OFFICIAL

IN THE WAITANGI TRIBUNAL WAI 898

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Rohe Pōtae District Inquiry

EVIDENCE OF MEI HARDY BIRCH

Dated 9 June 2014

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Koröria ki te Atua i runga rawa, he maungarongo ki te mata o te whenua, he whakaaro pai ki ngä tängata katoa. Tënä tätou katoa.

Ko te papa rangi, me te whäea whenua, e ngä mea katoa ki waenganui, ngä mihi. Ka huri oku whaakaro e ngä mate e pikau nei, ka mahara mätou. Ka huri oku whaakaro e ngä hungä ora.

Tënä koutou ngä kui mä, ngä koro mä, e noho ake nei hei whakaruruhau mö mätou, ka nui te aroha ki a koutou.

Tënä koutou ngä whanau, ngä hapü, ngä Iwi ki roto i te Rohe Potae,ka mohio ana au i roto tenei wa o te uaua. Te tiaki hoki tetahi ki tetahi, kia mäia, kia kaha, kia manawanui.

Tënä koutou ngä mema, me nga kai mahi te Röpü Whakamana i te Tiriti o Waitangi, i ö koutou manawanui, i ö koutou kaha ki te kaupapa kia puta ki te whai ao ki te ao märama.

Kua tae mai i konei i tenei ra i roto i te wairua o taua wawata, me te tumanako atu e te taunakitanga i ngä whakaatu e. E kore au i konei i, au i te wahine ke ki tenei whenua.

Toku papa ko i te Tai Tokerau, na reira:

Ko Whakarongorua te maunga

Ko Utakura te awa

Ko Hokianga whakapau karakia te moana

Ko Mokonuiarangi te marae

Ko Te Popoto te hapü

Ko Ngä Puhi te Iwi

Toku mama ko i te Tai Rawhiti, na reira:

Ko Mätiti raua ko Mäkeo ngä maunga

Ko Waioweka raua ko Waiaua ngä awa

Ko Te Moananui ä Toi te moana

Ko Öpeke raua ko Omarumutu ngä marae

Ko Ngäti Irapuaia raua ko Ngäti Rutakena ngä hapü

Ko Whakatöhea te Iwi

Ko Meirene Hardy-Birch taku ingoa, ko Trevor Birch taku hoa rangätira, kua whakaarahia i whitu tamariki a ka whai rima mokopuna, me rua atu e tika ana i roto i te nuku. E noho ana au ko Taupo.

E mahi ana au ki te Tari o Te Papa Atawhai ko Kaihautū- Kāhui Matarautaki me te rohe ko Te Puku o te Ika. No reira kua mutu taku korero, engari kia mihi atu kia mihi mai.

Tënä koutou, tënä koutou, tënä tätou katoa.

1. My name is Meirene Hardy-Birch. I am the Director, Conservation Services based in the Central North Island region for the Department of Conservation (DOC) / Te Papa Atawhai. I am authorised by DOC to give this evidence on its behalf.

2. I have been in my current role since 2nd September 2013. I began my career working for DOC on 16th January 1995. I was employed as a temporary employee as part of the then Task Force Green programmes in New Zealand. I worked in the Tourism Green II project team which was tasked to complete track upgrades, track realignments, construction of bridges and broad walks based in the Waipoua Forest, Northland. As a temporary employee I was also tasked other duties outside the scope of the project and was fortunate enough to participate in other work programmes such as goat culling, possum trapping, pest plant control, fire fighting and kiwi monitoring. In June 1996 I left DOC and worked in an accountancy firm as a clerk and did not return to DOC until October 1999. Since then I have had the opportunity to do a diverse range of field and office based roles ranging from the humble toilet cleaner to my last role being the Area Manager for the Kauri Coast Area Office, within the Northland Conservancy.

