

**BEFORE THE ENVIRONMENT COURT
Auckland Registry**

ENV 2015 AKL 0000134

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under Clause 14 of the First Schedule of the Act
BETWEEN	TRUSTEES OF MOTITI ROHE MOANA TRUST
	Appellant
AND	BAY OF PLENTY REGIONAL COUNCIL
	Respondent

**STATEMENT OF EVIDENCE OF NEPIA RANAPIA ON BEHALF OF MOTITI
ROHE MOANA TRUST**

25th October 2017

Counsel Acting
RB Enright
Barrister
Level 1, Stanbeth House
28 Customs St East
Britomart
Auckland
e: rob@publiclaw9.com
m: 021 276 5787

Summary of Evidence

- 1 My full name is Nepia Ranapia. I am a kaumātua, of Te Moutere o Motiti (Motiti Island).
- 2 Maori Cultural worldview is made up of an interrelationship with the physical and spiritual world. It is supported by a relationship built on tikanga. The rohe extends beyond the land Te Arataiwhenua and across the sea which follows a boundary formed by the paepaeroa. This area across the marine space relates a Tikanga Moana which underpins the human natural relationship. The cultural constructs and maatauranga allow for the adaptations and interface to the spaces and places and provide a spatial definition for tikanga to which activities can take place.
- 3 The korero in a cultural aspect provides a pathway to a sharing of the extent of relatedness between people and the environment. This extent is determined by many factors including the cumulative and substantive nature of the events that take place.
- 4 In Maori, a rules framework is built around tapu and noa but extends to other tikanga that facilitates. These empowering processes are known as Aukati and katia, meaning to serve and to close. It is these terms that enable the establishment of relationships to places and spaces.
- 5 My evidence to the proceedings will highlight these and the relationship that Motiti has with these places in the marine space through several examples at Motiti and the appropriateness of having rules that reflect them in the coastal environment plan to maintain the integrity of Tangaroa and our shared relationship with the moana. My evidence addresses our taonga species, customary authority, why we say that fishing and dredging should be prohibited in certain areas (waahi tapu) because of their sacredness and importance to us, and why we say that other areas (waahi taonga) should be subject to a rāhui through the rules framework so that kina barrens can be eliminated, kelp species can recover and allow restoration of taonga species and mauri. Once restored, waahi taonga areas can also be fished through the obtaining

of a resource consent.

- 6 I am Kaumatua and pukenga and exercise kaitiakitanga to the "Motiti Rohe Moana" (the Motiti sea territory/ papa io tai a koromiromiro).
- 7 This Appeal is brought by the Motiti Rohe Moana Trust on behalf of the hapū with mana moana to the Motiti Rohe Moana, who are Ngāi Te Hapū, me ona karanga hapu Ngāti Makerewai, Ngāti Takahanga, Ngāti Kauaewera/ Te Uru, Ngāti Pau, as well as Te Patuwai ki Motiti or Te Patuwai ki waho ("**Ngā Hapū o Te Moutere o Motiti**").
- 8 I have defined the Motiti Rohe Moana (papa io tai a koromiromiro) as the marine and coastal area lying within the customary sea boundary of Ngā Hapū o Te Moutere o Motiti, Te Paepaeroa o te Moutere o Motiti, and which is depicted on the map attached as Appendix titled NR1 ("**Te Paepaeroa**").

Occupation of Motiti

- 9 Nga Hapu o Te Moutere o Motiti have continuously occupied Motiti Island since Te Hapu settled there many generations ago. There have been periods in our history where we have faced challenges, but importantly we have never let our fires go out, and we still maintain our mana today. Our tikanga requires us to maintain our customary interests through occupation, or what is often called "ahi kā" in modern terminology – we recognise that concept, although my ancestors didn't use that term. Tangata noho whenua are the people who live on the land, tangata noho moana are people of the sea. Noho whenua refers to the people who occupy the land, and turangawaewae refers to the land of your ancestors, the place where you have a right to stand. You have to occupy the land to maintain your interests, but that does not mean that you have to be physically present the whole time.
- 10 Throughout our history, there was always someone who would stay on the island to protect our interests, even if necessity dictated that we had to go to the mainland. For instance, in 1831 our people had to flee the island when Nga Puhi came down with their muskets and attacked the island. We did not have muskets and could not defend ourselves

against them. However, although many of our people fled, not all did, and the island was not abandoned. We still had a presence there. For instance, the chiefs Te Puhi and Te Ahikaiata stayed on the island.

- 11 In 1851, our whanaunga (relations) who lived on the mainland came to the island to help us resist the claims of Te Arawa. This episode was a spillover from the mainland conflict between Ngai Te Rangi and Te Arawa iwi, dating back to the battle of Te Tumu between Te Arawa and Ngai Te Rangi in 1836. In the wake of Te Arawa's victory in the Te Tumu battle,¹ Te Arawa asserted claims to Motiti Island as part of the spoils of victory, as prominent Ngai Te Rangi chief Hori Tūpaea had been involved in the battle. They travelled to Auckland, where they were forceful with the Crown authorities in attempting to claim Motiti Island.
- 12 Chiefs Hori Tupaea of Ngaiterangi and Amohou and Winiata of Ngati Whakaue sent for the Patuwai who were still living at Whakatane to occupy Motiti. There was a call for our people to come back and protect the land, and our relations from Te Patuwai, Waitaha, Ngati Whakahemo, Ngati Pikiāo and Ngati Pukeko came to boost the numbers to keep Te Arawa at bay. This was a political arrangement to counter the Te Arawa claims.
- 13 A further challenge came with the Native Land Court's alienation of our interests in the southern end of the island. That meant that our people had to leave their pa and kainga on the southern side of the island (there are 8 pa and several kainga on the southern side). When we realised we were not going to retain the whole island – despite our mana whenua extending over the whole island – we reverted to the traditional boundary line between north and south.
- 14 However, we have continued to access and use the coastal marine area around the southern end of the island. The key to Motiti is that when the wind is northerly, you go to the southern side to fish, and vice versa. When the westerly winds come up, we go fishing on the eastern side. I remember my uncles fishing the southern end of the island in the 1950s. We still go there for the fish and the shellfish.

¹ Maketu Minute Book 1, p55. Mana of Ngaiterangi ceased.

- 15 The Maori-owned land on the northern side of the island has been owned without interruption since title was granted by the Native Land Court. There was a sizeable resident community living there up until the 1960s. However, after the collapse of kumara and maize cropping on the island many people had to leave for employment on the mainland.
- 16 There are two marae on Motiti Island today. Ngati Takahanga built a marae at Ruakopiha (located on part of the Motiti B block) named Tamatea ki te Huatahi after the great-grandfather of Te Hapu. The wharekai is named Hinewai (the Waitaha wife of Tutonu), to acknowledge the whakapapa connections to Waitaha.
- 17 Ngati Makerewai built a Marae at Karioi (located on Motiti North Part E10 block). The wharenui is named Te Hiinga o te Ra, and the wharekai is named Puna.
- 18 Ngati Kauaewera formerly had a marae at Pukepuke Ariki near the Wairanaki Stream on the western side of the island, named Te Ruatiki after their tupuna (the wharekai was Mihiwai). Unfortunately, it was destroyed by fire in the late 1890s and it was never replaced.
- 19 Today there is a small community living on the island, six of whom are kaumatua and kuia [Nepia Ranapia, Grahame Hoete, Mrs Leana Wiwarena, Mrs Gloria Hirini, Ms Tea Matehaere, Ms Rangi Butler] and a group of tangata whenua who have houses on the island and travel back and forth. Over summer, for instance, the population swells as our people come back over the holiday period.
- 20 The elders who live on the island keep the fires burning for the hapu. So long as those fires are burning, we hold the mana of the island. It does not matter how many or few are there.

