update of the draft report and discussed changes that had been made subsequent to all comments received by BoPRC and stakeholders. These changes were: 1) the addition of more information on the upstream trap and transfer system, and 2) introducing a process for setting a target for the downstream trap and transfer of eels.

On 1st August 2014 Trustpower submitted to BoPRC: 1) full copies of all stakeholder comments received, 2) a summary table detailing changes Trustpower made to the draft report in response to those comments, and 3) an updated report reflecting those changes. BoPRC provided comments on this amended report. Trustpower responded to those comments and a further amended report was resubmitted in April 2015.

BoPRC engaged Dr Jacques Boubée to independently review the April 2015 report. Dr Boubée review was provided to Trustpower on 14th August 2015 and sought greater clarity on a number of matters which resulted in direct consultation with the Kokopu Charitable Trust and Tuwharetoa.

In June 2016 the RRF endorsed *Te Hekenga Nui o te Tuna* document and established a Tuna Steering Group which is made up of RRF members with tuna expertise. RRF representatives from Ngati Whare, Ngati Manawa, Ngati Awa and Tuwharetoa are involved in this group. Trustpower was invited to participate in a number of meetings and allowed to detail methods which will be employed to facilitate fish passage at Matahina HEPS. In October 2016 the Tuna Steering Group inspected the trap and transfer system at Matahina HEPS and sought further clarity on methods to be implemented to provide fish passage.

BoPRC and Trustpower have had a number of meetings between September 2015 and August 2017 to discuss information requests and a process for achieving certification.

The above and supporting documentation details Trustpower has undertaken a robust consultation process. Stakeholders have been given an opportunity to provide comments and amendments have been made to the report to address those concerns. Two presentations have been given to the RRF and further consultation has been undertaken via the Tuna Steering Group.

It must be noted that the methods detailed in the draft *Matahina HEPS: Upstream and Downstream Fish Passage Options* report dated March 2014 does not differ from what was lodged with BoPRC on 11 September 2017. The only differences between these two reports is that the latest version has greater detail. Condition 11 and 48 does not require Trustpower to accept comments made by stakeholders nor are we required to seek their written approval prior to lodging final report to BoPRC for certification.

BoPRC has suggested that certification may be withheld until a final presentation is given to the RRF. The methods to facilitate fish passage at Matahina HEPS have not changed from March 2014 and therefore consider that a presentation could be provided to provide an update on the progress of implementation report recommendations. BoPRC will also be aware that not all of the RRF support Trustpower's view on facilitating fish passage at Matahina HEPS.

Given the above Trustpower considers that compliance has been achieved with conditions 11 and 48 and there should be no barrier for BoPRC to provide certification of the report submitted on 11 September 2017.

Yours faithfully,

Trustpower Limited



Chris Fern

Environmental Advisor



TE RŪNANGA O NGĀTI AWA

MEMORANDUM

To:	The Chairperson, Members and Partner Organisations of the Rangitaiki River Forum
From:	Charles Bluett (Ngati Awa Customary Fisheries Authority) Beverley Hughes (Manager Policy & Strategy Environment, Economic, Social)
Date:	31 October 2017
Subject:	POTENTIAL FOR ESTABLISHING A ROHE AWA AND MAHINGA MATAITAI WITHIN THE RANGITAIKI RIVER

Purpose

The purpose of this report is to:

- promote iwi discussion on the potential for establishing a rohe awa and mahinga mataitai within the Rangitaiki River
- promote with partner organisations their contribution of relevant data, research material, maps, time and input, to inform discussions
- reinforce understanding that the establishment of a rohe awa and mahinga mataitai are provisions available to tangata whenua as initiators and applicants under the Kaimoana (Customary Fishing) Regulations
- promote understanding that gazettal of a rohe awa must precede an application for establishment of a mahinga mataitai
- generally, outline the statutory processes required of iwi for establishing a rohe awa and mahinga mataitai
- clarify that Ngati Awa Customary Fisheries Authority has invited discussion with iwi of the Rangitaiki River on the potential for establishing a rohe awa and mahinga mataitai within the Rangitaiki River
- clarify that the Ngati Awa Customary Fishing Authority wishes to promote with Rangitaiki River iwi their seeking input and participation of partners in the Rangitaiki River Forum and relevant members of the Mai Nga Kuri a Whareki Tihirau Forum members discussions, at appropriate times.