3. As Director, Conservation Services, I report to the Deputy Director-General Conservation Services (Kevin O'Connor). The primary purpose of my role as Director, Conservation Services, is to drive a culture of operational excellence focused on managing conservation assets and delivering conservation on the ground. It is best explained in four key focus areas:

   3.1 Deliver on conservation work plans in the fields of ecosystems, species, historic heritage and recreation;

   3.2 Ensure that works plans meet standards of quality, safety, and cost effectiveness;

   3.3 Support current and new relationship initiatives, and manage the practical side of those initiatives, so that conservation work on the ground is implemented successfully; and

   3.4 Continuously improve the effectiveness and efficiency of conservation work methods.

4. The Central North Island region includes approximately 1,190,000 hectares of public conservation land (including all North Island national parks) as well as four marine reserves. A map of the region is attached to this brief of evidence as **Attachment 1**. Within this region, DOC manages almost 2,700 kilometres of tracks and almost 9,000 visitor assets.

5. The Central North Island region is made up of 7 partnership districts. I lead a team of 11 Conservation Service Managers who are based in these 7 partnership districts. Each of the Conservation Service Managers leads a team of Rangers who are focused on carrying out the delivery of the work plans in the fields of ecosystems, species, historic heritage and recreation. The Rangers could be doing work such as track maintenance, trapping possums, rats and stoats, monitoring populations of kiwi and interacting with the public daily on a wide range of conservation topics and issues. The Managers and Rangers also engage a number of contractors to undertake specific work associated with the required work plans. For example contractors are sourced to complete goat, possum, and pest plant control work. In addition, specific skills that DOC does not hold are also sourced such as builders or electricians when building and renovating huts, or engineers when constructing or maintaining bridges or car parks.

6. In Te Rohe Potae Inquiry District, DOC administers over 155,000 hectares of public conservation land. A map of the public conservation land managed within the Inquiry District is attached as **Attachment 2**. The majority of these lands are administered as part of my region. However, the lands from Kawhia Harbour northwards are within the Northern North Island region for which my colleague Chris Jenkins is the Director, Conservation Services. A map showing the public conservation land within the Inquiry District, along with the boundaries of the DOC regions, is included in Attachment 1.

7. The land within the Inquiry District comes under the responsibility of six Conservation Services Managers and their teams which are made up of a total of 73 Rangers. They are listed as follows:

7.1 Waikato District

Team Name:	Waikato Services Team

Team Location:	5 Northway Street Te Rapa, Hamilton
Team Structure:	1 x Conservation Service Manager 16 x Conservation Service Rangers
Geographic Description:	From Port Waikato to south of the Firth of Thames through to Kawhia harbour to south Waikato, west of the Kaimai Range. Raglan and Aotea Harbours.
Portfolio of work includes:	Ecosystems, species, historic and recreation work. Waikato wetlands, the Waikato River and catchments. Pirongia Forest Park, Hakarimata Scenic Reserve, support for significant Maungatautari Ecological Island community project.

7.2 King Country / Taupo District

Team Name:	Maniapoto Biodiversity Team
Team Location:	78 Taupiri Street, Te Kuiti 198 Barryville Road, Pureora
Team Structure:	1 x Conservation Service Manager 8 x Conservation Service Rangers
Geographic Description:	Part of South Waikato and King Country regions, Pureora Forest Park, Whareorino, the karst landscape associated with Waitomo and the coastal area between Mokau and Kawhia.
Portfolio of work includes:	Ecosystems, species and Pest Control

Team Name:	Maniapoto Recreation Team
Team Location:	78 Taupiri Street, Te Kuiti 198 Barryville Road, Pureora
Team Structure:	1 x Conservation Service Manager 8 x Conservation Service Rangers

Geographic Description:	Part of South Waikato and King Country regions, Pureora Forest Park, Whareorino, the karst landscape associated with Waitomo and the coastal area between Mokau and Kawhia
Portfolio of work includes:	Historic and recreation work including the Waitomo Glowworm Caves and the new Timber Trail

Team Name:	Central Plateau Services Team
Team Location:	Turanga Place, Turangi
Team Structure:	1 x Conservation Service Manager 12 x Conservation Service Rangers
Geographic Description:	Forests and reserves of the Lake Taupo Catchment and parts of the central plateau
Portfolio of work includes:	Ecosystems, species, historic and recreation work. Lake Taupo and surrounds, Kaimanawa Forest Park, Waiouru, Hihitahi and Paengaroa, the portion of Tongariro National Park north of Lake Rotoaira including Lake Rotopounamu. This includes geothermal areas, two cycleways, a Mainland Island.

