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10 March 2025

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Tēnā koe Peter,

Statement of Position of Tapuika regarding Taheke 8C proposed Hydro-electric Scheme

We acknowledge and appreciate the meeting held in Te Puke between Tapuika Iwi Authority and Taheke 8 C trustees on 1 March 2025. It was valuable to hear your collective intentions, receive an update on work carried out over the last 6-8 months and discuss potential implications for our rohe and Te Awanui o Tapuika (Kaituna River).

This letter provides a written response to this meeting reiterating our concerns, position and expectations moving forward.

Kaituna: He Taonga Tuku Iho

Ko Rangiuru te maunga Ko Kaituna te awa Ko Tapuika Te Iwi

Tapuika holds a deep and enduring connection to the Kaituna River, which is integral to our identity, culture, and well-being. This relationship has been affirmed through the Tapuika Deed of Settlement and associated legislation^{1,2}, which recognise our rights, responsibilities, and role in the management and protection of our awa.

Ko Tātou Te Awa, Ko Te Awa ko Tātou

In May 2024, Taheke 8C submitted an unsuccessful 'Expression of Interest'³ seeking inclusion in Schedule 2 of the Fast Track Approvals Bill (now Act). There is no acknowledgement of Tapuika, or other Kaituna River Iwi, within this Expression of Interest application.

As expressed at the meeting, it was completely unacceptable and offensive for Taheke 8C:

- To not have informed or engaged with the Tapuika Iwi Authority before the Expression of Interest application was submitted in May 2004.
- Present to Te Maru o Kaituna River Authority (TMOK) in November 2024 before engaging with Tapuika Iwi Authority. TMOK would not exist without the Tapuika Claims Settlement Act 2014.

¹ https://legislation.govt.nz/act/public/2014/0015/17.0/DLM5993409.html

 $^{^2\ \}underline{\text{https://atlas.boprc.govt.nz/api/v1/edms/document/A1887082/content}}$

³ https://environment.govt.nz/assets/what-government-is-doing/Fast-Track-Unlisted/The-Taheke-8C-Hydro-Development-Project-/088.01-response-ANON-URZ4-5F9Z-3_Redacted.pdf

Our Position on the Proposal

While we acknowledge the benefits of renewable energy development for Taheke 8C, our primary concern remains the health and mauri of the Kaituna River. Accordingly, Tapuika asserts the following:

- The mauri of the Kaituna River is of paramount importance.
- The wellbeing of our people is intrinsically linked to the wellbeing of our awa.
- The wellbeing of our mahinga kai and freshwater taonga species is intrinsically linked to the wellbeing of our awa.

Therefore, all proposals must demonstrate how the mauri of the Kaituna River – and all it sustains – will be safeguarded. We need certainty that any adverse impacts of this proposal will not be seen or felt downstream.

Our Expectations Moving Forward

To ensure an approach that respects our awa and our people and upholds the intent, integrity and effects of the Tapuika Claims Settlement Act 2014, we expect:

- · Open and honest communication.
- That project team members familiarise themselves with our treaty settlement, environmental management plan, Kaituna River Document and new Kaituna River provisions within the Bay of Plenty Regional Policy Statement.
- An invitation to meet with other affected River Iwi Te Kapu Ō Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust and Ngāti Whakaue was offered to the the project Team, and the costs for this should be cover by Taheke 8C Limited.

 Please indicate when you anticipate this will be held?
- To be resourced to prepare a Cultural Impact Assessment for the proposal.
- Regular updates to Te Maru o Kaituna River Authority.

A Memorandum of Understanding would be an effective mechanism to ensure the above.

