

Ruapuke Island Group Mātaaitai Application

17 June 2024

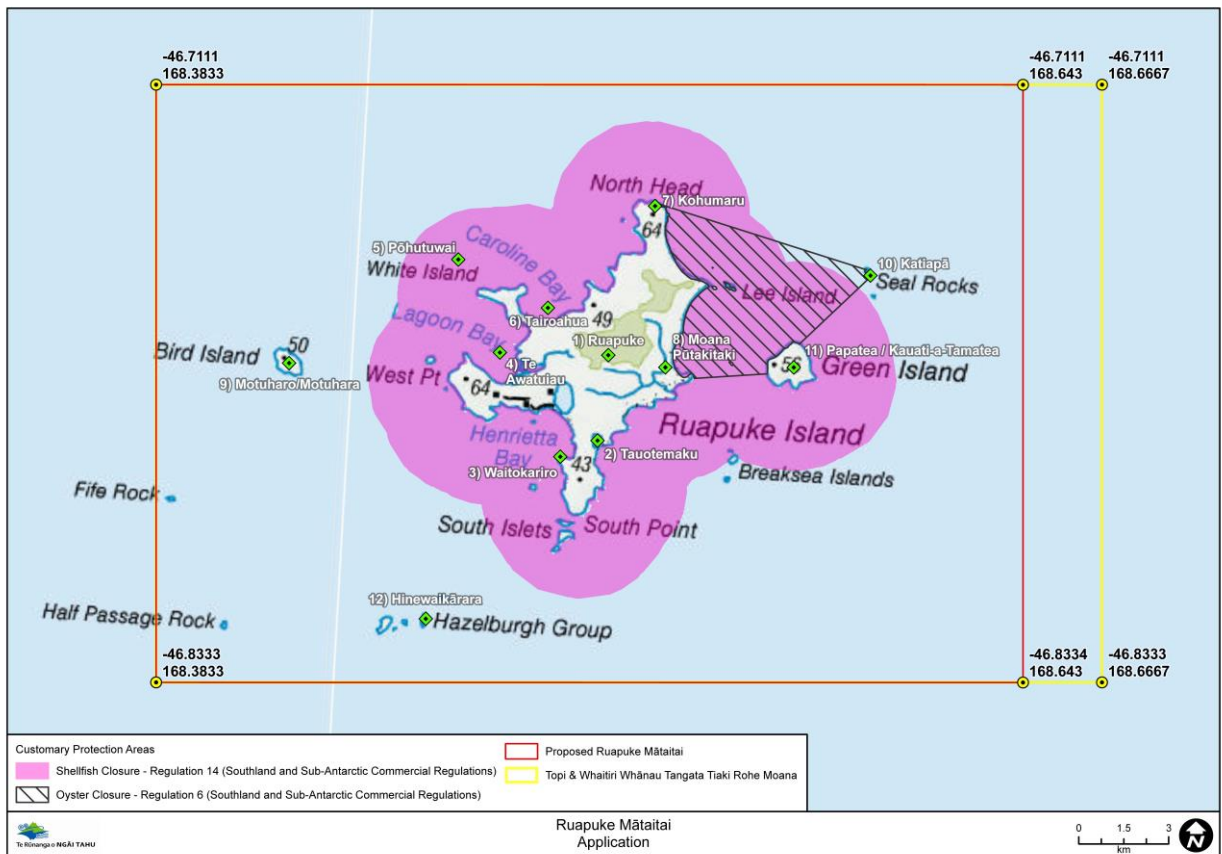
1.0 Applicants

Topi Whānau, Whaitiri Whānau and Te Rūnaka o Awarua as nominating authorities on behalf of the landowners who hold tino rangatiratanga, manawhenua, manamoana of the Ruapuke Island Group.

2.0 Area of Application (traditional fishing grounds)

The mātaimitai area covers the key traditional fishing grounds within the gazetted customary food gathering area/ rohe moana for the Topi Whānau and Whaitiri Whānau Tangata Tiaki/Kaitiaki, within the following coordinates set out in Map 1 below:

Map 1 – Ruapuke Mātaimitai application area



3.0 General aims of management

- ❑ To restore fisheries resources so that an abundant, healthy and regenerating supply of mahinga kai is available to the whānau of the Ruapuke Island Group intergenerationally mō āke tōnu atu;
- ❑ The fisheries waters of the Ruapuke Island Group are managed as one ki uta ki tai (whilst recognising the desire of whānau to use other tools in addition to mātaimai to manage the interconnections between land and water);
- ❑ To ensure the whānau of the Ruapuke Island Group are able to exercise their tikanga and customary fishing rights.

4.0 Special relationship of the applicant with the traditional fishing grounds

4.1 Whakapapa and ahi kaa

When the Treaty of Waitangi was signed at Ruapuke, Tūhawaiki famously stated that the Ruapuke Islands were for him and his people. After signing the Treaty, Tūhawaiki asked the Crown to sign another document to acknowledge this fact. The Islands were not included in the sale of Ōtākou, Murihiku or Rakiura. The Islands have always remained in the ownership of those who whakapapa to them. Landowners are manawhenua and have continuously resided on the Islands and maintained ahi kaa.