Te Paepaeroa

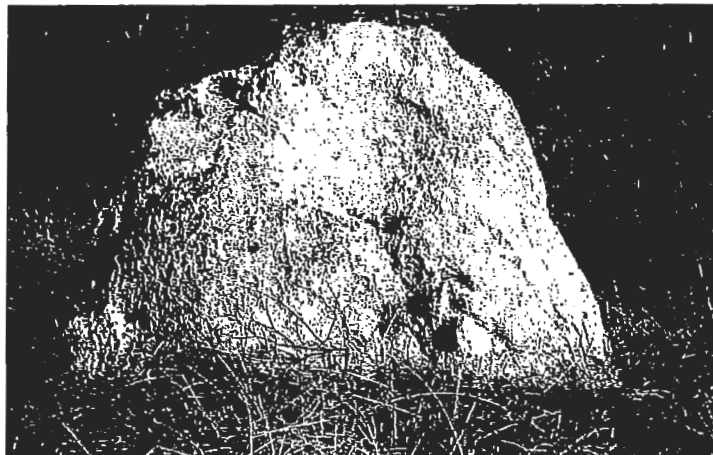
- 21 Te Paepaeroa is known traditionally as ngā tauranga tai kukume o te hukarere o ngā Aturere (the reefs connected by the tides of the pathway of the yellow fin tuna). The term "tauranga" means anchors in this context, which is a reference to the motu (islets) and toka (reefs) that

connect Te Paepaeroa and determine the traditional sea territory (the rohe moana). Te Paepaeroa extends from Maamangi to the north of Motiti, to Motu Haku to the north east, and then east to Motu Nau, south east to Mataarakitia, south to Ru o tane, and then west to Otawhao, up to Omaroa, and to Okarapu and back to Te Maamangi.



- 22 Te Paepaeroa was part of one land mass at one time in history. The original name of the land then known as Te Whenua o te Kopu Whakairi (womb of this sacred land) identifies as part of a peninsula that we believe was connected to the mainland. There was a large estuary Matarakiitia. At some point in the ancient past, a natural disaster struck, (otahinga marere whenua). A white object that came from above like a burning furnace (umu o kahakaha) with a deafening sound (Turitea) fragmented the land into pieces and transformed (Okaitoro) the landscape.
- 23 The largest piece of land left was named Motu iti (small piece), from a proverb: *ko motu iti ra tenei kahore he wahia hei tao kai* ("for this is a small piece of land with no more firewood to cook food"). This is the origin of the name Motiti.

- 24 The off shore islands to the east are all named "Motu", which means to sever, in reference to the disaster in which they were separated from the mainland.
- 25 The reefs, rocks and islands that connect Te Paepaeroa are spiritually connected to the womb of the island and the umbilical cord of the heavens. These spiritual links are physically represented in the form of two tapu ancestral rocks on Motiti Island placed by the ancient ancestors many years ago. Te Kopu Whakāiri/ Tu Whakāiri (the womb of this sacred island) is formed into the shape of a womb, and lying next to it is To Pito o Te Ao (the umbilical cord). The history of the rocks goes back to before the wāka people arrived from the pacific islands. The images below are photographs of Te Kopu Whakāiri/Tu Whakāiri and To Pito o Te Ao (the umbilical cord).





Ancient rock named 'to pito o te ao', which refers to the umbilical cord of the heavens.

- 26 There are kaitiaki for each area. Kaitiaki are not human, they are spiritual. They are highly significant to us. This is a difficult concept to describe in the English language, but it is a significant tradition of our people and throughout Aotearoa.
- 27 In our culture a kaitiaki is a spiritual guardian able to possess the physical form of a living creature. Its function is to protect the area and the people in that area. If it perceives something detrimental, including the activities of strangers, the kaitiaki can become agitated and is only able to be calmed by an appropriate karakia. In that way, the spiritual imbalance can be addressed, but balance will only be restored by the correct karakia performed by the right person (the tohunga). In this respect, kaitiaki will only reveal themselves to those tohunga whose ancestral blood they are bound to.

Sea people

- 28 Nga Hapu o Te Moutere o Motiti were and are a sea people. We depended on the sea for its resources, and kai moana (seafood) was our staple diet. The fishing grounds were all known by name. Each hapu would have their own fishing grounds, they could go to other areas through their relationship with the other hapu, but they would need the permission of the people.

- 29 Koura (crayfish) were an important food resource, and highly prized for trading – the main resource was around the rocky coasts of the Motiti Rohe Moana and at Maketu on the mainland. We traded with Tauranga Moana iwi, as their coastline is mainly sandy and is not good for koura. They would put the koura in fresh water to kill them, then squeeze the liquid out and dry them, which seals the inside and preserves them. Trevally could also be strung on fishing lines and baked in the sun.
- 30 Seals were another resource, and produced nice tender meat.
- 31 Our people also harvested titi (muttonbirds) on Motu Nau and Motiti Island. The Motiti Rohe Moana is also home to other seabirds that we cherish.
- 32 We harvested different types of seaweed. Kareno is a green sea lettuce which grows on the rocks and is available in summer. Pareno is red and is available all year round. Kelp had many purposes, such as for preserving fish on journeys. Seaweed was also used for ceremonial purposes.
- 33 Shellfish were another important food source. As the coast around Motiti Island is mainly rocky, there was a large colony of paua for such a small island right around the coast. Paua could be dried as well.
- 34 As a sea people, we studied and understood the life of the sea creatures in the surrounding moana. We mimicked the movements of sea creatures in our battle strategy, with different formations based on the movements of whale and the sting ray. Our history tells us that when Nga Puhi attacked the island, those who stayed with Te Toenga to defend turned their waka the opposite way with their korowai on backwards and paddled backwards, and then they rammed the Nga Puhi waka suddenly, like the sudden sting of a ray. Four of our warriors were shot and killed, but they sunk the Nga Puhi boat.
- 35 Stone and rock resources in the coastal area included obsidian from the sea (used to make cutting blades for knives and weaponry); hangi stones; slate stones for barbequeing (tunutunu); stones for a variety of tools (such as for digging), and stone and rock for building purposes, since there was little wood on the island. Grey and white clay was

taken out of the cliffs surrounding the coast. Red ochre sourced from Huruhi Bay eastern side and at Ruakarama western side above Te One Bay was particularly valuable as a dye for painting, and this was traded with people on the mainland.

Tikanga and Maori Law of Tapu

- 36 The Maori view of the sea is that is still land under water and as such Tikanga comes from the connection of people to the living environment and it is the role and duty of tangata whenua turangawaewae to uphold the protection of the environment through the principles of the "Tapu" that our ancestor Te Hapu lifted to provide for the welfare and wellbeing of the descedants of Te Hapu (nga tikanga ko raranga hia i te rohe maona o Papa io tai a koromiromiro).
- 37 Tapu are spiritually created rituals that place a protection on areas of great cultural significance for whatever reason. Only those descendants of the tribe who placed the tapu can lift the tapu (kauae runga kauae raro).
- 38 The ancestor of Motiti Te Hapu uplifted a Waitaha tapu to claim Motiti this area - the island and its sea area Nga Tauranga tai kukumea, Te whenua o Kopu Whakaairi to pito o te Ao the womb of the sacred land.

Papa io tai a koromiromiro

- 39 Papa io tai a koromiromiro is the strings of the thread that intertwine with the tides and sea bed, the interrelations that form the ecosystem and the environment within an area.
- 40 There is tikanga within these areas and have special conditions to maintain, preserve and share tangaroa. And the mauri that flows from the moana.

Rahui

- 41 Rahui is a spiritual dome placed over an area which relates to death by drowning and where resources have been contaminated, require

restoration, or taonga require protection. Rahui is one form of closure, there are also other cultural methods used.

Katia and Aukati Tikanga

- 42 Kati-hia or katia is a form of isolating a small area to assess the situation. Should the area need to be dealt with on a much larger scale then a traditional method called **Aukati** is a physical boundary laid down to isolate or confine an area of concern.
- 43 Rahui is part of the body of knowledge known as matauranga Maori. Rahui can be used to protect taonga and is exercised by the kaitiaki of an area (rohe). Reference to matauranga Maori in the coastal marine environment would commonly be understood as including use of rahui in accordance with tikanga. Examples of rahui include: upon the arrival of the northern tides (Tai kanapanapa) the northern area was isolated and a rahui imposed for no take of shellfish for a period of tekau ma rima marama 15 days as shellfish affected by arrival of warm waters may affect children. The rahui was then uplifted and imposed on the southern end of the island for same reason.