Background

At its meeting of 29 September 2017 the Rangitaiki River Forum, at the request of the Deputy Chairman Te Runanga o Ngati Awa (Tuwhakairiora O'Brien), received a presentation from Charles Bluett, Ngati Awa Customary Fisheries Authority (NACFA) on the potential for establishing a Rohe Awa and Mahinga Mataitai within the Rangitaiki River to improve the management and sustainability of tuna fishing.

Mr Bluett advised that the NACFA was responsible for the sustainable management of customary fisheries in the Ngati Awa rohe and is considering implementing a rohe awa and mahinga mataitai within the Rangitaiki River.

Rohe awa and mahinga mataitai are customary tools available to tangata whenua under the Kaimoana (Customary Fishing) Regulations.

Mr Bluett advised that the gazettal of a rohe awa must precede a mahinga mataitai application. The process for establishment of a rohe awa clearly identifies the physical extent of a river subject to the rohe awa, and the iwi with relationships with that area.

This is because an application for establishment of a rohe awa needs to demonstrate iwi with relationships with the area agree to its gazettal as a rohe awa.

Key questions arise for iwi at the outset of discussions on establishment of a rohe awa, including:

- Where shall a rohe awa be established and why?
- Which iwi should be involved in discussions and why?
- What is required for gazettal as a rohe awa and why?
- What will gazettal as a rohe awa achieve?
- What will be required of each iwi with relationships with the subject area and what would they need to agree?
- What strengths, weaknesses, opportunities and threats arise in the establishment of a rohe awa and how are these proposed to be addressed.

Key questions arise from the outset of discussions on the establishment of a mahinga mataitai, including (but not limited to):

- Where shall a mahinga mataitai be established and why?
- Who should be involved in discussions and why?
- What management and sustainability issues affect the subject area?
- What evidence supports the identification of those issues?

Information from iwi, relevant data including from statutory acknowledgements, iwi planning documents and other sources will contribute to discussions.

Involving Iwi in Discussions

Several iwi have relationships with the Rangitaiki River.

While most have settled historic grievances with the Crown including having achieved statutory acknowledgements of their relationships with various (and overlapping) lengths of the Rangitaiki River, those iwi that have not yet achieved settlement but have expressed their relationships with the Rangitaiki River remain entitled to participate in discussions and decision-making.

Currently, documents including statutory acknowledgements and iwi management plans can help identify iwi and the extent of the river with which they hold a relationship.

For example, the attached maps show the physical extent of the Ngati Awa statutory acknowledgement (Appendix 1) and Ngati Tuwharetoa BOP (Appendix 2) statutory acknowledgements of their respective (and overlapping) relationships with parts of the Rangitaiki River.

These two examples do not show the other iwi that have asserted relationships with the Rangitaiki River in their iwi planning documents but merely illustrate the need for clarity about where and who to involve in discussions.

What Iwi would we need to do?

Iwi would need to meet to discuss the questions identified in this report.

Planning for that engagement is required.

It is likely there would be a need for iwi to identify a suitably qualified, experienced and available person or persons to convene iwi meetings, research data, make maps, note discussion outcomes, strategize and identify next steps, enlist the support and input of partner organisations,

prepare reports, collate data from iwi and statutory organisations and work with iwi in the development of applications, in the event a decision to lodge is reached.

Costs associated with these tasks would also need to be covered.