Ngā mihi,

Te Hingatū Marsh

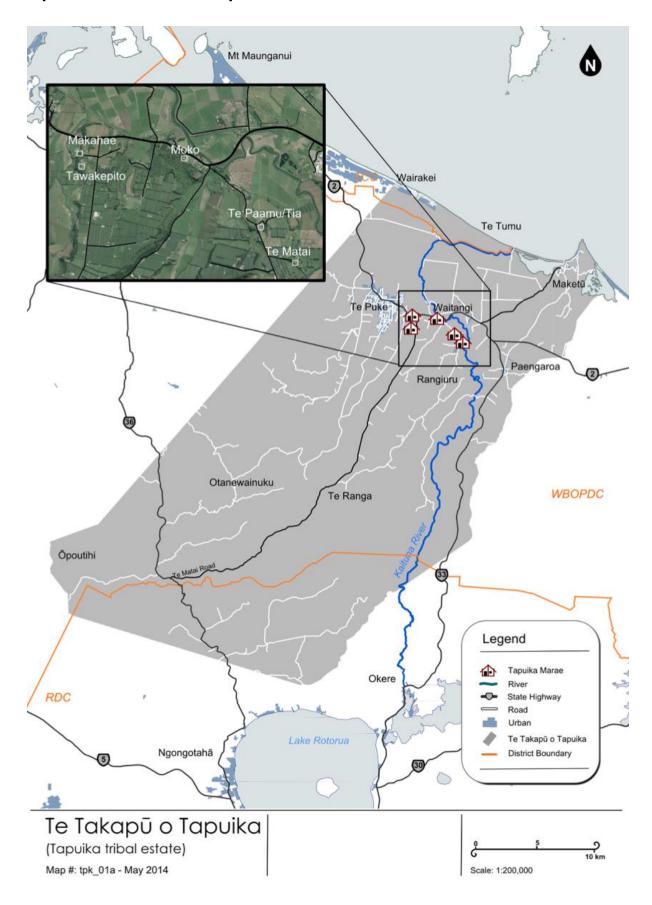
Kaiwhakahaere Matua – General Manager.

Cc: Henare Hori Ahomiro (via email) Tapuika Iwi Authority – Chairperson.

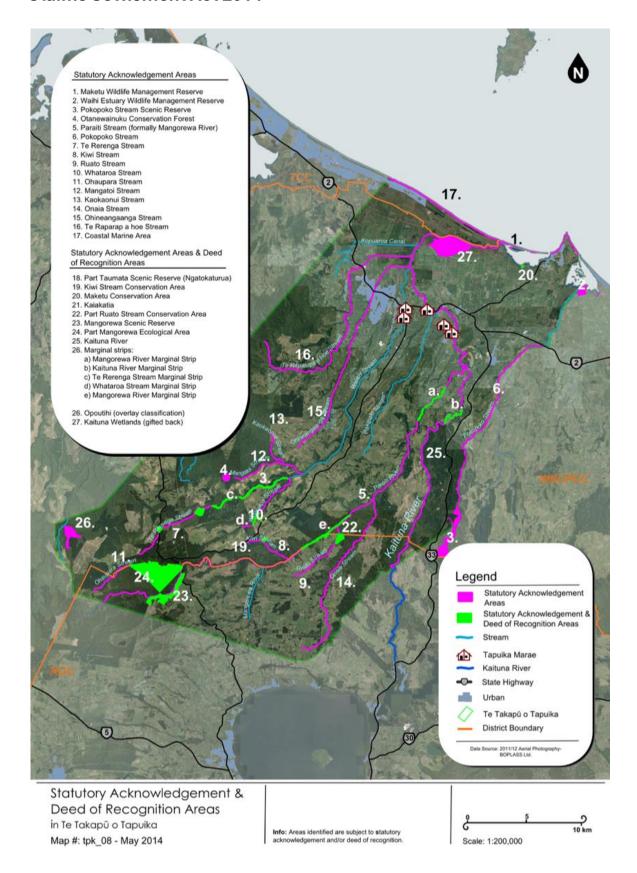
Attachments:

- 1. Tapuika Tribal Estate Map
- 2. Tapuika Cultural Redress Areas from Schedule 1 and 2 of the Tapuika Claims Settlement Act 2014
- 3. Statement of Association for Kaituna River from the Tapuika Deed of Settlement
- 4. Cultural and Historical Account of Te Awanui o Tapuika