Waahi Tapu

- 44 The basis for areas that are tapu is very high, involving a level of sacrifice in accordance with tikanga.
- 45 Motiti Island's long history and the sea culture of people that have resided on the island has meant there is a long handed-down tradition of awareness and understanding of the coastal marine area.
- 46 I have defined these areas in the attached table. I have also communicated this in several planning documents that regional council holds.
- 47 The importance of these sites has extreme cultural significance which requires the utmost protection to support the cultural wellbeing and mauri of the area.

- 48 It has been with great discomfort to watch the exploitation (by intensive fishing and dredging) of our areas that are tapu in the coastal marine space around Motiti.
- 49 Before there were very few people that would come to the island to fish and for the most part they were known and had respect of our customs, culture and awareness of the sacred sites. However as the years passed and the change of modern technology many more people would come from the mainland, and as they came they knew nothing of the importance of these places.
- 50 Slowly one by one the areas of tapu were exploited and the mauri was degraded.
- 51 Waahi tapu needs to have consideration of the significance of the site, and needs to be communicated to the appropriate authorities to inform the wider community.
- 52 The protection of these sites protects the mauri and the community from tapu.
- 53 Waahi Tapu is **ngau takoto** and means that there should be no trampling on the space without the correct tikanga.
- 54 Waahi tapu requires comprehensive protection. Taonga species need to be protected within these areas so that we can maintain and restore the indigenous biodiversity and our relationships with taonga species.

Example of Tapu Relationship

- 55 The hapū of Motiti have traditionally regarded Otaiti is a taonga and wāhi tapu, and has considerable spiritual significance. In the days before colonisation my ancestors would source a particular species of hapuku, Karutataka, from Otaiti which were prepared as koha when they visited the mainland tribes.
- 56 Otaiti, together with the other islands, reefs and toka (rocks) in the sea surrounding Motiti, are spiritually connected to a rock on Motiti known as Te Kopu Whakāiri /Tu Whakāiri - the womb of this sacred island. In this respect, Otaiti is one of the physical anchors which hold the spiritual

essence – the mauri - which allows the kaitiaki to exist. Any activity which disturbs the kaitiaki on the reef will inevitably harm the people on the island through this spiritual connection.

57 Te Kopu Whakāiri/Tu Whakāiri is recorded as an archaeological site in the Motiti Island Plan, as endorsed by the decision of the Environment Court in [2014] NZEnvC 228.

58 The mauri of Otaiti is therefore of vital importance to tangata whenua of Motiti and our traditions.

Waahi Taonga

59 Waahi Taonga is a recognition of the significant treasure that is provided by a place and space.

60 It is a Māori cultural value which provides for a physical and spiritual relationship that assists the maintenance of mauri.

61 The whole rohemooana is a waahi taonga, it supports the mauri of taonga places and species.

62 Waahi Taonga need levels of protective and preservative measures that enable tikanga to be recognised and shared, and provides a pathway to regulating activities that support community relationships with the moana. This includes removal of kina barrens and the restoration and protection of our taonga species.

63 Traditional knowledge works on tidal movements and seasons.

64 On Motiti island it is traditionally known when the northern tides arrive (Taikanapanapa) a physical point of reference is applied (tuhoka) to watch the arrival of tropical seas through change of colour. When the tides arrived a Rahui of half-moon cycle is applied. There is a no take zone because food resource goes through change and sometimes if eaten causes nausea and upset tummies.

Food Resource protection

- 65 Should an area be closed for resource recovery generally an **aukati** will be applied under an agreement amongst the hapu, however, if neighbouring tribes are involved then a **rahui** will be applied to create a spiritual dome of protection so that it will not be interfered by neighbouring tribe or tribes.

Complete closure

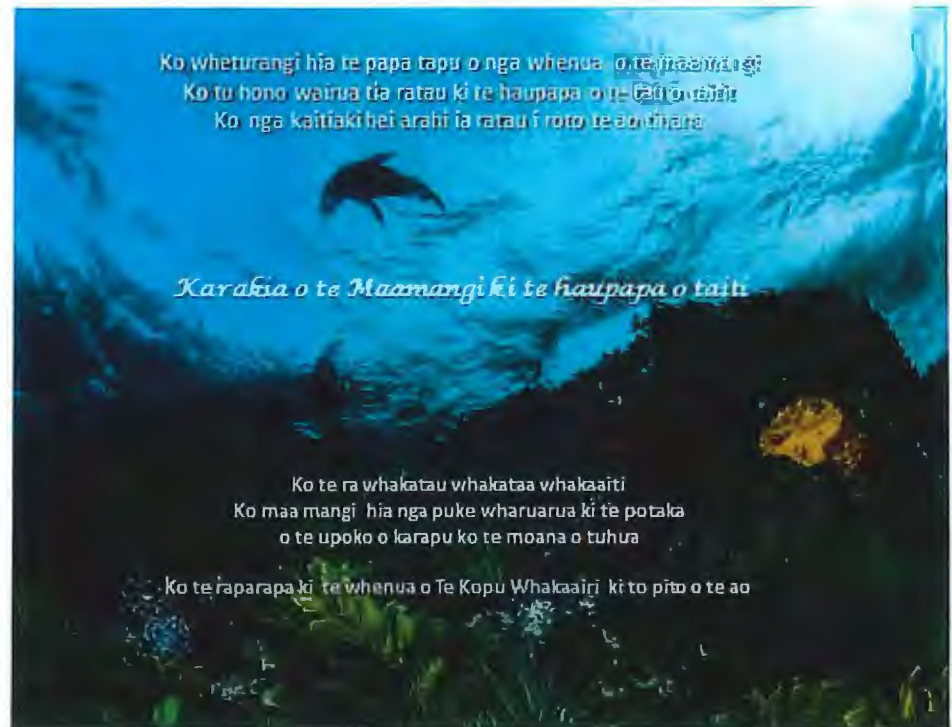
- 66 Traditionally known as **ngau takoto** a line spiritually applied through karakia (rituals) that cannot be uplifted and stays permanently for reasons of disputed boundary or for areas of significant heritage values.

Spiritual guardians

- 67 The spiritual essence embodied in a physical area or object is known as **mauri** and through spiritual rituals over the area or object creates the guardian known as a kaitiaki which cannot be removed because a mauri must have a guardian to protect it. This is a cultural form of protection applied for various cultural reasons known as ngau takoto.

Waahi Tapu within Motiti rohe moana

Te Maamangi / Otaiti (Te Tau o Taiti)



*Ko te ra whakatau whakataa whakaaiti
 Ko maa mangi hia nga puke wharuarua ki te potaka
 o te upoko o karapu ko te moana o tuhua
 Ko te raparapa ki te whenua o Te Kopu Whakaairi ki to pito o te ao*

- 68 This Karakia talks about the land and settlement that was destroyed by the powers of nature, and the rituals performed in acknowledgement and respectfulness. A sacred site that spiritually connects to the umbilical cord rock known as To pito o te Ao on Motiti Island, land mass once known then as whenua o te Kopu Whakaairi (womb of this sacred land) and sea area named Moana o Tuhua or Moana o tu nga hua (area in abundance of sea resources)

*Ko wheturangi hia te papa tapu o nga whenua o te maamangi
 Ko tu hono wairua tia ratau ki te haupapa o te tau o taiti
 Ko nga kaitiaki hei arahi ia ratau i roto te ao tinana*

- 69 This refers to those inhabitants who died and their spirits travelled beyond the horizon, the area then came under the protection of the Kaitiaki. Our people perform karakia before commencing fishing to acknowledge and pay respect to the history and heritage of this significant site.


