
BRIEF OF EVIDENCE OF JAMES HENRY ADAMS
RMIA - RESOURCE MANAGEMENT ISSUES OF SIGNIFICANCE TO IWI
AUTHORITIES IN THE REGION

Qualifications and Experience

- 1 My name is James Henry Adams and I am a Senior Strategic Analyst employed by Otago Regional Council. I hold a Bachelor of Laws and a Bachelor of Arts from Otago University.
- 2 I have around 8 years of resource management and planning experience, based at Otago Regional Council. During this time, I have worked mainly on Regional Policy Statements, both the Partially Operative Otago Regional Policy Statement 2019 and the proposed Otago Regional Policy Statement 2021. This has included associated reports and participating in Environment Court processes such as expert conferencing and mediation.
- 3 I have been involved in the review of the Partially Operative Otago RPS 2019 and the preparation of the pORPS 2021 since late 2019. I have been involved in drafting various sections of the pORPS, the section 32 evaluation report, and the section 42A report, as well as being involved in community, stakeholder and mana whenua engagement processes.

Code of Conduct

- 4 I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014. I have complied with the code in preparing my evidence. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 5 I note that I am not an expert in Kāi Tahu values, tikaka and mātauraka. My expertise in relation to matters set out below relates solely to the resource management policy implications of those matters.

Scope of Evidence

6 Following prehearing discussions, I have reconsidered some parts of my section 42A report.

7 I raised several points in my s42A report regarding the RMIA chapter that required further clarification before I felt able to make a recommendation. Following pre-hearing discussions and further consideration I am now able to provide further comment on those matters; these are set out below.

8

9 Changes are indicated as follows:

Appearance	Explanation
Black text	Text as notified.
Black text with <u>underlining</u> or strikethrough	Amendments recommended in section 42A report.
Red text with <u>underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence where there has been no previous amendment to the 'as notified' provision text.
Black text with <u>red underlining</u>	Text that was recommended to be deleted in s42A report but now recommended to be retained ("un-deleted") by supplementary evidence.
Red strikethrough with <u>black underlining</u> .	Text that was recommended to be inserted in s42A report (black underline) but now recommended to be deleted by supplementary evidence (red strikethrough).

Updates

10 I have summarised my points of requested clarification below, accompanied by my updated recommendations. Paragraph references are to my s42A report.

11 I consider that the revisions below do not change the substance and effect of the provisions beyond those assessed in the original s32 report for the pORPS. The changes directly reflect the views and values of Kāi Tahu, in keeping with this chapter's purpose.

Is further amendment needed to RMIA-WTU-I1 to satisfy Ngāi Tahu Ki Murihiku's submission? (Para 654 re: 00223.050 Ngāi Tahu ki Murihiku)

- 12 I understand from prehearing discussions that the provision as drafted did not fully address the range of resource management issues that impact on wāhi tūpuna. Accordingly, I recommend the following amendment to RMIA-WTU-I1:

RMIA-WTU-I1 – The values of wāhi tūpuna are poorly recognised in resource management in Otago

Land, freshwater, and coastal management regimes have failed to adequately provide for Kāi Tahu interests in wāhi tūpuna. Attention has been too narrowly focused on the cultural redress components of the ~~Ngāi Tahu Claims Settlement Act 1998~~ NTCSA (statutory acknowledgements, place names, tōpuni areas and nohoaka sites), whereas wāhi tūpuna are considerably broader than the areas described in the legislation. The values of ~~these areas~~ wāhi tūpuna can be adversely affected by inappropriate ~~land~~ use and development and by a range of activities that affect land, freshwater and coastal environments when those activities are poorly managed. Cumulative adverse effects on wāhi tūpuna values can result, impacting on the intergenerational relationship of Kāi Tahu with these areas.¹

Specific land management² concerns include:

- [...]

Freshwater, biodiversity, coastal management and air and atmosphere issues that affect Kāi Tahu relationship with wāhi tūpuna are outlined in the RMIA-WAI, RMIA-MKB, RMIA-CE and RMIA-AA sections.³

Is further discussion of nohoaka, land use and access issues needed in RMIA-WTA-I2 and if so, what amendment is suggested? (Para 668, re: 00223.051 Ngāi Tahu ki Murihiku)

- 13 I understand from prehearing discussions that further revision is required for both RMIA-WTA-I1 (as a consequential change) and RMIA-WTA-I2 in order to properly address the range of effects that impact on wāhi tapu and wāhi taoka sites. Accordingly, I recommend the following amendment to RMIA-WTA-I1 and RMIA-WTA-I2:

¹ 00223.050 Ngāi Tahu ki Murihiku

² 00223.050 Ngāi Tahu ki Murihiku

³ 00223.050 Ngāi Tahu ki Murihiku

RMIA-WTA-I1 – ~~Land-use a~~Activities⁴ have resulted in disturbance and degradation of wāhi tapu and wāhi taoka sites and the cultural and spiritual values associated with these areas

Wāhi tapu and wāhi taoka sites are vulnerable to disturbance or destruction from ~~the both~~ direct and indirect⁵ effects of resource use and development. ~~This is through~~ Direct effects can include those resulting from⁶ activities that require earthworks in proximity. as well as from ~~n~~Natural⁷ or human-induced changes to biophysical processes can threaten these sites, such as for example⁸ coastal erosion. Wāhi tapu and wāhi taoka values can also be adversely affected by the encroachment of culturally offensive activities e.g. it is inappropriate to have a wastewater treatment plant at or near a wāhi tapu or wāhi taoka. Nohoaka, as sites where mahika kai is gathered or was gathered in the past, are particularly at risk from the combination of direct and indirect effects, and from cumulative adverse effects. Nohoaka sites are degraded when mahika kai can no longer be gathered there.⁹