7.3 Taranaki District

Team Name:	Taranaki Services Team
Team Location:	55A Rimu Street New Plymouth
Team Structure:	1 x Conservation Service Manager 17 x Conservation Service Rangers
Geographic Description:	Taranaki coast and inland Taranaki, Egmont National Park and southern Taranaki communities including Patea
Portfolio of work includes:	Ecosystems, species, historic and recreation work. New Plymouth, Taranaki marine, Mokai River to Patea, north Taranaki forests, Mount Taranaki, southern Taranaki communities, inland forests

7.4 Whanganui District

Team Name:	Whanganui Services Team
Team Location:	34-36 Taupo Quay, Whanganui Owairua Road, Pipiriki Cherry Grove, Taumarunui
Team Structure:	1 x Conservation Service Manager 12 x Conservation Service Rangers
Geographic Description:	Whanganui National Park, Pipiriki, Taumaranui and surrounding conservation areas
Portfolio of work includes:	Ecosystems, species, historic and recreation work. Whanganui National Park, Waitotara and Matemateonga forests, plus Whanganui River and associated tributaries. This includes the Whanganui Great Journey, Mountains to Sea Cycleway and the Kia Wharite biodiversity project

8. These teams were created as a result of DOC's restructure that took effect on 2 September 2013. The geographic location of these teams is based around significant areas of public conservation land and existing office locations.

9. One of DOC's strategies for achieving delivery of conservation work across team boundaries is for the planning of biodiversity, recreation, and historic work to be undertaken at a regional level, rather than within each Services Team. Within the Central North Island region, for instance, there is a Conservation Services planning team of around 15 located in the Taupo regional office. The individual Conservation Services Teams are then responsible for undertaking the work that has been planned.

10. The Tribunal will hear evidence from my colleague David Speirs about the Conservation Partnerships structure as it affects the Inquiry District. David and I work closely together to provide operational leadership for the Central North Island region. We both have a strong focus on relationships within Te Rohe Potae, in particular with our Treaty partners. Other important relationships include regional councils, district councils, enlarged rural fire authorities, conservation boards, and the many stakeholders who are interested in the management of public conservation land.

SCOPE OF MY EVIDENCE

11. In this evidence I will respond to a number of topics that have been raised by claimants, referred to in the statements of evidence or identified as issues by the Waitangi Tribunal. My evidence will broadly cover:

    11.1 DOC engagement with tangata whenua within Te Rohe Potae;

    11.2 Use of 1080;

    11.3 Significant conservation programmes affecting lands within the Inquiry District; and

    11.4 DOC's advocacy under the Resource Management Act (the RMA).

12. I will provide some high level statements about DOC's role with regard to these topics and will then present several case studies relating to the Inquiry District. As I have been in my role for only 9 months, I have no direct experience of the history of these case studies. Therefore, I will be calling on the support of experienced DOC staff and managers to help provide responses to questions that may be raised by the Tribunal or by counsel.

ENGAGEMENT WITH TANGATA WHENUA WITHIN TE ROHE POTAE

13. Public conservation lands and waters in the Inquiry District contain a rich historical and cultural heritage. DOC recognises the role of tangata whenua as kaitiaki and acknowledges their mana whenua, the special relationship they have with the land and its resources. DOC also recognises that some of the most important wāhi tapu sites and places of ancestral significance in the Inquiry District are on public conservation land.

14. As noted in the evidence provided by my colleague Jeff Flavell at paragraphs 43-47, the Conservation Act 1987 and all the Acts listed in its First Schedule must be interpreted and administered to give effect to the principles of the Treaty of Waitangi.

15. DOC has sought positive, collaborative relationships with tangata whenua within Te Rohe Potae since DOC was established in 1987. Such collaborative relationships have been central to contributing to the success of programmes for protecting natural and historic resources, and facilitating public access to public conservation lands.

16. These relationships with tangata whenua vary, and take a unique form with different whanau, hapū and Iwi, and with respect to individual places, species or resources. Our engagement with whanau, hapū and Iwi has spanned a variety of mechanisms ranging from formal to informal; verbal to written; hui-a-iwi to one-on-one conversations.