Traditional food resources

- 70 Maamangi and Otaiti were the home of various species of the groper family, which was a sought after delicacy. There were four species, the Hapuku (Groper), is identified by its chisel type head, whereas the Moeone (Blue nose) has a rounded nose. These two species were also used for trade with mainland tribes under the traditional bartering system of tuopuopu whakawhitiwhiti (trade exchange).
- 71 Motiti tangata noho whenua required timber from mainland tribes to build their whare (homes) and to fortify their defence structures and most importantly seacraft, fishing vessels and double-hull canoes for transporting.
- 72 The most significant species was the Karutataka (Bass) identified by its droopy eyes used for special occasions for those of status and for gifts when visiting mainland relative tribes. This species was only sourced at Maamangi.
- 73 The fourth species were the juveniles, the kopukopu or Motiti Pupuka. This is a shallow water species located around the entire island and towards inland reefs of Maketu. Pupuka caught in the shallows were used for local consumption.
- 74 These species are now functionally extinct, no longer found at Te Maamangi and within the traditional territorial boundary of Motiti. The authorities have failed to protect these species and have no future plan for restoration.
- 75 Generally Motiti inhabitants would source Hapuku during the summer months upon the arrival of the Taikanapanapa (northern tropical tides) when the winds are light. This traditionally allows them to feel secure, knowing that the variable winds would bring them back to land safely.
- 76 The fish species that were fished at Otaiti include:
 - a. Blue Maomao
 - b. Schooling snapper (Tamure)

- c. Kingfish (Haku)
- d. Kahawai
- e. Trevally (Aarara)
- f. Groper (Hapuku)
- g. Bluenose (Moeone)
- h. Bass (Karutataka)

Motu Haku

Karakia whakamaumaharatanga o Motu Haku



Motu Haku
Karakia
whakamaumaharatanga o Motu Haku

Te tuatara o motu haku ki te rii o te ra
te wehengatu ka ue ki pumamao kia
pumau haku te rerenga o tahinga
marere whenua he tao o te umu o
kahakaha te harurutanga o turi tea te
motunga o te waewae kimiātu a
patiki tū pumau raparapa te kopu
whakaairi te hurirapa o nga puke
wharuarua o tataramoa atu ki
kaiwaka o motu puta ki te marama
tanga o te huruhi o te ra ki te ao
marama ko okaitoro hia ko motu iti ra
tenei kahore he wahia hei tao kai

*Te tuatara o motu haku ki te rii o te ra te wehengatu ka ue ki pumamao
kia pumau haku te rerenga o tahinga marere whenua he tao o te umu o
kahakaha te harurutanga o turi tea te motunga o te waewae kimiata a
patiki tu pumau raparapa te kopu whakaairi te hurirapa o nga puke
wharuarua o tataramoa atu ki kaiwaka o motu puta ki te marama tanga
o te huruhi o te ra ki te ao marama ko okaitoro hia ko motu iti ra tenei
kahore he wahia hei tao kai*

- 77 This karakia refers to the rock and reef named Motu Haku, in memory of the event that fragmented the land.
- 78 The karakia also refers to the inhabitants that vacated the land and travelled towards the rising sun (tua tara kit e hihi o te ra).

Traditional food resources

- 79 Motu Haku was known for the Hapuku, mainly the Moeone or Blue nose Hapuku species. These fish were sought after for trade. At times the local tangata whenua would allow mainland tribes to fish Hapuku, when they would take them directly to the fishing ground and allow them to use their equipment specially designed to catch Moeone.
- 80 In modern times the local fisherman would travel out to Motu Haku and on the way they would bait up large hooks with live Kahawai and attach to twelve gallon drums to catch Hapuku or Kingfish then carry on to their fishing ground then upon their return would look for the drums and drag the fish back

Te Moutere o Motunau

- 81 Motu Nau and Tokoroa formed part of the traditional paepaeroa




Motunau o Motunau

Ko wheturangi hia te papa tapu o nga whenua o te Tokoroa ko tu hono wairua tia ratau ki te haupapa kohatu o Motunau

Ko nga kaitiaki hei arahi ia ratau i roto teao tinana

Karakia tufono wairua o te Tokoroa ki te haupapa kohatu o Motunau

Ko te tokoroa kua haanga'i tata'i arorangi ko motu nau hia ko te raparapa kua haanga'i ki te tapatoru o te puwerewere ko te ara whakareretanga e whai atu nei ko te kupenga o ngahutu o te rangi

- 82 The karakia talks about astronomy (tatai arorangi). The ancient Patupaiarehe ancestors who studied the stars, an area culturally known as Tokoroa, a significant large hilly area used as a reference point that formed an equilateral triangle tapa toru that link to the mainland at Maketu continued to Motiti an area known as Puwerewere. The name refers to a parallel line in the sky named whai line as stated in the karakia te ara whakareretanga e whaiatu nei (pathway with no end) and kupenga o ngahutu o te rangi (network of stars) within tapa toru equilateral triangle.

Ko wheturangi hia te papa tapu o nga whenua o te Tokoroa ko tu hono wairua tia ratau ki te haupapa kohatu o Motunau Ko nga kaitiaki hei arahi ia ratau i roto te ao tinana

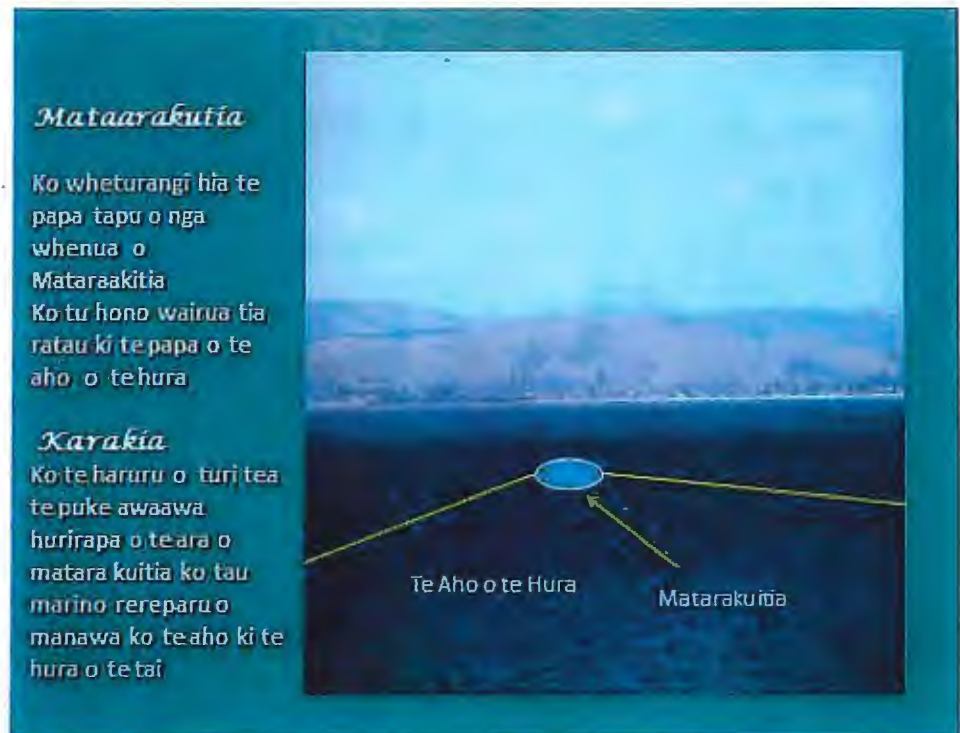
- 83 The settlement of these ancient people was destroyed by the disaster. Motu Nau refers to piece of land that remained.
- 84 Ko wheturangi hia te papa tapu o nga whenua o te Tokoroa refers to those inhabitants who died and their spirits travelled beyond the horizon. The area then came under the guardianship and protection of the Kaitiaki.

- 85 The Motiti people perform karakia before commencing fishing to acknowledge and pay respect to the history and heritage of this significant site.