Since 1840, the significance and claimed sovereign status of the Ruapuke Island Group has meant it sat outside most processes. While the Island Group is subject to the Ngāi Tahu Claims Settlement Act 1998, and the Local Government Act 2002 and Resource Management Act 1991 planning/management tools, in practice authorities and Te Rūnanga o Ngāi Tahu have left the day-to-day management of the lands and waters to those who are from there.

The Ruapuke Island Group has both Māori and freehold lands. The freehold lands have remained in whānau ownership and kawa dictates that they are sold only to other landowners who whakapapa to the island. In short:

- Ruapuke Island mostly consists of Māori Land. Those lands in private ownership have been sold only to those who whakapapa to the Island.
- Green Island/Papatea is Māori Land and operates under the tikanga related to mahinga kai.
- The Hazelburgh Group/Te Kauwhati o Tamatea is Māori Land and operates under the tikanga related to mahinga kai.
- Bird Island is privately owned by the landowners of Ruapuke Island and operates under the tikanga related to mahinga kai.

The Islands are privately owned by whānau, therefore, no claim was made for the Islands by Ngāi Tahu through Te Kerēme nor was the Ruapuke Island Group included in the Ngāi Tahu Ancillary Claims.

4.2 Mahinga kai – Maintaining the special relationship

Before and after 1840, the marine and coastal area has supported those living on the Ruapuke Island Group physically, culturally, spiritually, socially, and economically. Local tikanga had held for centuries that those who were from the Islands were to harvest from the waters or land on

the beaches. Commercial and customary activities in the marine and coastal area were sustainably self-managed by landowners.

Until recently, landowners were able to manage the Ruapuke Island Group, including its waters, due to its isolation and the understanding of local communities in neighbouring ports/coastal settlements of the tikanga of the Island Group. However, technological advances, specifically trailer boats that can travel across the Strait, legislative changes and the quota management system has meant that recognition by the wider public and the Crown of the sovereignty or separateness of the Ruapuke Island Group has diminished over the years.

Due to these encroachments and disregard of tikanga, landowners have been forced to ask the Crown to formally recognise their continued ownership of their lands and management of surrounding fisheries waters. The landowners seek protection of all customary rights relating to the marine and coastal area around the Ruapuke Island Group through various tools, including mātaihai for the fisheries waters component.

Mahinga kai tikanga underpins Ngāi Tahu culture. It is central to the relationships with places, species and resources, to the cultural, spiritual, social and economic well-being of Ngāi Tahu, and is a vehicle for the intergenerational transfer of traditional knowledge (mātauranga).

Mahinga kai refers to the custom of managing and gathering food, the life-supporting natural resources themselves, the practices involved and the places where they are gathered.

Mahinga kai are not a one-off resource. For an area to be used and a species harvested, the collective parts must be able to sustain themselves within a specified cycle. This cycle also determines the types and quantities of resources that can be harvested during that season. Both hapū rights and responsibilities guide mahinga kai, and hapū are expected to manage the resource so that it will be available for future generations.

As before 1840, fishing around Ruapuke Island and the surrounding offshore islands, are dominated by the cultural keystone species that these Islands are best known for including shellfish such as pāua, kina, tio (oysters), kutai (mussels) and kōura (rock lobster), finfish such as rawaru, moki and mārari (butterfish) and seaweed such as rimurapa for making pōhā.

Other mahinga kai resources gathered included tuna (eels) from the lagoons and streams on the main island, marine mammals, waterfowl (such as pūtakitaki – paradise duck from Moana Pūtakitaki), sea birds and eggs, forest birds and a variety of plant resources.

An account of some of the key mahinga kai from around the main island and the surrounding offshore islands from sources such as the Ngāi Tahu Ka Huru Manu website and Dr Atholl Anderson's *The Welcome of Strangers: An ethnohistory of southern Maori A.D. 1650-1850* and whānau mātauranga is included in the following table and in Map 1 above:

Wāhi/Area	Relationship/ Area type	# on Map	Mahinga Kai	Notes
Ruapuke	Kainga/ Mahinga Kai	1	Pāua, kina, tio, kōura rawaru, moki and mārari (butterfish).	Rimurapa is utilised by whānau for the making of pōhā to transport and to cook kaimoana.
Tauaotemaku	Kainga/ Mahinga Kai	2	Pāua, kina, tio, kōura rawaru, moki and mārari (butterfish).	