17. In many instances, DOC has sought advice from tangata whenua about who best to engage with at particular places or on particular projects. For example within the tribal lands of Maniapoto, DOC has been guided by the Maniapoto Maori Trust Board to engage with the Maniapoto Regional Management Committees (RMCs), which represent various marae and have local expertise in dealing with environmental issues. In turn, those RMCs may have directed DOC to engage with individual marae or whanau who exercise kaitiakitanga over particular resources. In other situations, DOC may engage directly with individual Māori landowners. The appropriate opportunities for engagement with tangata whenua have been worked out on a case-by-case basis.

18. DOC recognises that effective partnerships with tangata whenua help to achieve conservation of natural resources and historic and cultural heritage. It is hoped and anticipated that the Treaty of Waitangi settlement process will aid in creating enhanced working relationships with Te Rohe Potae Māori.

SIGNIFICANT CONSERVATION PROGRAMMES IN TE ROHE POTAE

19. Some of the issues raised within the Inquiry relate to an allegation that the Crown has failed to actively protect lands, resources and other taonga of significance to Te Rohe Potae Māori.

20. From a conservation delivery point of view, the conservation programmes identified in the case studies below have been undertaken with objectives that include protecting the lands, forests, waters and the species that live in them, enhancing the ecosystems servicing they provide, as well as developing the recreation opportunities and sharing the stories of our history.

21. I acknowledge that some claimants have expressed concerns with the Crown's use of 1080 for pest control (e.g. Frank Thorn (N51), Malibu Hamilton (M26(b))). My colleague Jeff Flavell's evidence, at paragraphs 160-179, discusses DOC's national perspective on the use of 1080 and I will not repeat this policy perspective in my evidence. However, as I set out below, 1080 has

been used within the Inquiry District for many years with beneficial results for conservation protection, including restoring the health and wellbeing of forests. We will continue to engage with tangata whenua when considering pest control methods for future initiatives.

22. I also acknowledge that DOC has not been able to actively protect all the lands, forests waters and species held within public conservation land in the Inquiry District. This is due, in part, to the finite resources available for conservation delivery work. DOC prioritises its programmes of work for sites with high natural heritage, historic and recreation values, which means that other areas on public conservation land may not be actively managed, or may only be subject to infrequent monitoring.

23. As part of the partnerships model that will be outlined by my colleague David Speirs' evidence, DOC looks forward to further engaging with Treaty partners, communities and businesses to ensure that more conservation work can be done over time.

DOC'S ADVOCACY UNDER THE RESOURCE MANAGEMENT ACT

24. As set out by my colleague Jeff Flavell's evidence at paragraph 185 DOC has a statutory function to advocate for the conservation of natural and historic resources generally. Within the Inquiry District, DOC has exercised this advocacy role in resource consenting processes under the RMA, for example.

25. There has been a concern expressed through the Inquiry that DOC's involvement in RMA processes has impeded the interests of private landowners in the Taharoa C block (Shirley Tuteao Brief, J16). In response, I can confirm that the Director General of Conservation did submit on the proposal to establish the Hauauru ma Raki wind farm on the Proprietors of Taharoa C Block's traditional land near Raglan. DOC's involvement in this matter concerned the potential for adverse effects on migrating shorebirds due to the establishment of wind turbines at this location.

26. Taharoa C's consultants first met with DOC in October 2005, some 5 months prior to notification of the application. Concerns were raised by DOC, at this time, about potential adverse effects on avifauna, including dotterels resident on the beach and birds using Kawhia Harbour. At this meeting, DOC advised Taharoa C's consultants that conditions on the consent could address the

matters of concern. DOC's concerns were again raised at pre-hearing consultation in May 2006.

27. The Director General submitted on the wind farm proposal and DOC staff presented submissions at the hearing. Subsequently, the Waitomo District Council granted consent for the establishment and operation of the wind farm.

28. The Director General of Conservation lodged an appeal to the Environment Court, on the basis of DOC's concerns about potential effects on avifauna. DOC and Taharoa C then engaged in discussions which allowed them to agree on a package of measures to address DOC's concerns. The appeal was decided by consent order on 17 August 2011, which included revised resource consent conditions.