Traditional food resources

- 86 Motiti Pupuka was taken from this area by mainland tribes at the request of Motiti senior elders. Other species were;
- a. Blue Fish
 - b. Maomao
 - c. Tarakihi
 - d. Schooling snapper; Tamure
 - e. Reef snapper; Paheha
 - f. Shellfish; kina

Matarakiitia



- 87 This karakia refers to the disaster that destroyed the settlement. The inhabitants were trapped and had no way of escaping, and the cries echoed over the ocean (this is the literal of translation of Matarakitia).
- 88 Te aho o te hura translates as a large area of water where the tide comes in and out (also referred to as te hura o te tai). It is believed that this was a large estuary that once connected to the mainland.
- 89 This was the area where the pursuit and sinking of the Ngapuhi waka occurred.
- 90 Matarakitia was also the traditional entry point from Maketu to Motiti Island. The mainland tribes would seek permission from Ngati Pikiao to gain access to Motiti Island. Maketu was a significant landing place for Motiti inhabitants since the time of Te Hapu

Ko wheturangi hia te papa tapu o nga whenua o Matarakitia, Ko tu hono wairua tia ratau ki te papa o te aho o te hura

- 91 This karakia refers to those inhabitants who died and their spirits travelled beyond the horizon the area then came under the protection and guardians of the Kaitiaki.
- 92 Matarakiitia was never used as a fishing ground because it was regarded by inhabitants as sacred or tapu and still is today.

Matarehu



- 93 This karakia refers to the land mass once connected to the mainland (reinga o parehua o upanepane) destroyed by disaster when the inhabitants witnessed the land shaken (ru otane) and cut into pieces (okani) and floated like a piece of driftwood (Otawhiao) they were helpless to do anything (ka noho matarehu ratau), there were also those who died.

Ko wheturangi hia te papa tapu o nga whenua o Matarakiitia, Ko tu hono wairua tia ratau ki te ru o tane

- 94 Refers to those inhabitants of Matarehu who died and their spirits travelled beyond the horizon. The area then came under the protection and guardianship of the Kaitiaki.

Omaroa



Ka tau ki uta o tane wahine te waewae aratu takahi mai te omaroa ki te ngererengere o kani ka ngaro apo o te ao ki te moana o tuhua

- 95 This karakia talks about a settlement where the people tried in vain to escape the power and forces of nature that destroyed their settlement. The reef is all that remains, and the area is named Tane Wahine after the men and women who perished there.

Ko wheturangi hia te papa tapu o nga whenua o te omaroa Ko tu hono wairua tia ratau ki te haupapa o tane wahine Ko nga kaitiaki hei arahi ia ratau i roto te ao tinana

- 96 This karakia refers to those inhabitants of Tane Wahine who died. Their spirits travelled beyond the horizon, and the area then came under the protection and guardians of the Kaitiaki.

Okarapu ki Te Porotiti



Ko nga puke wharuarua o te papa nohonga o te pumautanga a te hunga i haukera ki e waha o potaka whatitiri ka porotiti ki te upoko o karapu te haku o te haika o muruhiko

- 97 This karakia talks about a settlement that was destroyed by the eye of the storm. The reef stands as a monument to those that passed away.

Ko wheturangi hia te papa tapu o nga whenua o karapu Ko tu hono wairua tia ratau ki te papa o te potaka o karapu

- 98 This karakia refers to those inhabitants of Te Papa who died and their spirits travelled beyond the horizon. The area then came under the protection and guardians of the Kaitiaki.

Toka tipua and wahi tapu on the foreshore around Motiti Island

- 99 These are documented in the Motiti Island Environmental Management Plan (District Plan) Appendix 3 Cultural Heritage Index.

Conclusions and Recommendation

100 In support of this evidence I have attached my evidence filed in previous proceedings:

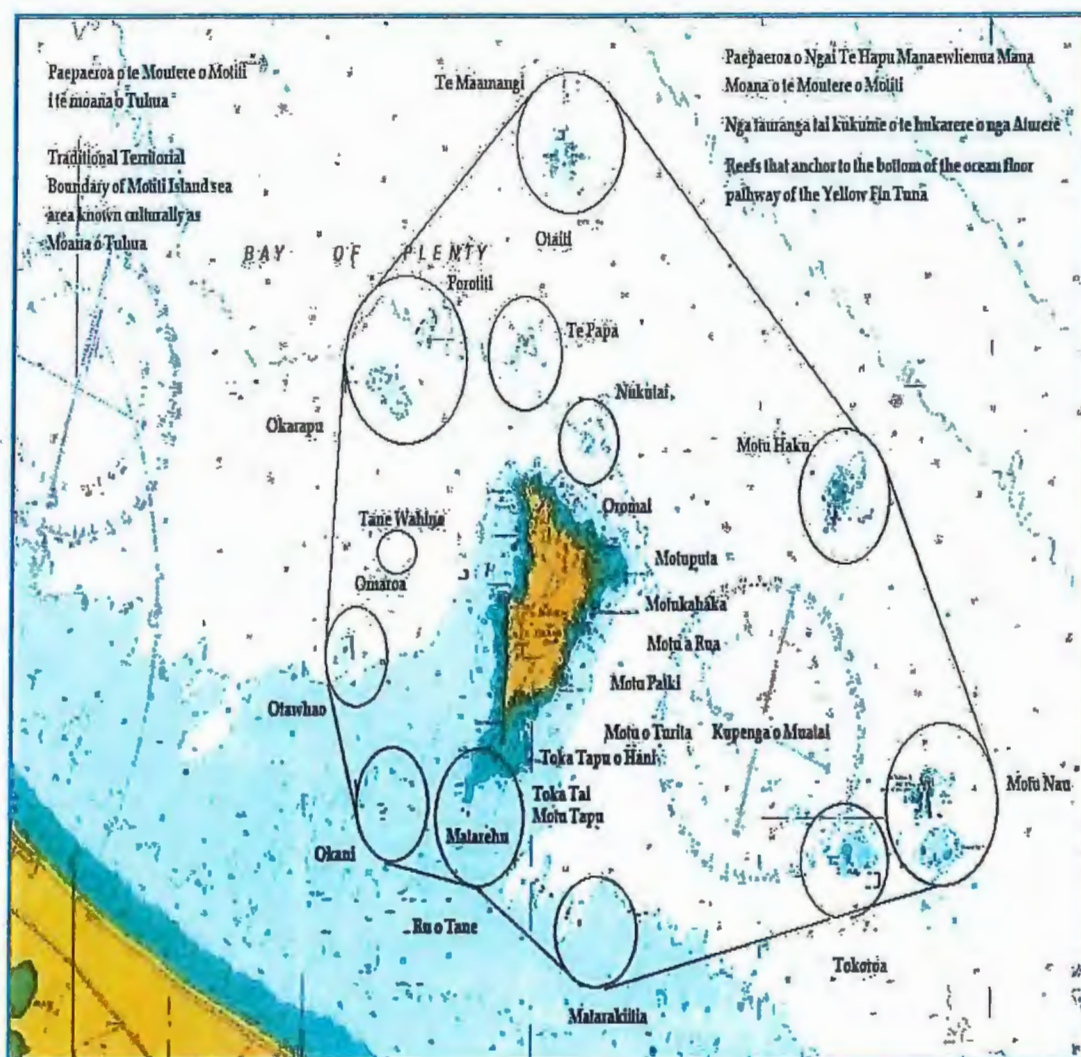
- a. Appeals against the Bay of Plenty Regional Council Coastal Environment Plan, evidence dated November 2016 (**Annexure A**);
- b. Declaration hearing, evidence dated August 2016² (**Annexure B**).

101 This evidence provides an overview of the cultural significance and specifically the importance of the rohe moana to tangata whenua and tangata moana of Motiti.

- a. It is important that cultural understandings and relationships underpin any marine spatial plan on the moana; and that Treaty principles are observed (such as protection of our relationships with vulnerable taonga species).
- b. This understanding provides for an awareness of the history and significance of places and spaces.
- c. It provides the critical and significant realisation of what is appropriate when using the marine environment.
- d. Recommendations include that fishing and dredging or bottom trawling activities around waahi tapu are prohibited.
- e. Within waahi taonga activities should be permitted in a **restored** environment that can support low impact fishing. A restriction on industrial scale methods such as that which uses hydraulic and electric equipment for extraction would be appropriate.

² Decision [2016] NZEnvC 240.





