

Ngāi Tahu Customary Fisheries Protected Areas Project

This project is being conducted by Toitū Te Whenua to facilitate the establishment of a co-ordinated network of customary fisheries protection areas, spread throughout the Ngāi Tahu Whānui Takiwā. This process will ensure Ngāi Tahu maximise the effectiveness of customary protection areas both individually and collectively, whilst minimising the impact on the commercial fishing assets of the tribe.

Ngāi Tahu Whānui are well aware that it is not possible to protect all traditional fishing grounds using customary protection tools and each established area management tool will impact on the establishment of any other within a given quota management area. It was therefore essential that Ngāi Tahu Whānui acknowledged this **cumulative effect** and co-ordinated and planned the establishment of area management tools in order to protect the most significant mahinga kai areas and to ensure a good spread of customary protection is achieved around the entire takiwā.

Objectives

The objectives of this project are to:

1. Identify significant customary fisheries areas within the Ngāi Tahu Whānui Takiwā.
2. Identify a prioritised list of key areas to be protected that ensures a well spread network of customary fisheries protection areas is established throughout the entire takiwā.
3. Identify the appropriate protection mechanism for the list of key areas identified in Objective Two and to then compile, lodge and support applications for the establishment of these mechanisms.

Methodology

Toitū Te Whenua conducted extensive background research through a range of references including the tribal archives, publications and relevant Ngāi Tahu policy documents and the customary fisheries of significance that were identified were mapped using the Toitū Te Whenua GIS.

An inventory of existing customary protection areas was compiled by Toitū Te Whenua.

Ngāi Tahu Tangata Tiaki/Kaitiaki and key Ngāi Tahu individuals assessed the areas of significance and the inventory of existing protected areas in order to identify further areas that should be protected. A prioritised list was then developed for the areas identified.

Ngāi Tahu Tangata Tiaki/Kaitiaki and key Ngāi Tahu individuals then selected the appropriate protection mechanism for each area that was identified.

Results

a) Significant Customary Fisheries Areas

As expected, the traditional fishing grounds identified are spread throughout the takiwā from the mountains to the sea (Ki Uta Ki Tai). Most inland water bodies were identified due to the particular importance of freshwater fisheries resources supporting Ngāi Tahu's migratory mahinga kai lifestyle. The coastal areas identified tend to occupy fisheries in bays, harbours, estuaries, peninsulas and inshore reef areas generally.

An analysis of the Ngāi Tahu customary fisheries evidence that was used before the Waitangi Tribunal (WAI 27) indicates a particularly strong correlation between the permanent and seasonal settlements of Ngāi Tahu tūpuna dispersed throughout the takiwā and the location of important freshwater, coastal and offshore fishing grounds. This correlation is once again reflected in the areas of significance identified in the report.

b) Inventory of Existing Customary Protection Areas

There is an extensive array of marine protected areas and area-based restrictions throughout the Ngāi Tahu Whānui Takiwā. However, not all these mechanisms will protect customary fisheries and provide enhanced access for customary fishing.

For the purposes of this planning exercise, a customary fishing protection area was defined as an area that:

- ❑ Has been created through legislation (using the LAW to give effect to the LORE);
- ❑ Provides protection in perpetuity;
- ❑ Protects customary fisheries and/or fishing resources; and
- ❑ Enhances access for customary fishing.

A number of area restrictions meet this standard such as Mātaitai Reserves; areas vested in Te Rūnanga o Ngāi Tahu through the Ngāi Tahu Claims Settlement Act (eg. Te Waihora – Lake Ellesmere) and regulatory restrictions on commercial (or amateur) fishing for 'inshore' and freshwater fish stocks.

Interestingly, our Taiāpure did not meet the protection standard in their current state. Nor did Marine Reserves, National Parks and DoC Reserves.

Selection of areas for protection

A number of areas were selected for protection. Three major criteria were considered in identifying the areas selected for protection:

- ❑ The need to ensure an appropriate spread of protection throughout the takiwā so that all Papatipu Rūnanga receive some form of customary protected area if they chose to participate;
- ❑ The need to protect a range of fisheries resources from the mountains to the sea (ki uta ki tai) wherever possible;
- ❑ The need to protect traditional fishing grounds that have contemporary significance.

Identifying the appropriate protection mechanisms

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The choice of tool was influenced to a certain extent by the potential impacts on other stakeholders (in particular commercial quota owners). However, the overriding factor for the choice of tool was the exercise of rangatiratanga and the recognition and provision of manawhenua/ manamoana.

The Mātaitai Reserve mechanism was a common tool identified for implementation, as in comparison to a taiāpure, a mātaimai:

- Has more flexibility in the locations where it can be established;
- Has clearly defined and pragmatic establishment provisions that allow establishment of the tool within a realistic timeframe;
- Has far more limited criteria upon which the Minister of Fisheries has the discretion to decline an application;
- Provides far greater autonomy to Tangata Whenua and their Tangata Tiaki/Kaitiaki for the implementation of fishing rules;
- The customary managers (Tangata Tiaki/Kaitiaki) are accountable primarily to the Tangata Whenua not the Minister of Fisheries.

Fisheries regulations prohibiting the commercial harvesting of certain key mahinga kai species were also chosen. Due to the extremely bureaucratic process for establishing taiāpure and the lack of autonomy for implementing fishing rules once they are established, no new taiāpure were chosen for implementation in any of the areas identified for protection. However, taiāpure regulations were identified for implementation within existing taiāpure.

Implementation

Applications

Toitū Te Whenua and the Ngāi Tahu Pou Takawaenga and Pou Hononga team within MFish are currently busy drafting the many applications that need to be made. These will be lodged with MFish during the year once each Papatipu Rūnanga applicant believes they have conducted the appropriate information sharing with their communities.

Information sharing

Toitū Te Whenua and the Ngāi Tahu Pou Takawaenga and Pou Hononga team within MFish are also currently supporting each Papatipu Rūnanga applicant to communicate their intentions with the key individuals and fishing stakeholders in their communities. A range of methods may be used including pānui, hui, the use of core resource materials (pamphlets, factsheets, video and a school resource), publications and media releases.

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