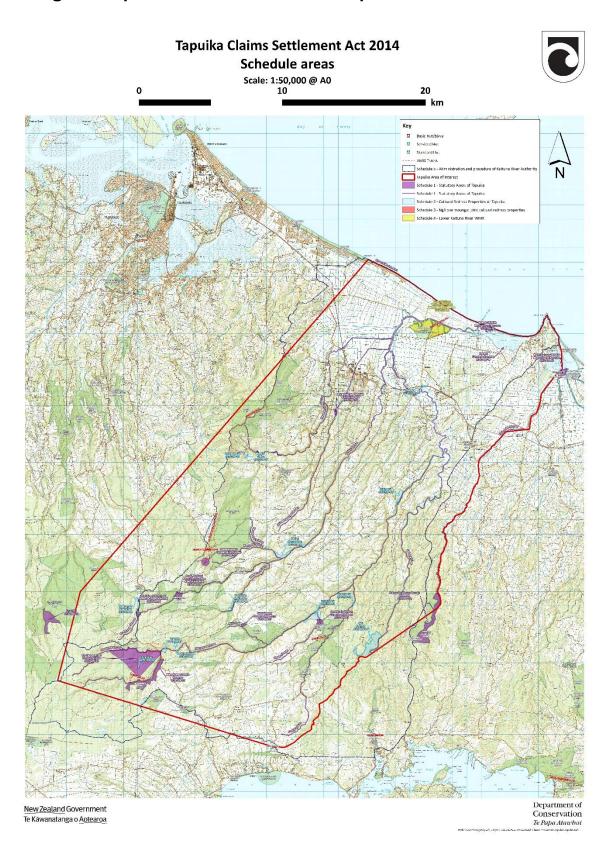
1. Tapuika Tribal Estate Map



2. Tapuika Cultural Redress Areas from Schedule 1 and 2 of the Tapuika Claims Settlement Act 2014



3. Original Map of Schedule Areas from Tapuika Settlement Act 2014



4. Statement of Association for Kaituna River from the Tapuika Deed of Settlement

https://atlas.boprc.govt.nz/api/v1/edms/document/A1887082/content

Statutory Area

The area to which this Statutory Acknowledgement applies is the Kaituna River as shown on deed plan OTS-209-26.

Statement of Association

Under section 33, the Crown acknowledges the statement by Tapuika of their particular cultural, spiritual, historical, and traditional association of Tapuika with the Kaituna River. Cultural, spiritual, historical, and traditional association of Tapuika with Statutory Area

The rivers, streams and wetlands within the Takapū o Tapuika were an important source of food, building materials, clothing and dyes. However, the relationship between Tapuika and their waterways was not solely confined to food gathering and other uses. It also incorporated an intrinsic connection with the mauri of the waterways and the tribal kaitiaki or tāniwha whose rangatiratanga over the streams and rivers provides evidence of Tapuika's long standing association with the waterways within the takapū. The taniwha associated with the Kaituna are Te Mapu, Pareawheawhe and Porohinaki.

The presence of tribal tāniwha as guardians of the Kaituna River engendered fear in those who transgressed and showed disrespect for the river. To Tapuika the tāniwha on the river represent the power and authority of the spiritual world and their rangatiratanga over the river is undisputed. They were the protectors of the river and of the people, providing warnings when the tribe was in crisis.

The Tapuika belief is that as descendants of the god Pūhaorangi they are the link between the spiritual world and the natural world as expressed in the following proverb:

Pōua ki te rangi Pōua ki te whenua Anei a Tapuika e tū atu nei

From the heavens to the land here stands Tapuika - as such Tapuika are responsible for protecting and ensuring respect for the mauri of the river as expressed through Tapuika custom, laws, and sacred sanctions.

The mauri or life force of the Kaituna River is an important element that governs the use and wellbeing of the river. The mauri of the Kaituna River is the integral essence that binds together the spiritual elements and the natural elements. The relationship of Tapuika with the Kaituna River and the lands adjoining the river lies at the heart of the spiritual and physical wellbeing of Tapuika.

It is our identity, it is who we are as a river people expressed in the tribal proverb:

Ko Rangiuru te maunga Ko Te Kaituna te awa Ko Tapuika Te lwi Rangiuru is the mountain, Kaituna is the awa, Tapuika is the lwi'.

To Tapuika, the Kaituna River is a taonga of immeasurable importance a gift from the Gods, imbued with great mana.

The Kaituna River is known to Tapuika as Te Awanui o Tapuika or the great river of Tapuika, was named by Tia for his son. The source of Te Awanui o Tapuika, a spring, is located in the Ōhau channel. The traditions of Tapuika confirm the intrinsic connection of Tapuika to the Kaituna River and the mauri or life force of the river. These traditions are expressed in the oratory, customs, genealogy, sayings, songs and long time occupation of Tapuika beside the waters of the Kaituna.

The Tapuika waiata Tera Koia Nga Uru Whetu recounts the numerous Tapuika settlements along the Kaituna River: Te Hape a Tāwakepito, Ohautira, Pukemotiti, Paengaroa, Ōporouruao, Whirinaki, Te Huruhuru o Tōpea and many others. There are many sacred places of Tapuika along the length of the Kaituna River including Ōteiere, Ōtamamarere, Te Ana o Kaiongaonga, Te Kuaha o Te Urutapu.