CASE STUDIES

29. My evidence now moves to discuss several case studies within the Inquiry District:

29.1 Pureora Forest;

29.2 Pirongia;

29.3 Te Araroa Trail;

29.4 Aotea Heads;

29.5 Whareorino;

29.6 Karewa Island;

29.7 Waitomo;

29.8 Mokau River Mouth; and

29.9 Tangitu Scenic Reserve.

Pureora Forest Park

30. Several briefs of evidence from claimants refer to Pureora Forest Park (e.g. Terewai Awhitu (N23); Steven Wilson (Q25); Thomas Tuwhangai (R13); Wayne Houpapa (R7)). The majority of the Pureora Forest Park is within the Inquiry District. As a whole, the forests of Pureora are among the last

remnants of the extensive podocarp forests that once covered much of the Central North Island. These podocarp forests range from 400m to 1200m above sea level and encompass a wide range of forest types and habitats. While lowland to mid-altitude podocarp forests dominate the landscape, other important ecosystems are also present, including subalpine forest, remnant silver beech (*Lophozonia menzeisii*) forest, shrublands, grasslands, temperature inversion frost flat shrublands and wetlands/mires.

31. The forests of Pureora allow us a glimpse into what was once abundant across the Central North Island. Curiosities of plant and birds now lie within, such as the threatened plant *Dactylanthus taylorii* (commonly known as woodrose or Flower of Hades, and the green mistletoe (*Ileostylus micranthus*) which are found there. Wetlands host rare plants, including the at risk stout water milfoil and threatened water brome. The frost flat ecosystems provide a home for threatened plants, including Turner's kōhūhū (*Pittosporum turneri*) and the New Zealand daphne (*Pimelea tomentosa*).

32. A key feature at Pureora is its native wildlife, particularly the abundant birdlife, such as kererū/New Zealand pigeon, and toutouwai/North Island robin. The threatened kārearea /New Zealand falcon, North Island brown kiwi, yellow-crowned kākāriki (*Cyanoramphus auriceps*) and whio/blue duck are present, along with stronghold populations of the threatened North Island kākā and North Island kōkako.

33. The forests of Pureora are also home to the threatened pekapeka/long and short-tailed bats, with the short-tailed bat being particularly significant for its association with *Dactylanthus taylorii*. Also the at risk peketua/Hochstetter's frog, along with a small reintroduced population of the threatened Archey's frog.

34. Pureora provides a suite of recreation opportunities that are easily accessible by the large urban population in the central and upper North Island; an example is the Timber Trail located in Pureora Forest Park. This track forms part of the New Zealand Cycle Trail (Nga Haerenga) and provides multi-day recreational cycling and walking experiences from Pureora Village, southwards to Ongarue, near Taumarunui.

35. Over the past two decades DOC has undertaken a great deal of work aimed at protecting the health and wellbeing of the lands and waters within the Forest Park. One of the most significant projects has been pest control over the Waipapa Ecological Area, in the northern part of the Forest Park, using aerial application of 1080 and ground baiting. This work has controlled possums, rats and stoats within the Ecological Area and has allowed native fauna and flora to thrive. The Ecological Area is now one of the two places on the North Island mainland where kākā, kākāriki, kereru and kokako can be seen together in the same forest.

36. DOC acknowledges that tangata whenua of the Inquiry District have a close connection to the lands and waterways within the Forest Park, and has sought to establish close working relationships with tangata whenua, including with Rereahu, Pouakani, and with marae and whanau represented by several Maori Trusts and incorporations.

37. DOC has greatly appreciated the commitment and assistance from whanau, hapū and Iwi towards progressing conservation initiatives in the Forest Park, for instance, relocating threatened species from Pureora to island and mainland sanctuaries, building the Timber Trail cycleway; and locating a radio transmitter on Pureora Maunga.

38. The relationship between Managers and Rangers in DOC and the late Piripi Crown provides an example of one person who has been key to the success of conservation work at Pureora. Mr Crown was a kaumatua for Rereahu and other iwi in the Pureora area. He was part of the Rereahu Regional Management Committee and was its Chair for many years. He had a long connection to the Pureora Forest Park, and was often a first point of contact for rangers and managers to test the practicalities, from a tribal viewpoint, of projects across our biodiversity, recreation and historic heritage work. With his passing, DOC has needed to strengthen its relationships with other key individuals within the tribal groups who are connected to the Pureora Forest Park.