Waitokariro	Kainga/ Mahinga Kai	3	Tuna and pūtakiraki.	The Ka Huru Manu website states Waitokariro is the large lagoon on the main island.
Te Awatuiaiu	Kainga/ Mahinga Kai	4	Tuna	The Ka Huru Manu website states Te Awatuiaiu is the Māori name for Lagoon Bay and Ruapuke whānau also attribute this name to the lagoon itself.
Pōhutuwai	Mahinga Kai	5	Pāua, kina, tio, kōura rāwaru, moki and mārari.	The Ka Huru Manu website states Pōhutuwai (White Island and the headland on the main island) refers to the island disappearing in high seas when it is smothered in foam.
Tairoahua	Kainga/ Mahinga Kai	6	Tio	The Ka Huru Manu website states Tairoahua is the Māori name for Caroline Bay.
Kohumaru	Mahinga Kai	7	Pāua, kina, tio, kōura rāwaru, moki and mārari (butterfish).	The Ka Huru Manu website states Kohumara is the Māori name for North Head on Ruapuke.
Moana Pūtakitaki	Mahinga Kai	8	Tuna and pūtakiraki.	The Ka Huru Manu website states Moana Pūtakitaki lagoon is the named after the pūtakitaki (paradise duck).
Motuharo / Motuhara	Mahinga Kai	9	Pāua, kina, tio, kōura rāwaru, moki and mārari.	The Ka Huru Manu website states Motuharo / Motuhara are the traditional names for Bird Island.
Katiapā	Mahinga Kai	10	Pāua, kina, tio, kōura rāwaru, moki and mārari.	The Ka Huru Manu website states Katiapā (Seal Rocks) was named after a man who drowned there whilst attempting to travel to Ruapuke in a small waka from the mouth of the Mataura River.
Papatea / Kauati a Tamatea	Mahinga Kai	11	Pāua, kina, tio, kōura rāwaru, moki and mārari.	The Ka Huru Manu website states Papatea / Kauati a Tamatea are the traditional names for Green Island. Kauati a Tamatea – the fire-making stick of Tamatea, refers to the well-known explorer ancestor Tamatea, who stopped on the island in the Takitima waka to make fire using the kauati method (rubbing two sticks together).
Hinewaikārara/ Te Kauwhati o Tamatea	Mahinga Kai	12	Pāua, kina, tio, kōura rāwaru, moki and mārari.	The Ka Huru Manu website states Hinewaikārara is the traditional name for the Hazelburgh group of islands (Group of Nuggets).

The customary food gathering significance of the fisheries surrounding the Ruapuke Island Group was acknowledged by the promulgation of special regulations prohibiting the commercial harvesting of all shellfish except rock lobster, tio (oysters) and paddle crab [Regulation 14 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 on Map 1] and prohibiting the commercial harvesting of tio [Regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986 on Map 1].

The customary food gathering significance of the fisheries surrounding the Ruapuke Island Group is documented in the Ngāi Tahu Waitangi Tribunal evidence, including the evidence of Dr George Habib and Dr Murray Bathgate.

The value of mahinga kai from the Ruapuke Island Group has been documented by historians and anthropologists, including Dr Atholl Anderson in *The Welcome of Strangers: An ethnohistory of southern Maori A.D. 1650-1850*, who highlighted the adjacent settlements at Ruapuke, Tauaotemaku, Tairoahua, Waitokariro and Te Awatuiaiu that relied on this mahinga kai.

The value was also acknowledged by the WAI 27 Waitangi Tribunal Report in 1991 on the Ngāi Tahu Claim and substantiated by the Ngāi Tahu Claims Settlement Act 1998 provisions such as the Coastal Statutory Acknowledgement from Te Ara a Kiwa.

The Ruapuke Island Group also featured significantly in interviews with Ngāi Tahu kaumātua, Tangata Tiaki/Kaitiaki and fishing experts during the 'areas of significance' identification phase of the Ngāi Tahu Customary Fisheries Protection Areas Project.

5.0 Tangata Tiaki/Kaitiaki to be appointed

Up to seven (7) Tangata Tiaki will be appointed if the mātaimai application is approved by the Minister.

6.0 Proposed conditions

There are several proposed exceptions to the general prohibition on commercial fishing within the mātaimai. The proposed conditions are as follows:

- (a) The anchoring of commercial vessels in the mātaimai (for avoidance of doubt);
- (b) The processing of commercial fish in the mātaimai;
- (c) The landing of commercial fish in the mātaimai;
- (d) The commercial taking of rock lobster in the mātaimai;
- (e) The holding of rock lobster in holding pots in the mātaimai;
- (f) The commercial taking of finfish in the mātaimai (except butterfish and moki);
- (g) The commercial taking of butterfish and moki by spearfishing;
- (h) The commercial taking of tio (oysters) in the mātaimai – for the avoidance of doubt this exemption will only operate outside of the existing commercial prohibition area shown on Map 1 (Regulation 6 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986);
- (i) The commercial taking of pāua and kina in the mātaimai – for the avoidance of doubt this exemption will only operate outside of the existing commercial prohibition area shown on Map 1 (Regulation 14 of the Fisheries (Southland and Sub-Antarctic Areas Commercial Fishing) Regulations 1986).

7.0 Proposed non-commercial bylaws

Bylaws will be proposed by the appointed Mātaimai Tangata Tiaki if the mātaimai application is approved by the Minister. These are likely to include, for example, seaweed and shellfish gathering prohibitions (species that form the base blocks of the food web), shellfish and finfish

bag limit reductions, method restrictions, area closures and potentially size limit increases and recreational reporting.

Bylaws will be formulated using the best available information including the local knowledge of customary, recreational and commercial fishers and scientific monitoring such as the recent assessment of pāua stocks conducted by researchers from the University of Otago.