The Kaituna River is a provider. It sustains and nurtures all who live by its waters. It has been a pātaka awa for Tapuika for generations. Its river banks crowded with watercress, its waters filled with tuna, kākahi (fresh water mussels), Koura (freshwater crayfish), inanga and koaro. Its tributaries fed numerous swamps where flaxes of untold varieties were harvested to make clothes and building materials. The name Kaituna is derived from the eating of eels which were caught in abundance.

The Kaituna River is the umbilical cord that joins the tribes of the river together. From its commencement at Ōkere Falls, to the Kaituna plains to its outlet at Te Tumu, the river tribes are joined together through whakapapa and a united responsibility to ensure the Kaituna is protected for the generations yet to come.

Purposes of Statutory Acknowledgement

Under section 34, and without limiting the rest of this schedule, the only purposes of this Statutory Acknowledgement are to:

- (a) require that relevant consent authorities, the Environment Court, and the Historic Places Trust, to have regard to this Statutory Acknowledgement in relation to the Kaituna River in accordance with sections 35 to 37; and
- (b) require relevant consent authorities to record the Statutory Acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees of in accordance with sections 38 and 39; and
- (c) enable the trustees and any member of Tapuika to cite the Statutory Acknowledgement as evidence of the association of Tapuika with the statutory area, in accordance with section 40.

Relevant consent authorities to have regard to Statutory Acknowledgement

Under section 35, relevant consent authorities must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 95E of the Resource Management Act 1991, if the trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area for which an application for a resource consent has been made. This requirement does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

Environment Court and Historic Places Trust to have regard to Statutory Acknowledgement

Under section 36, the Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in deciding, under section 274 of the Resource Management Act 1991, if the trustees are persons who have an interest in proceedings that is greater than the interest the general public has in respect of an application for a resource consent for activities within, adjacent to, or directly affecting the statutory area. This requirement does not limit the obligations of the Environment Court under the Resource Management Act 1991.

Under section 37, if an application is made under section 11 or 12 of the Historic Places Act 1993 for an authority to destroy, damage, or modify an archaeological site within a statutory area, the Historic Places Trust must have regard to the Statutory Acknowledgement relating to that statutory area in exercising its powers under section 14 of the Historic Places Act 1993.

The Environment Court must have regard to the Statutory Acknowledgement relating to a statutory area in determining under section 20 of the Historic Places Act 1993 any appeal from a decision of the Historic Places Trust in relation to an application for an authority to destroy, damage, or modify an archaeological site within that statutory area, including in determining whether the trustees are persons directly affected by the decision.

In this section, archaeological site has the meaning given to it in section 2 of the Historic Places Act 1993.

5. Cultural and Historical Account of Te Awanui o Tapuika

Te Awanui o Tapuika

The Kaituna is known to Tapuika as The Great River of Tapuika. From it's beginnings at Ōkere through to the mouth at Maketū, Tapuika have lived along the banks since the arrival of the Te Arawa waka.

It wasn't long after the arrival of the waka that Tia set off to explore the new lands. A party left with him including his grandson Tamateranini by way of the Pāpāmoa Ranges and Ōtānewainuku before turning eastward. It was during his travels eastward that Tia came to the Ōhau Channel. Tia stuck his walking stick into the water and caused a spring to well forth. It is said that the Kaituna begins from this point. Tia and his roopū then continued onto Hamurana where he did the same. Some consider these as the southern markers of the Tapuika boundary. Te Horohoro i ngā ringaringa ō Tia, Ātiamuri and Te Aratiatia are other place names from his travels.

Tia named his son after the fish of Maui (ie) Te Tapuika Nui ā te Heimatau ō Maui. Tapuika's son Makahae was named after the slashing and cutting Maui's brothers did to the fish. Tapuika's children, Makahae, Tukutuku, Tamateranini and Tuariki remained in Te Takapū o Tapuika, although it is said that Tuariki later left to explore the Tairawhiti region. In the time of Pongare and Karewarewa (great grandchildren to Tia) the lands from the Kaituna and Paraiti to Puketutu were under Tapuika control. The land passed down through the generations to the time of Marutehe, Whatukoro and his sister Hinemaru. They had settled the land between Kaikokopu and the Kaituna River which had its source at the puna on the Ōhau channel then flowing into Totoiti and then down the river proper. Whatukoro held the lands south of Pakotore and Hinemaru held the land south of the Pokopoko River. Some six generations after Marutehe⁴ and Whatukoro, Tapuika continued to exercise mana whenua over the land.