Map No. 21B - territorial boundary and traditional kainga maahinga ika and maahinga mataitai; HMP vol (IV)

Dated this 25th day of October 2017

Nepia Ranapia

UNDER the Resource Management Act 1991 (the Act)

IN THE MATTER OF appeals against to the Bay of Plenty Regional Council Proposed Coastal Environment Plan

BETWEEN Ngati Makino Heritage Trust
ENV-2015-AKL-000140

AND Various
Section 274 RMA Parties

AND BAY OF PLENTY REGIONAL COUNCIL

Respondent

STATEMENT OF EVIDENCE OF NEPIA RANAPIA ON BEHALF OF MOTITI ROHE MOANA TRUST

Dated 05 November 2016

Counsel Acting:
Rob Enright
Barrister
Northern Steamship Chambers
Level 1, 122 Quay Street
Britomart 1010
e: rob@publiclaw9.com
m: +64 21 276 5787

I, **Nepia Ranapia**, kaumātua, of Te Moutere o Motiti, swear:

INTRODUCTION

1. I am a long standing permanent resident of Motiti Island. My primary hapū affiliations are to Ngāti Pau, Ngāti Kauaewera and Ngāti Takahanga, which are the principal hapū of Ngāi Te Hapū. These hapū all whakapapa to Motiti Island.
2. I am also connected to Whakatane through Te Patuwai and Ngā Maihi on my mother's side, and on my father's side Ngāti Maumoana and Ngāti Pukeko.
3. I am the Manukura (chairperson) of Korowai Kāhui o nga Pakeke o te Patuwai.
4. My tribe is Te Patuwai, which is sometimes referred to as 'Te Patuwai Tuturu' (Te Patuwai proper), 'Te Patuwai ki uta' or 'Te Patuwai ki te Tuawhenua' (those who live on the mainland) and Te Patuwai ki waho (those who live on Motiti Island).
5. The Tribe Te Patuwai's ki uta traditional ancestral boundary in the Whakatane Ngati Awa region extends to the ancestral lands of Te Totara in the north, Te Rahu to the south, Pupuaruhe in the east and Otupokai to the west.
6. The Tribe Te Patuwai ki waho traditional ancestral boundary line surrounding the waters of Motiti begins at Te Mamaangi to the north, Motunau to the east, Matarehu to the south, Okarapu to the north west
7. My knowledge of my ancestors' culture and traditions has come from my connections with a number of sources, including my late father (Hawiki Ranapia Hiha), and through the whakapapa of my ancestors Ngawaimatao Himiona Pairama, Himiona Te Orenui and Hamiora Pateoro.
8. I was one of the kaumātua responsible for preparation of the draft Motiti Island Hapu Management Plan dated August 2012.
9. Motiti Rohe Moana Trust (**MRMT**) is a s274 party to the Ngāti Makino Heritage Trust appeal. I am authorized to provide this evidence on behalf of MRMT.

10. MRMT supports all of the relief sought by Ngāti Makino. My evidence comments on specific relief sought in that appeal, as follows:

Involve iwi Māori in the development of criteria, attributes and assessment frameworks to incorporate matauranga in the assessment of IBDAs, natural character, natural features and landscapes and ASCV, and in the assessment of extent of effects of activities on these matters.

Add a new policy requiring identification and protection of regionally significant and/or representative cultural landscapes, landforms and features of importance to iwi Māori.

Involve iwi Māori in the development of frameworks for the identification, categorisation of areas, features and/or characteristics of importance; and work together to formulate mechanisms to protect these places, features and/or characteristics from inappropriate use or development in the CMA.

Provide for strategic spatial planning to support the use, activities and development needs and aspirations of iwi Māori in the coastal environment.

11. I note that Dr Roger Grace, in his evidence, refers to the role of tāmure (snapper) and koura (crayfish) in predating on kina. Without tāmure and koura, there is no balancing force, and the kina consumes the kelp forests. This causes kina barrens. There are kina barrens adjacent to Motiti.
12. The tāmure and koura are taonga species, identified in our Motiti Rohe Moana Draft Customary Fisheries Plan, attached to Umuhuri Matehaere's evidence. They act as kaitikai towards the kelp, helping to preserve our biodiversity.
13. The kina barrens are signs of the distress faced by Tangaroa's biodiversity. The Motiti rohe moana is our food basket; as an island people we cannot survive without our taonga species.
14. We have a whakatauki in relation to biodiversity that:

*Nga tauranga tai kukume o te hukarere o nga Aturere ki te haa o te taiao
nga tauranga tai kukume*

Reefs that surround the ocean floor are the home of all living species (haa o te taiao) under the guardianship of the yellow fin Tuna. Aturere refers to the flight of the

spiritual guardian of the sea; hukarere refers to pathway of the Aturere that protects all living species within a particular area. These elements, seen and unseen, must be protected to preserve our customary way of life.

15. The coastal plan should spatially identify our taonga reefs and toka, and the habitat for our taonga species. It should also recognize our knowledge and our relationships with Tangaroa and biodiversity. There should be opportunities for co-management or co-governance by Motiti and for Motiti. Recognition of matauranga Māori should include rāhui as a method in the coastal plan. I have previously provided affidavit evidence on the use of rāhui as a resource management tool to protect the relationship of Māori with Tangaroa, moana and taonga species. I produce my affidavit as **Annexure NR1** and adopt it as part of my evidence.

Dated this 05th day of November 2016

Nepia Ranapia

BEFORE THE ENVIRONMENT COURT**UNDER** the Resource Management Act 1991**AND****IN THE MATTER** of a declaration under Part 12 of the Act**BETWEEN** **THE TRUSTEES OF THE MOTITI ROHE MOANA TRUST** of 20 Matapihi
Station Road, RD5, Tauranga

Applicant

AND **BAY OF PLENTY REGIONAL COUNCIL** consent authority with its
principal offices at 87 First Avenue, Tauranga

Respondent

**AFFIDAVIT OF NEPIA RANAPIA IN SUPPORT OF DECLARATION AND IN OPPOSITION TO
STRIKE OUT (ON BEHALF OF MOTITI ROHE MOANA TRUST)**

4* 19th

15th August 2016

Counsel Acting:
Rob Enright
Barrister
Northern Steamship Chambers
Level 1, 122 Quay Street
Britomart 1010
e: rob@publiclaw9.com
m: +64 21 276 5787

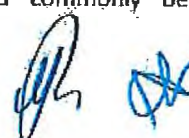
I, Nepia Ranapia, kaumātua, of Te Moutere o Motiti, swear:

INTRODUCTION

1. I am a long standing permanent resident of Motiti Island. My primary hapū affiliations are to Ngāti Pau, Ngāti Kauaewera and Ngāti Takahanga, which are the principal hapū of Ngāi Te Hapū. These hapū all whakapapa to Motiti Island.
2. I am also connected to Whakatane through Te Patuwai and Ngā Maihi on my mother's side, and on my father's side Ngāti Maumoana and Ngāti Pukeko.
3. I am the Māhukura (chairperson) of Korowai Kāhui o nga Pakeke o te Patuwai.
4. My knowledge of my ancestors' culture and traditions has come from my connections with a number of sources, including my late father (Hawiki Ranapia Hiha), and through the whakapapa of my ancestors Ngawaimatao Himiona Paīrama, Himiona Te Orenui and Hamiora Pateoro.
5. I have been asked to prepare an affidavit setting out some of the cultural context to the Declaration proceedings filed by the Trustees of the Motiti Rohe Moana Trust (MRMT), and MRMT's Notice of Opposition to the Strike Out application by the Bay of Plenty Regional Council. This affidavit sets out background and preliminary information. I understand from Counsel that further evidence may be provided by me at any subsequent merits hearing.
6. I was one of the kaumātua responsible for preparation of the Motiti Island Hapū Management Plan dated August 2012. Annexed marked "A" are relevant extracts from that plan, including a map prepared by me, based upon traditional knowledge, which shows the named toka and other features within the coastal waters of Motiti..