RMIA-WTA-I2 – Access to wāhi tapu and wāhi taoka and the ability to undertake customary activities on these sites has been impeded

Access to culturally important sites has been impeded in many ways, affecting the ability of mana whenua to carry out customary activities and maintain relationships with wāhi tapu and wāhi taoka.¹⁰ Many sites are privately owned and cannot be accessed. Some sites no longer exist, or the customary activities associated with them¹¹ cannot be undertaken. ~~for~~ For¹² example, nohoaka sites associated with ~~mahika kai~~ mahika kai gathering cannot be used if ~~the mahika kai mahika kai is no longer there.~~ there is no way to reach the site or no safe way to harvest when at the site.¹³

⁴ 00223.051 Ngāi Tahu ki Murihiku

⁵ 00223.051 Ngāi Tahu ki Murihiku

⁶ 00223.051 Ngāi Tahu ki Murihiku

⁷ 00223.051 Ngāi Tahu ki Murihiku

⁸ 00223.051 Ngāi Tahu ki Murihiku

⁹ 00223.051 Ngāi Tahu ki Murihiku

¹⁰ 00223.051 Ngāi Tahu ki Murihiku

¹¹ 00223.051 Ngāi Tahu ki Murihiku

¹² 00223.051 Ngāi Tahu ki Murihiku

¹³ 00223.051 Ngāi Tahu ki Murihiku

A limited number of *nohoaka* sites were granted to Kāi Tahu through the Ngāi Tahu Claims Settlement Act 1998 NTCSA [...]

Further elaboration on concerns about discharges of liquid human waste from mortuaries and funeral homes into stormwater systems and coastal waters. (para 696, re: 00226.080 Kāi Tahu ki Otago)

14 Prehearing discussions have provided further explanation about concerns relating to discharge of human waste, and recommend the following changes to the last bullet point under RMIA-CE-I2:

- Inappropriate disposal of human wastes, including indiscriminate ~~Indiscriminate~~¹⁴ *discharge* of human ashes in sensitive areas such as kaimoana areas, or without the knowledge of *takata whenua*, and discharge of washdown wastes from mortuaries and funeral homes to coastal waters through stormwater drains.¹⁵

How should RMIA-PO – Pounamu, including RMIA-PO – I1 – Pounamu resources, be adjusted to recognise the integrated management approach to protect pounamu and work done within the tribe to improve pounamu management? (Paras 710 and 711 re: 00223.052 Ngāi Tahu ki Murihiku)

15 I understand from prehearing discussions that further revision is required for both RMIA-PO and RMIA-PO-I1 in order to address Ngāi Tahu ki Murihiku's submission point. I recommend amending the RPS as follows:

RMIA-PO – Pounamu

Context

Kāi Tahu customs are intricately linked to this special taoka. ~~There is currently no Regional Pounamu Plan for Otago.~~ Many ara tāwhito, ancient trails, in Otago lead from coastal settlements to inland pounamu resources.¹⁶

Management of this taoka is currently dependent on the provisions of the Ngāi Tahu (Pounamu Vesting) Act 1997 ~~and a rāhui pounamu is in place in the Otago region.~~ which vests pounamu with Te Rūnanga o Ngāi Tahu. Papatipu

¹⁴ 00226.080 Kāi Tahu ki Otago

¹⁵ 00226.080 Kāi Tahu ki Otago

rūnaka act as kaitiaki pounamu. There is currently no Regional Pounamu Plan for Otago. However, a rāhui pounamu is in place in the Otago region.¹⁷

RMIA-PO-I1 – Pounamu resources and areas need protection ~~from the effects of land use activities~~¹⁸

Pounamu is a taoka for Kāi Tahu, but and pounamu management according to mātauraka, tikaka and kawa is a tribal priority. a-lack Lack¹⁹ of recognition and protection of pounamu resources may lead to these resources, the areas where they are found and Kāi Tahu relationship with them being unknowingly²⁰ degraded, Pounamu resources may be present on land or in waterways. Kāi Tahu relationship with these resources can be affected by extractive activities.²¹ for example by extraction of material for road aggregate, and by reduced water quality and poor water body management.²²

Minor changes

- 16 I understand Kāi Tahu prefers “ancestral” to “tribal” and therefore I recommend the following amendment in the context section of RMIA-WTA:

~~Tribal~~Ancestral²³ land was not just the source of economic well-being. ...

- 17 There is not a submission on this point, but I consider it a change of minor effect, in accordance with RMA Schedule 1, Clause 16(2) and recommend it in accordance with Kāi Tahu preferences. This is a narrative section that does not have regulatory effect, and the recommended change does not change the section’s purpose. Therefore, I do not consider that further s32 analysis is required.

James Henry Adams

11 October 2022

¹⁶ 00223.052 Ngāi Tahu ki Murihiku

¹⁷ 00223.052 Ngāi Tahu ki Murihiku

¹⁸ 00223.052 Ngāi Tahu ki Murihiku

¹⁹ 00223.052 Ngāi Tahu ki Murihiku

²⁰ 00223.052 Ngāi Tahu ki Murihiku

²¹ 00223.052 Ngāi Tahu ki Murihiku

²² 00223.052 Ngāi Tahu ki Murihiku

²³ Clause 16(2), Schedule, RMA