39. DOC is focused on growing its relationships with whanau, hapū and Iwi in relation to Pureora. These opportunities will include the commitments set out in the various Crown Treaty settlements with the historical owners. A current

example where growth in the relationship is occurring is with the Maraeroa A and B Blocks settled in 2012. This settlement included a partnership agreement setting out how DOC and the post settlement group will work together into the future, including for protection of natural heritage and promotion of recreational and tourism opportunities. Pā Harakeke and the Maraeroa Cycleway at Pureora are two initiatives by Rereahu that contribute to conservation values and expand on the public recreation opportunities.

40. In addition, the Crown's Treaty settlement with the Pouakani People in 1999 includes a Memorandum of Understanding between the Pouakani People and the Minister of Conservation outlining how DOC and the Pouakani People shall interact in regard to the management of specified areas of Crown land and Māori-owned land in Pureora Forest Park and Pouakani Scenic Reserve. The Memorandum sets out a framework that will enable DOC and the Pouakani People to establish a healthy and constructive working relationship.

Pirongia

41. Other issues have been raised in relation to Pirongia. The Pirongia Forest Park centres on Pirongia maunga, which is the highest volcano in the western Waikato and a nationally significant landform and landscape. The maunga also offers significant recreation opportunities.

42. A large proportion of the forests on Pirongia Maunga have been identified as a priority site by DOC for the protection of representative ecosystems and species. Notable flora includes rare kaikawaka/New Zealand cedar (Libocedrus plumosa) forest at higher altitudes and the threatened Dactylanthus taylorii.

43. DOC acknowledges that Pirongia Maunga holds special significance for claimants in the Inquiry District, including as a sacred tribal landmark of great significance and for its historical importance as a hunting ground. The eastern slopes of the maunga are part of the Waipa River and Waikato River catchment, and are therefore subject to the recent enactments that provide for co-governance and co-management in respect of the Waikato and Waipa Rivers: the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Nga Wai o Maniapoto (Waipa River) Act 2012.

44. Due to the conservation values on the maunga, Pirongia has been a key site for pest control for many years. This has involved an ongoing goat control programme, aerial and ground control of possums (using 1080) and some deer surveillance.

45. DOC has engaged with whanau, hapū and Iwi around the maunga as part of possum control operations. For one of the earliest projects, kaumatua were flown onto the summit of Pirongia to bless the operation as part of an agreed process. The 18 marae surrounding Pirongia (including representatives of Ngati Hikairo) were invited to a Hui-a-Marae hosted by DOC in 2012 to consult with them on conservation programmes and plans relating to Pirongia Maunga.

46. Other initiatives on the maunga have included the establishment of huts and signs. DOC recognises the long period of involvement, support and guidance for this work from the Bell whanau dating back around fifty years. Many years ago, DOC was guided by tangata whenua that the first points of contact for issues relating to the maunga would be Sally Uerata and the late Mac Bell.

47. DOC has greatly appreciated their active involvement, support and guidance for several initiatives including the construction of Pirongia Forest Park Lodge, the planning and design of the new Pahautea Hut, and the development of signs.

Te Araroa Trail

48. DOC acknowledges that there was a problem with its consultation with whanau, hapu and Iwi in relation to the establishment of the section of the Te Araroa Trail, which crosses public conservation lands and utilised existing walking tracks in the Hakarimata Scenic Reserve, Pirongia Forest Park and Pureora Forest Park. DOC assumed that Te Araroa Trust had undertaken consultation with whanau, hapū and Iwi, and the Trust believed that DOC had done this. With hindsight, DOC would have clarified at an early stage of the planning process for the Trail whether the Te Araroa Trust was going to undertake consultation, and DOC would have then followed up with representatives of whanau, hapu and Iwi to ensure that discussions had been held. This unfortunate example provides us a lesson for the future.

Aotea Heads Scientific Reserve

49. Several briefs of evidence within this Inquiry refer to Aotea Heads Scientific Reserve. DOC acknowledges this site is of special significance to whanau, hapū and Iwi, particularly as it contains evidence of midden and pā sites. Due to these historic features, no public access is allowed to this scientific reserve.