RAHUI

7. Rahui is a spiritual dome placed over an area which relates to death by drowning and where resources have been contaminated, require restoration, or taonga require protection. Rahui is one form of closure; there are also other cultural methods used. Katihia or katia is a form of isolating a small area to assess the situation. Should the area needs to be dealt with on a much larger scale then a traditional method called Aukati is a physical line laid down to isolate or confine an area of concern. Rahui is part of the body of knowledge known as matauranga Maori. Rahui can be used to protect taonga and is exercised by the kaitiaki of an area (rohe). Reference to matauranga Maori in the coastal marine environment would commonly be



understood as including use of rahui in accordance with tikanga. Examples of rahui include:

Contaminated water

8. If for some unknown reason a punawai (spring) has been contaminated then a traditional method of katihiā is applied for temporary closure until the tohunga assesses the situation. Generally the tohunga would find an eel and release it into the spring to assist in attempting to clear the water of contaminants. If successful, then the restricted area is lifted, however, on the other hand if the eel leaves the spring, because of its unclean state, then it becomes a wide problem that requires physical application. If the problem cannot be solved physically then a spiritual "Rahui" dome of protection is applied by spiritual rituals performed by tohunga (high priest).
9. The spiritual dome will be applied to a wide area to ensure contaminated water does not come into contact with humans. Once the spring is cleansed, then the Rahui is lifted.

Death by drowning

10. A Rahui is applied by Tohunga through a series of karakia (spiritual rituals) and an area is laid out that relates to tide movements. The time Rahui will be applied is within two moon cycles taken from the closest new moon (Whiro) either side which is closer.
11. Traditionally it is believed that the body will come to the surface within the two moon cycles; the focus will be on the arrival of the day light moon (Orongonui) when turbulent tides and winds arrive. If the body does not surface then the next daylight moon will take it out of the area of the Rahui, should that be the case then the Rahui will be lifted. However, if the body has come to the surface and recovered then the Rahui will be lifted.

Food resources contamination

12. Same method applies to the spring if the source of food chain in the ocean or rivers is contaminated then a Rahui is applied until such time the resources recover, the method of at least one moon cycle is applied. Traditional knowledge works on tidal movements and seasons.
13. On Motiti Island it is traditionally known when the northern tides arrive (Taikanapanapa) a physical point of reference is applied (tuhoka) to watch the arrival

of tropical seas through change of colour. When the tides arrived a Rahui of half-moon cycle is applied. There is a no take zone because food resource go through change and sometimes if eaten causes nausea and upset tummies.

Food Resource protection

14. Should an area be closed for resource recovery generally an aukati will be applied under an agreement amongst the hapu, however, if neighbouring tribes are involved then a rahui will be applied to create a spiritual dome of protection so that it will not be interfered by neighbouring tribe or tribes.

Complete closure

15. Traditionally known as ngautakoto a line spiritually applied through karakia (rituals) that cannot be uplifted and stays permanently for reasons of disputed boundary or for areas of significant heritage values.

Spiritual guardians

16. The spiritual essence en-capsulated in a physical area or object is known as mauri and through spiritual rituals over the area or object creates the guardian known as a kaitiaki which cannot be removed because a mauri must have a guardian to protect it. This is a cultural form of protection applied for various cultural reasons known as ngautakoto.

Significance of Otaiti

17. The hapū of Motiti have traditionally regarded Otaiti as tapu and have ensured that the tapu is lifted and replaced when gathering kaimoana there. For the hapū of Motiti, Otaiti is a taonga and wāhi tapu, and has considerable spiritual significance. In the days before colonisation my ancestors would source a particular species of hapuka, Karutataka, from Otaiti which were prepared as koha whenever they visited the mainland tribes.
18. Otaiti, together with the other islands, reefs and toka (rocks) in the sea surrounding Motiti, is spiritually connected to a rock on Motiti known as Te Kōpu Whakāiri /Tu Whakāiri - the womb of this sacred island. In this respect, Otaiti is one of the physical anchors which hold the spiritual essence – the mauri - which allows the kaitiaki to exist. Any work which disturbs the kaitiaki on the reef will inevitably harm the people on the island through this spiritual connection with Te Kōpu Whakāiri /Tu Whakāiri.


19. This significant rock, which is formed into the shape of a womb, is next to another rock (the umbilical cord) placed by the ancient ancestors many years ago. The history of the rock goes back to before the wāka people arrived from the pacific islands.
20. Te Kopu Whakāiri/Tu Whakāiri is recorded as an archaeological site in the Motiti Island Plan, as endorsed by the decision of the Environment Court in [2014] NZEnvC 228.
21. The mauri of Otaiti is, therefore, of vital importance to tangata whenua of Motiti and their traditions.
22. Annexure B is my affidavit filed in the Waitangi Tribunal [Wai 215; 2521] which addresses the tribal history and connections of Motiti.

SWORN at Tauranga)

This 9th day of August 2016)

Before me)


NEPIA RANAPIA


A. Lehan
Deputy Registrar
Solicitor of the High Court of New Zealand

Section 7; Coastal Foreshore and Coastal Marine

Coastal Foreshore and Coastal Marine Environment

Nga hua o te Atkau huri atu ki te Moana, kia whawha atu i nga taonga e raparapa haere ana i te matumatu o te Moana o nga tauranga tai kukume.

The coast is the domain where Papatuanuku and Tangaroa meet and refers to land and sea. These are important cultural values that exist in this domain and are associated with seafood resources kai mataitai, heritage sites, marine landscape features, canoe landings taunga waka, and burial grounds 'Urupa' above the foreshore.

Issues;

1. The denial of access to some urunga and taunga waka has impeded good relations.
2. Important cultural values have been adversely affected by incremental and uncoordinated modification of the coastal environment through;
 - reclamation
 - dredging
 - dumping of dredgings in sensitive areas.
 - Earthworks and removal of rock materials
 - waste disposal
2. Areas that are known hazardous or heritage site near shipping lanes have been allowed to occur in the coastal marine area which have adverse effects on coastal ecosystems and environments, these include:
 - Shipping and maritime infrastructure.
 - Marine environment
 - Marine under water landscape features
 - Marine pollution
 - Marine Environment protection
 - Marine wildlife protection
 - Marine Heritage sites.

This is the exhibit marked with the letter A referred to in paragraph 6 of the annexed Affidavit of Nepia Ranapia SWORN at Tauranga this 19th day of August 2016 before me:


Deputy Registrar

A. Lehan
Deputy Registrar

3. Activities have been allowed to occur in the coastal marine area which have adverse effects on coastal ecosystems and environments, these include:

- roading
- agricultural farming
- Horticultural farming.

4. Coastal resources, such as kina and paua, which have strong cultural significance to whanau/hapu have been commercialised.

5. The government has provided insufficient commitment and resources to promoting the establishment and implementation of taiapure and other fishery management options.

6. The failure to address effects of pollution occurring around the coastal and marine areas has affected Ngāti Te Hapu whanau whanui cultural values and resources.

7. The proposal to establish a marine reservation on Moutere o Motuiti coast prior to the establishment of local fishery management models.

Objectives;

1. To protect and enhance the values of the coastal and marine environment that are significant to Ngāti Te Hapu and the whanau whanui, including;

- the landscape and visual qualities of significant coastal features, including small bays, headlands and beaches
- areas of indigenous vegetation, habitat and ecosystems
- Marine environment and features
- Mahi kai; and
- waahi tapu and taonga.
- Earthworks along coastal foreshore.
- Shipping and maritime infrastructure

2. To give practical and measurable effects to kaitiakitanga through the up-skilling of whanau and hapu in the discipline required.

3. To advocate the enhancement of indigenous plants species held to be high cultural importance to hapu and whanau whanui

4. To promote the implementation of management models that will protect customary fisheries and give effect to kaitiakitanga in the coast and marine environment such as

talapure, mahi mataitai and aukati. This must proceed or compliment the establishment of a marine reserve.

5. To establish a quarantine-based research program when translocation and introductions of exotic species are proposed.

6. A co-operative agreement made between Maritime New Zealand to identify the key areas that are known to be hazardous as well as heritage sites in the marine region and create and manage safety and monitoring protocols

7. All government activities in the Marine area must take into consideration the needs of the local community of Mouere o Motuiti and its reliance on the marine resources and must in all terms, be considerate to the indigenous culture and its spiritual beliefs and to do nothing that would be detrimental to their culture or marine heritage.