Alliances between the tribes served to strengthen ties and this is seen in the marriages of Hinemaru to Ruakiore of Waitaha. Rangiuru married Tūhourangi's grandson Whakauekaipapa. Aotaramarae (the great grandchild of Whatukoro) married Taketakehikuroa (the mokopuna of Rangitihi⁵ and son of Tūhorangi⁶) cementing an enduring relationship between Tapuika and Tūhourangi. Te Aotaramarae was a large landowner in the southern portion of the Takapū. Through this marriage, the uri of Taketakehikuroa were able to live in the Takapū as they were Tapuika. Taketakehikuroa moved between Ōhaukaka at Rotoiti and Pakotore at Paengaroa.

Taketakehikuroa and Te Aotaramarae had three sons, Te Wiwiniōrongo, Tuteamutu and Te Pipioterangi who were raised at Pakotore. Wiwiniōrongo married Te Aotepairu of Pukehina and Tutea married his first cousin Te Aorauru. After a dispute between their wives at an eeling hole at the Hururu stream, Taketakehikuroa gave his lands in the south to Wiwiniōrongo and Aotaramarae gave her lands in the north to Tuteamutu. And is how Wiwiniōrong came to control Rotoiti and Tuteamutu took his mothers Tapuika lands⁷.

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⁴ It was Uenukumairarotonga that asked Marutehē for his daughters as wives for his son Rangitihi. Marutehē's daughters were; Rongomaiturihuia, Kahukare and Manawatokotoko. Rangitihi later marries Papawharanui and their offspring combined are referred to as Ngā Pumanawa e waru o Te Arawa.

⁵ Rangitihi's mother was Te Aokapuarangi of Tapuika

⁶ Tūhourangi's mother was Rakeitahaenui of Tapuika

⁷ Kihirini, B A History of Tapuika

Tapuika's spiritual and physical connection to the awa is captured in the patere composed by Te Hikapuhi in the 1840s, which speaks to the awa as a source of identity, belonging and connection. *Tērā Koia Ngā Uru Whetu* illustrates the many significant places on the awa for Tapuika. Part of the patere refers to;

Te Awanui o Tapuika ki te rere i Ōkere Ki te kongutu awa ki Orongohau

....Tirohia rā ki te puia i Ōrewa

Ka hamama e kino ana ki Ōhau, ki te piko i a Kumete

Ka whakarongo mai ō taringa ki Te Awanui o Tapuika

Ki te rere i Ōkere

Ka tangi ka hoki au ki aku puke ngahuru

Ki Te Hiapō...

Some of the Tapuika waahi tapu, kaitiaki and nohoanga are;