50. The late Eva Rickard visited the Aotea Scientific Reserve with DOC staff many years ago to discuss the expectations of Iwi and assisted DOC in developing a strategy to protect this fragile ecosystem and equally fragile species contained within it.

51. At Iwi request, signage notifying of access restrictions were placed at landing points in the reserve and at the boat ramp on the adjacent side of the Aotea Harbour. Iwi provided advice on the wording for the signs.

52. On more than one occasion DOC compliance staff have responded to reports of unauthorised campers in the reserve.

53. DOC currently has a Co-Management Plan and Memorandum of Understanding with Ngäti Te Wehi for protection of the Aotea Scientific Reserve.

54. DOC staff are currently working with iwi representatives who wish to collaborate in a predator trapping programme currently in existence at Aotea Scientific Reserve.

55. DOC responds to any discovery of koiwi tangata within the Aotea Scientific by notifying tangata whenua. More particularly, on the discovery of koiwi tangata, DOC follows the following procedural steps:

    55.1 notify the Pou Kura Taiao;

    55.2 notify the tangata whenua;

    55.3 notify the police in relation to the Burial and Cremation Act 1964;

    55.4 endeavour to accommodate tangata whenua wishes and protocols, subject to any legal constraints.

Whareorino

56. Another of the significant conservation programmes within the Inquiry District has been undertaken in the Whareorino Range, west of Waitomo. This area is significant from a conservation point of view as it is one of the few locations in the western North Island featuring an intact sequence of coastal forest to montane forest. It is also one of the most significant forests in New Zealand providing habitat for the threatened Archey's and Hochstetter's frogs. The Archey's frog is found only in the Coromandel and the Whareorino Range.

57. Due to the presence of these conservation values, extensive pest control has been carried out in the Whareorino area, using goat control (predominantly ground-based) and possum control (mostly aerial application of 1080). Several pest control operations have been carried out since the 1990s, particularly in recognition of the potential for predation of the frogs and impacts on their habitat.

58. With regard to engagement of whanau, hapū and Iwi, DOC has been guided by the Maniapoto Maori Trust Board to engage with representatives of the two relevant Regional Management Committees, Hauāuru ki Uta and Mokau ki Runga. We recognise that there has been a variety of responses from whanau, hapū and Iwi to the use of 1080, ranging from support to opposition. We will continue to engage with tangata whenua regarding these 1080 operations.

59. Another significant issue for iwi and hapu in recent years has been the captive management of frogs, and the desire for scientific researchers to access live frogs and the bodies of frogs that die within captive programmes. We are striving to find practical ways to respect the wishes of tangata whenua for deceased frogs to be returned to the land whilst also recognising the need for scientific research into these rare species.

Karewa Island

60. The importance of Karewa Island has been raised in Frank Kingi Thorne's brief of evidence (N51). This site is also known as Karewa Wildlife Sanctuary and is significant for protection of marine mammals, as it contains fur seal rookeries.

61. DOC has not conducted any active management or any landings on Karewa Island in the past 20 years. We have however conducted 3-4 aerial fur seal surveys.

62. All iwi consultation obligations (endorsement of actions/karakia) contained within Marine Mammal Stranding plans have been adhered to as best we can under emergency response circumstances.

63. Consultation Hui in regards to the drafting of the Waikato Conservation Management Strategies and Maui's Dolphin Threat Management Plan have been conducted at Kawhia and Raglan communities. In the case of the West Coast North Island Marine Mammal Sanctuary a further hui was conducted on the Maketu Marae.

Waitomo

64. Another significant conservation site within the Inquiry District is the Waitomo Caves. The caves and lands of the Waitomo area have special value to Ngāti Maniapoto and hapū of Hauāuru ki Uta. This land has karst (limestone) features that are internationally renowned for their significant natural, cultural, recreational and tourism values.

65. Partnership with Iwi groups is important in the Waitomo area and DOC has a collaborative relationship with whanau, hapū and Iwi to preserve both ecological and Māori interests in the area, including those stemming from the Treaty settlement concerning the caves in 1990.