To Establish Rules and Management Guidelines;

- B1

**IN THE WAITANGI TRIBUNAL
KEI MUA I TE RÖPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 215
WAI 2521**

IN THE MATTER OF The Treaty of Waitangi Act 1975


AND

IN THE MATTER OF Tauranga Moana Inquiry

AND

**IN THE MATTER OF A claim filed by Graham Hoete, Umuhuri
Matehaere, Kataraina Keepa, Jacqueline
Taro Haimona and Te Atarangi Sayers on
behalf of Ngā Hapū o Te Moutere o Motiti**

AFFIDAVIT OF NEPIA RANAPIA
Dated 19th August 2016

This is the exhibit marked with the letter B
referred to in paragraph 22 of the annexed
Affidavit of Nepia Ranapia
SWORN at Tauranga this 19th day of
August 20 16 before me:

Deputy Registrar

Solicitor:
Harry Edward
Harry Edward Law
PO Box 738
Rotorua
Tel: 07 346 0026
Fax: 07 347 8270
Email: helaw.reception@xtra.co.nz

Counsel:
Karen Feint
Thorndon Chambers
PO Box 1530
Wellington 6140
Tel: 04 499 6040
Fax: 04 499 6118
karen.feint@chambers.co.nz

I, **NEPIA RANAPIA**, kaumātua, of Te Moutere o Motiti, take oath and swear that:

1. I am a long standing permanent resident of Motiti Island. My primary hapū affiliations are to Ngāti Pau, Ngāti Kauaewera and Ngāti Takahanga, which are the principal hapū of Ngāi Te Hapū. These hapū all whakapapa to Motiti Island.
2. I am also connected to Whakatane through Te Patuwai and Ngā Maihi on my mother's side, and on my father's side Ngāti Maumoana and Ngāti Pukeko.

Reply to Te Runanga o Ngāti Awa submission

3. I am giving this evidence in reply to the submission of Te Runanga o Ngāti Awa dated 1 June 2016. This submission states that Te Patuwai and Ngāti Maumoana are the principal hapū of Motiti Island, and are hapū of Ngāti Awa.
4. The hapū on Motiti Island are not Ngāti Awa. Te Hapū is not a descendant of Awanuiarangi II.
5. I have spent many years researching and presenting wānanga on the traditional history and whakapapa of the tangata whenua of Motiti Island. I have filed an historical claim in the Tribunal (Wai 2266). If the Tribunal enquires into the Motiti claims, I intend to present full evidence. However, for the Tribunal's information in considering the urgency application by Wai 2521 this evidence provides a brief overview.
6. Some understanding of the history is required to grasp the issues before the Tribunal. In summary:
 - 6.1. Te Patuwai is the name of an event, not an ancestor, and the name has been applied to a collective of hapū, who are of different ancestral origins and tribal estates;
 - 6.2. Te Patuwai tuturu has mana whenua at Pūpūaruhe, Whakatane;
 - 6.3. Ngāi Te Hapū have no rights at Whakatane;



6.4. Ngāti Maumoana have no rights on Motiti Island.

Ngāi Te Hapū

7. Te Hapū is the principal tupuna of Motiti Island.
8. Te Hapū is a descendant of Toroa, the captain of Mātaatua waka. Toroa's grandson was Tamatea ki te Huatahi, and his whānau lived in Te Urewera. Tamatea's eldest son was Ueīmua, and Tūhoe Potiki was a younger brother. There was a battle between the brothers and Ueīmua was killed by Tūhoe, and Ueīmua's people then left the Te Urewera district and became known as Ngāti Ruaroa. They congregated at Horanga settlement at Ohiwa Harbour, in the Whakatane-Opotiki District, and then all left in different directions.
9. Ueīmua's grandson Te Hapū uplifted his people Ngāti Ruaroa from Torere, and with his relative Maruahaira settled at Te Horanga settlement at Ohiwa and Maruahaira settled at Puketapu pa in Whakatane, overtime they migrated west at the request of his mother's tribe of Waitaha. Maruahaira stayed at Pukehina. At Waitaha's request, Te Hapū uplifted the tapu from Motiti that had been placed by Waitaha when they vacated the island.
10. Te Hapū established his people on the island and there they remained. His people became known as Ngāi Te Hapū. From Te Hapū's descendants came the hapū born upon the island. The hapū were through two primary lines. The descendants of Te Hapū's first son, Manu, born of his first wife in Ohiwa, gave rise to the hapū Ngāti Pau. The descendants of Te Hapū's second son Roropukai, from his second wife Rōmai, gave rise to the hapū Ngāti Tutonu, Ngāti Kauaewera, Ngāti Makerewai, and Ngāti Takahānga. These hapū only have mana whenua/mana moana here on Motiti Island and the surrounding rohe moana. They don't belong anywhere else.
11. There are two marae on Motiti Island. One is Ngāti Takahānga, Tamatea ki te Huatahi is the wharenui, and Hinewai of Waitaha is the wharekai. The other is Ngāti Makerewai, Te Hinga o te Rā is the wharenui and Pūna the wharekai. There was another earlier Ngāti Pau

and Ngāti Kāuaewera marae at Pukepukeariki near the Wairarapa stream until late 19th century; Te Ruatiki was the wharenui, and Mihiwai was the wharekai.

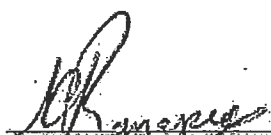
Te Patuwai

12. Te Patuwai is the name of an event, a battle on the water. A war party of our peoples led by Tawhiwhi from Ngāti Te Ikāpuku of Whakatane, mainly Ngāti Te Uru and Ngāti Maumoana, and Ngāti Te Hapū, mainly Ngāti Kāuaewera of Motiti Island, were intercepted out at sea by Whakatohea. All aboard were killed and the name Te Patuwai, meaning to be attacked on the water, was coined in memory of the event. The Te Patuwai event united the peoples of Whakatane (Ngāti Maumoana/ Te Patuwai), Ngāti Whakahemo from Pukehina and Ngāti Pukenga from Tauranga in an alliance known as Te Korowai o Te Patuwai to avenge the battle. My ancestors refer to Te Patuwai tuturu as those in Whakatane who identify themselves as the family of Tawhiwhi.
13. Those involved in the battle became known by the name Te Patuwai, recognising their connection to a common event, but they nonetheless were still separate tribes with different ancestors and different tribal estates. That is why I regard Te Patuwai as more properly an alliance than a single tribe.
14. This was reflected in the awards made by the Native Land Court. In the Whakatane District, land was awarded respectively to Te Patuwai/ Ngāti Maumoana (who were closely intermarried and were two branches of the same family), Ngāti Pukeko and Ngāti Awa. None of those awards were connected to Motiti Island.
15. On Motiti Island, the awards were to the hapū of Motiti:
 - 15.1. Motiti North C block – Ngāti Takahanga and Ngāti Pau;
 - 15.2. Motiti North D block – Ngāti Kāuaewera/ Ngāti Te Uru, and Ngāti Pau;
 - 15.3. Motiti North E block – Ngāti Makerewai;

15.4. Motiti North B block – this land was sold by Akuhata Tupaea to George Douglas and then bought back in a land exchange.

16. I should say for the sake of completeness that the marriages between some from Motiti and some from Whakatane led to links between the hapū. This was particularly during the period of the musket wars, when fear of the Ngā Puhi raids led some to leave the island temporarily and seek sanctuary in Whakatane, although some stayed behind, and others travelled backwards and forwards.
17. However, there are also intermarriages with other iwi on the mainland, including Waitaha, Ngāti Whakahemo, Ngāti Pikiao, and Ngāti Te Rangi.
18. This tribal history is complex but it is very important, as it is the foundation of our identity. I look forward to giving more detailed evidence before the Tribunal.

SWORN at Tauranga
this 19th day of August 2016
before me:

) 
)
)
) **NERIA RANAPIA**


Solicitor of the High Court of New Zealand