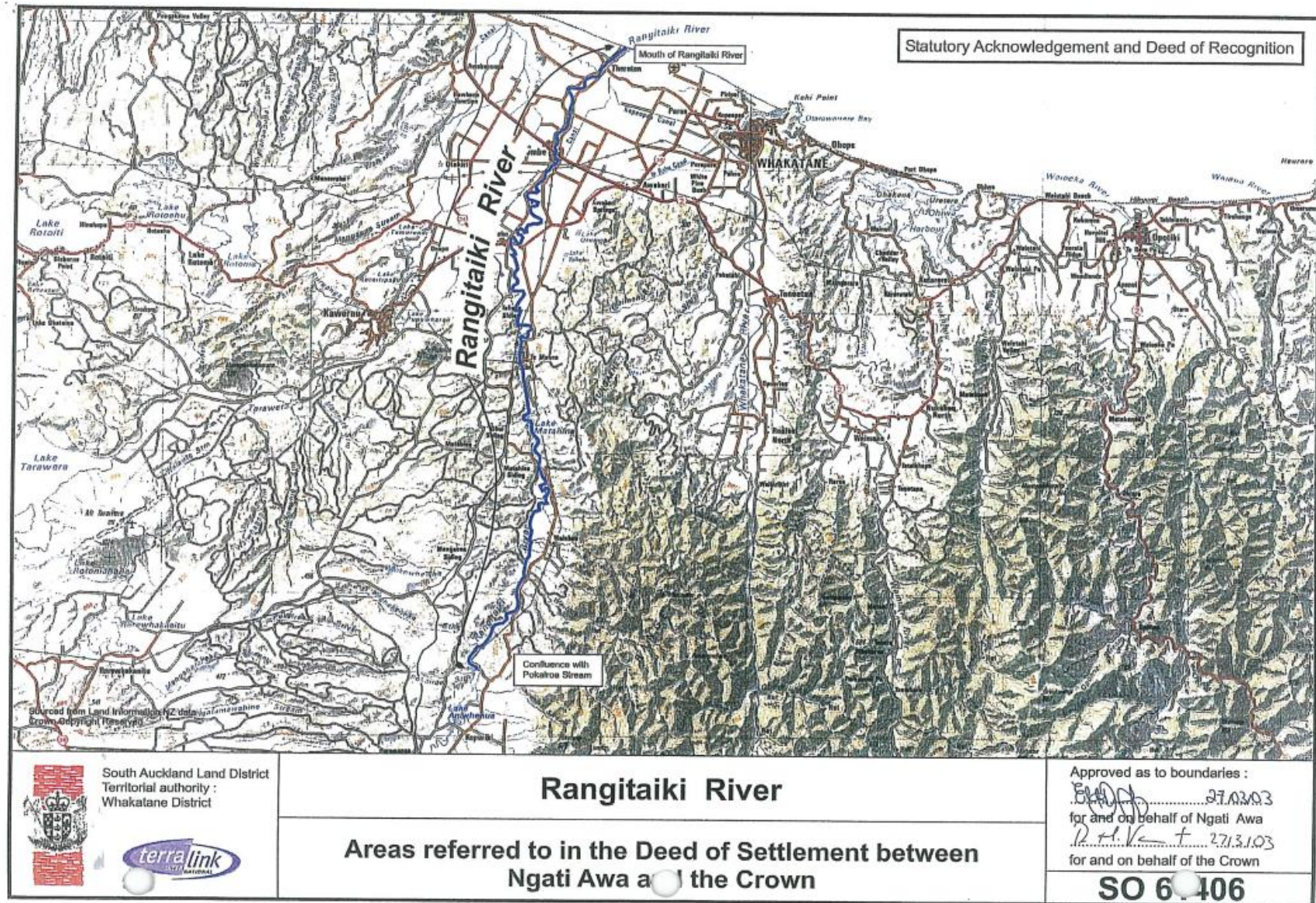
Recommendation

That the Rangitaiki River Forum receives this report.

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Appendix 1



Appendix 2

