

Chatham Rock Phosphate Ltd
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10/07/2014

Submission: Ngāti Kahungunu Iwi Incorporated

Marine Consent Application

Application Name: Chatham Rock Phosphate Ltd Proposed Mining Operation, Chatham Rise

EPA Reference: EEZ000006

Applicant: Chatham Rock Phosphate Limited

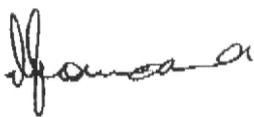
1. **Ngāti Kahungunu Iwi Incorporated** (NKII) is the mandated iwi organisation / authority responsible for all aspects of Ngāti Kahungunu development. Ngāti Kahungunu has the third largest iwi population (62,000¹) and the second largest coastline and tribal rohe, from Paritū north of Wairoa extending inland and following the ranges to Turakirae head in South Wairarapa.
2. As the mandated iwi organisation / authority we maintain a level of responsibility and assert an independent position to advocate for the interests and rights, including values, beliefs and practices of all Ngāti Kahungunu tāngata whenua, whānau, and hapū. Ngāti Kahungunu has significant interests in the natural environment and subsequent impacts on it. Ngāti Kahungunu Iwi Incorporated is primarily funded by the fisheries deed of settlement that acknowledged the right of Ngāti Kahungunu to customary and commercial interests in fisheries.
3. We are concerned at the potential risk placed on our kaitiakitanga, our natural resources and the environment including our fisheries; a taonga of Ngāti Kahungunu. Until Ngāti Kahungunu Iwi Incorporated is confident our environmental and fishing interests will not be adversely affected **we oppose the mining licence application.**
4. We seek assurances that our interests and rights will be preserved, which are significant. Fisheries have been settled; however any detrimental effect from petroleum exploration on this resource would be catastrophic and undermine the **1992 Treaty of Waitangi (Fisheries Claims) Settlement Act**, constituting a new breach.
5. Striking a **balance** with respect to the fishing industry and the possible impacts on this (both positive and negative) by industry is very important to Ngāti Kahungunu. Ngāti Kahungunu is reluctant to risk an important and certain industry (Fisheries) for the unknown possibilities and risks associated with mining exploration. Caution (as highlighted in this submission) is mandatory for Ngāti Kahungunu.
6. Information is a key element and integral to robust decision-making. Ngāti Kahungunu want to be fully informed so that we can make informed decisions and work together to avoid any undue risks and influence the processes undertaken by companies in our rohe. It is our understanding that very important and highly technical aspects of the proposed mining activity are untested and unknown, which necessitates a **precautionary approach** to risk management. Greater certainty and confidence before proceeding would be a prudent approach to avoid potentially serious and undue risk occurring.

¹ 2013 Census of Population and Dwellings, New Zealand Ngāti Kahungunu population only

7. The conservative and precautionary approach is not new and we are already doing it in fishing. Ngāti Kahungunu Iwi Incorporated have sponsored and supported research into sustainable fishing net technology. On a larger scale Iwi owned company, AFL and its subsidiary Sealord's have also explored similar initiatives with other variations towards sustainable fishing net technology. These efforts demonstrate considerable effort in preserving the environment and the exploration of **new, innovative and sustainable approaches** to an age old industry. These efforts should mirrored and not be undermined or inadvertently off-set adverse impacts from other commercial activities or industries.
8. Maori / iwi have lead the establishment of **Benthic Protected Areas** to protect the environmental impacts and habitat integrity of the benthic environment and underwater sea mounts. We are concerned that our efforts to protect the environment and the integrity of BPA's may be compromised if consent were granted.
9. It is essential and prudent that **Best World Practice** is well established before considering such exploratory activity. This includes a robust analysis and communication with interested parties. Best practice is lacking in this area and creates an avoidable level of risk.
10. Ngāti Kahungunu holds no resentment towards companies seeking resource consent from the Crown, as this is the process that companies have been instructed to follow. However, as mentioned above Ngāti Kahungunu *does* challenge the ownership of this resource with the Crown and we insist that this be resolved through the **Treaty of Waitangi process (WAI852)** with urgency.
11. Ngāti Kahungunu insists an **insurance or contingency fund** be set aside in case 'something goes wrong'. The contingency fund should not admonish liability for any mishaps related to mineral exploration, but rather be an interim measure for resources made readily and directly available to affected tāngata whenua if the need arises. If Companies and the Crown consider there is no or only a low risk of any mishaps, 'blowouts', technical failures or alike, then a contingency fund or deposit should not be an issue.

For any additional information on this submission, please contact Dr Adele Whyte, CE – Ngati Kahungunu Iwi Incorporated, adele@kahungunu.iwi.nz.

Nā māua,



Ngahiwi Tomoana
Tumuaki/Chairman
Ngāti Kahungunu Iwi Incorporated



Dr Adele Whyte
Kaiwhakahaere Matua/ Chief Executive
Ngāti Kahungunu Iwi Incorporated