66. The Waitomo Glowworm Cave is managed in partnership by the Ruapuha-Uekaha Hapū Trust and DOC through a joint management committee. Three acres of the cave were returned to the Trust under a mediated Waitangi Tribunal claim settled in 1990. There is a lessee who operates guided cave tours and the parties share revenue from this lease in proportion to their landholding interests.

67. The joint management committee meets regularly (every three months). Due to the close working relationships and respect that have been developed over the past two decades, the committee provides a good mechanism to resolve issues and explore opportunities relating to the management of the caves.

68. Other significant relationships with whanau, hapū and Iwi around the Waitomo area include those with the Tanetinorau Opataia Whanau Trust and the Hauāuru ki Uta Regional Management Committee.

69. There have been many initiatives where DOC, whanau, hapū and Iwi and individual Māori landowners have worked closely together in recent years. These have included relocating a track in the Ruakuri reserve due to the proximity of koiwi tangata, attempts to establish a Māori reservation near the Ruakuri Cave (to protect the burial site), undertaking archaeological surveys, and other projects in the wider Waitomo catchment.

70. One of the challenges going forward is to establish formal agreements relating to management of the Waitomo Caves and their environs so that the collaborative (and often informal) relationships of the past are able to stand the test of time when individuals move on from their roles within DOC and / or from roles within whanau, hapū and Iwi entities.

Mokau River mouth

71. The importance of the Mokau River mouth, particularly for whitebait fishing, has been brought forward in briefs of evidence and research reports (e.g. Matthew Cunningham (A149)). Concerns have been expressed that DOC has not been involved in setting limits for whitebait harvesting or monitoring whitebait stands.

72. DOC has a statutory role under the Conservation Act 1987 to protect freshwater fisheries and their habitats. In relation to whitebait fishing, DOC administers the Whitebait Fishing Regulations 1994 (and the Whitebait Fishing (West Coast) Regulations 1994) which establish conditions that whitebait fishers must adhere to, such as the placement of whitebait nets and the timing of the whitebait season. The intention of these regulations is to protect the health of the whitebait fisheries and DOC undertakes numerous prosecutions concerning illegal whitebait fishing throughout New Zealand every year, including within the Inquiry District. However, DOC does not have a specific role regarding the commercial harvest of whitebait.

Tangitu Scenic Reserve

73. The evidence of Mr Haar (S29) refers to a grazing lease on the Tangitu Scenic Reserve, within the former Rangitoto-Tuhua 60 Block. I can confirm that

DOC has a grazing concession (in the form of a licence) with Mr Gemmell over approximately 9.4 hectares of the Tangitu Scenic Reserve. This grazing licence was most recently granted in 2010, and expires in 2020.

74. I note that the scenic reserve classification does not prevent the Crown from considering and granting a grazing licence over any part of the land. Mr Gemmell's licence is subject to DOC's standard terms and conditions for grazing licences, which include obligations to protect the environment, maintain public access, and to pay a concession fee.

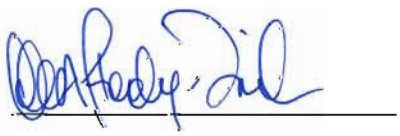
75. Mr Haar also refers to a gravel reserve within the same Scenic Reserve. My investigations indicate that DOC manages a small reserve called the Koromiko Gravel Local Purpose Reserve which may be just outside the boundaries of Rangitoto-Tuhua 60.

CONCLUDING COMMENTS

76. I recognise that DOC's relationships with whanau, hapū and Iwi have not always been perfect and I acknowledge that there are concerns raised by whanau, hapū and Iwi of the Inquiry District regarding the extent to which DOC has, or has not, engaged with them regarding the protection of natural and historic heritage. I recognise that the way DOC engages with tangata whenua could be improved and I am committed to developing these relationships with tangata whenua of the Inquiry District. Through partnerships with tangata whenua we want to achieve more protection for the lands and resources of significance to whanau, hapū and Iwi.

77. From my perspective, I believe that we have developed our thinking from the more preservationist views of the late 1980s to a more open and collaborative way of working based on establishing partnerships. Increasingly the Conservation Services teams is adapting to managing public conservation lands for a range of values, not least its cultural importance.

Dated 9 June 2014



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