Porohinaki the Tapuika taniwha associated with the upper reaches of the Kaituna

Te Mapu the Tapuika taniwha of the lower Kaituna

Pareawheawhe female taniwha that also traversed the waterways of the Takapū

Te Waihirere-o-Tutea

Te Maoana-a-porohe-a-Taketakehikuroa

Waipaepae nohoanga

Puetou

Oteiere pā near Ōteranginui

Te Hiapō waahi tapu nohoanga

Namuhae pā

Titirangi pā

Te Ana a Kaiongaonga

Te Taenga o Te Ureomae

Pakotore pā urupā waahi tapu

Maungarangi pā

Matapara pā

Ohautira nohoanga

Puhirua taunga waka

Pukemõtiti nohoanga

Puketutu nohoanga

Ōmarae nohoanga

Te Whiki

Pukemauri nohoanga

Te Mimi o Tapuika where the Kaituna becomes navigatable by waka

Te Huruhuru o Topea

Pukehamutu

Kaiwaka pā

Ōtehau pa

Ōtamamārere waahi tapu and urupa`

lwirau pā and nohoanga

Ōtitoko pā

Komataauahi pakanga site

Oporouruao nohoanga

Ōtūkawa pā

Whirinaki nohoanga

Ngaeo

Matapura

Tiaroa

Te Kuaha o Te Urutapu waahi tapu of great significance

Waitangi pā

Ōmaropoporo nohoanga

Taniwhanui pā

Tanui pā and nohoanga

Te Koroaha nohoanga and mahinga kai

Ngatupeka ancient mahinga kai

Te Wainui nohoanga

Te Urumakoha mahinga kai

Te Kopua a Mapu taniwha lair

Ōmatarehu nohoanga

Ngarangiaterarauhe nohoanga

Te Tuhi nohoanga

Ngahuruhuru nohoanga

Te Kopua nohoanga hi ika

Takaihuahua mahinga kai

Rapanui nohoanga

Te Karaka pā waahi tapu

Te Anu nohoanga

Te Whakararauhe nohoanga

Te Paiaka pā

Te Mamaku nohoanga

Te Paroa pā

Ōtaiparia pā

Te Tumu pā

Papahikahawai

Koaretaia ana urupā

According to Tapuika tatai kōrero Ōkere is the shortened form of *Ngā wai roimata ō Marukūkere*. Marukūkere was a Tapuika tupuna that along with Ruangutu held mana whenua over the Takapū in their time. The land block of Paengaroa is the shortened version of *Te Paengaroa Ō Ngā Maara Kūmara Ō Marukūkere* the long mounds of the kumara gardens of Marukūkere and Pūkaingātaru *Te Pukai Ō Ngā Taru Ō Ngā Maara Kai A Marukūkere*. Both names are given in reference to his prolific green fingers. Te Pakipaki stream is also named after Marukūkere *Te Pakipakitanga Ō Te Upoko A Marukūkere*.

In formulating a response to the Taheke 8C Hydroelectric Scheme, it must be highlighted that the places listed above (and it is by no means a complete list) will be affected as they too are located along the banks of the Kaituna River. As our kuia Hikapuhi eloquently highlights, Tapuika has lived along the banks of the Kaituna since the waka landed at Maketū nearly eight centuries ago.

We are deeply concerned about how this scheme will impact on the following;

Mauri

Is the life force or vital essence that exists within all living and non-living things. It is the energy that binds the physical and spiritual worlds together, giving life and meaning to the environment, people, and all creation. In Te Ao Māori, mauri is a fundamental reality that ensures the wellbeing and balance of the natural world.

For Tapuika, the **mauri of the Kaituna river** is the spiritual and physical essence that sustains its waters, ecosystems, and the people who rely on it. The river's mauri is upheld when its flow remains unimpeded, its waters are clean, and its inhabitants—both physical (such as tuna and kakahi) and spiritual (such as taniwha)—are thriving. When the mauri of the river is degraded, it affects not only the river itself but also our hapū and iwi, traditions, and cultural responsibilities tied to it.

Tribal taniwha

The taniwha Porohinaki is said to reside in the upper reaches of the Kaituna. His physical body took the form of a tuna. Te Mapu is the taniwha of the lower reaches of the Kaituna and took the form of a shark. Pareawheawhe, a female taniwha takes the form of a manta-ray, also resides in the lower Kaituna and other tributaries.

Porohinaki, Te Mapu and Pareawheawhe, the spiritual kaitiaki of the awa, have long
protected its waters. The disruption of their domains through construction and changes in
water levels will not only drive them from their ancestral homes but risks unsettling the
balance of tapu and noa within the awa system.

Waahi tapu (sacred sites)

Our waahi tapu are places of deep spiritual significance, associated with our Tūpuna, nga Ātua, pūrākau and significant tribal events and as such are imbued with the wairua of the land and water, and their protection is central and of the utmost importance.

- Disruption of the rivers flow and ecology could alter the spiritual landscape of our sacred sites. Our whānau still use the waters for rituals, ceremonies and noho-puku spaces so any changes to the awa impacts the wairua of the waahi tapu. If water quality or quantity is affected, it creates further imbalance and spiritual harm, as they are connected to our Tūpuna. Our whānau already feel aggrieved with past decisions that have impacted on the lower reaches of the awa.
- Cultural dislocation has already occurred for some of our waahi tapu located on the banks
 of the awa that impacts our ability to access and engage with these sites in a meaningful
 way
- The awa often serves as a living record of our history and cultural identity and disrupting this can be seen as disrupting the cultural continuity and heritage of the waahi. Any risk of flooding or degradation not only causes environmental harm but also erase the tribes ability to engage with our own history and heritage.

Mahinga Kai (Food gathering places)

Mahinga kai refers to the traditional food gathering places where our people harvest resources such as fish, plants and other materials. The Kaituna has historically been a crucial resource for the tribe and any impacts on the river affects these sources. We have seen in our lifetime the loss of kai in the lower part of the awa. Along with that loss are the practices and tikanga associated with the kai like the kākahi and koura.

- Water flow and habitat changes resulting from the hydroelectric scheme could reduce or eliminate traditional fish species such as tuna, tarauta and inganga and freshwater plants that are essential for food. This loss undermines the mauri of the awa and food sources and disrupts the relationship between our people and their traditional food sources.
- We have seen the depletion and destruction of mahinga kai that has impacted on the tikanga associated with these activities. This significant cultural loss for the tribe is devastating as these areas are central to sustaining both the physical and spiritual wellbeing of the tribe.

Urupā (Burial Grounds)

Urupā are the burial grounds where our tūpuna are interred. These sites hold immense cultural and spiritual significance for our people, as noho puku spaces, and hold the physical koiwi of our tupuna and connection to our collective past.

- Altered river dynamics caused by the hydroelectric scheme and current management of the Ökere gate could potentially impact the nearby urupā along the awa, especially if water levels fluctuate or sediment patterns change. If the integrity of the ana and urupā are compromised, it will also impact on the spiritual connection between the tūpuna and our people.
- The risk of further disruption to the awa's mauri and wairua could lead to further spiritual desecration, as the awa plays a vital role in the whakapapa of the tribe connecting us as iwi/hapū and our tūpuna in these spaces. A disruption in this connection is a harbinger of bad fortune.

Effects on the Kaituna environs

Downstream areas of the Kaituna are particularly sensitive to any changes caused by the scheme as the effects could ripple through the ecosystem, affecting places further along the river's course.

Cumulative ecological impacts such as changes in water quality, sediment movement and fish migration could affect the wider environment downstream, including waahi tapu, mahinga kai and other cultural places. This could lead to a weakening of the spiritual and physical connection to the awa, as the health of the awa and its tributaries directly impacts the mauri of these places.

Tau utuutu

The value of tau utuutu is the balance or equilibrium in nature and of the te ao turoa. The philosophy behind this concept is that all things are in balance. When one takes from something, one must also give back to the taiao. If we view the Kaituna in its entirety, and one takes the wai to use then what is given back to the awa? Does what is taken given back in equal value to maintain that balance?

There is much benefit to the shareholders of Taheke 8C in the form of guaranteed revenue generation, employment and environmental enhancement at the site and surrounding area. How does the awa benefit from this scheme or the hapū and iwi that reside along the lower reaches of the awa? How does the hydroelectric scheme enhance the whenua and wai of the awa? How does the scheme enhance the waahi tapu, mahinga kai, urupā, pā and nohoanga of the lower reaches? How do we know that the cultural integrity of our sacred sites are maintained for future generations? How do we ensure the cultural safety of our people and our waahi tapu?

Tapuika Tikanga and Kaitiakitanga

As kaitiaki, Tapuika have a duty to protect the Kaituna and all that it sustains. This responsibility is more than a legal right—it is a sacred obligation passed down through our whakapapa. The degradation of the Kaituna is an affront to our tikanga, undermining the principles that guide our stewardship over these lands and waters.

Our Deed of Settlement (2014) affirms our mana over the Kaituna River, and the Crown has an obligation to honour this agreement. Any development that threatens the health and integrity of the river contradicts the Crown's commitments under Te Tiriti o Waitangi and the principles of partnership, active protection, and redress. The Tapuika Mana Whenua Report reinforces this obligation by documenting our historical presence along the Kaituna and the need for restorative, rather than destructive, engagement with the river.

He Whakakapi

The Taheke 8C Hydroelectric scheme is an unacceptable intrusion upon Tapuika whenua and taonga. It poses a direct threat to our ability to fulfil our role as kaitiaki and undermines the spiritual and physical wellbeing of our people. The Kaituna is not a resource to be exploited – it is a tupuna, a guardian, a source of life that must be protected and enhanced. Tapuika stand firm in opposition to this scheme and demand that our relationship with the Kaituna be respected and upheld.

References

Tapuika Mana Whenua Report 2005 – Tapuika Iwi Archives Tērā Koia Ngā Uruwhetu Hikapuhi 1840s - Tapuika Iwi Archives Kihirini, Bryce 2014 – A History of Tapuika Marsh, Te Keepa 2005 – Second Statement of Evidence to the CNI Hearings