



IMPLEMENTATION STRATEGY

Agreements and Mechanisms outlined in the
Waikato-Tainui Waikato River Fisheries Accord

MAY 2009

Public reference - Implementation Strategy



Disclaimer: Waikato-Tainui and MFish agree that the Implementation Strategy is a living document which shall be updated and adapted to take account of future developments between the Crown and Waikato-Tainui.

FOREWORD

We are pleased to introduce this Implementation Strategy which has been developed through the collaborative efforts of Waikato-Tainui and the Ministry of Fisheries.

The Waikato River is a significant part of New Zealand's history and for generations provided fisheries that sustained tangata whenua, their way of life, and their ability to meet obligations of manaakitanga (hospitality).

The Waikato River Fisheries Accord recognises that Waikato-Tainui have a special relationship with the Waikato River, and the agreements and mechanisms outlined herein portray the commitment from both parties to work together to ensure mana whakahaere is recognised.

This new era of co-management is an opportunity to draw our collective interests together, to ultimately benefit the aquatic life of the Waikato River catchment, and those who use and value its resources.

Our implementation strategy also provides the foundation for a relationship that will progress our shared aspirations for the fisheries, and contribute to the overarching vision, 'the restoration and protection of the health and wellbeing of the Waikato River'.

Waikato taniwharau
He piko he taniwha
He piko he taniwha

Waikato of a hundred chiefs
At every bend a chief
At every bend a chief

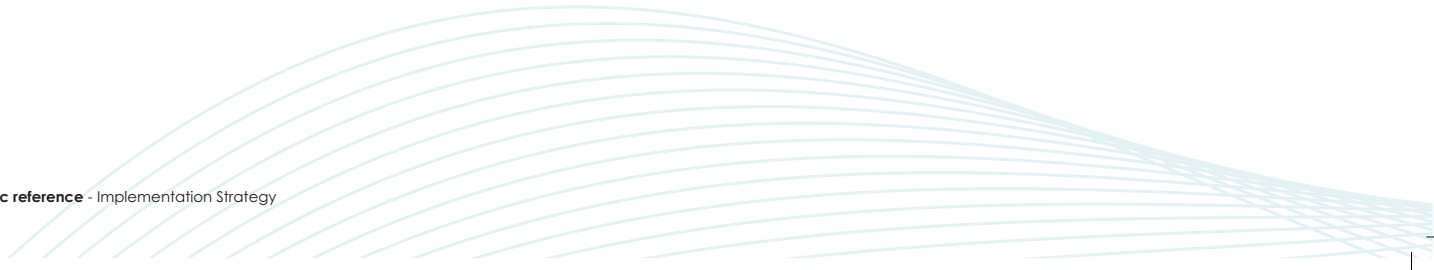


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Public reference - Implementation Strategy



PRINCIPLES

The following Principles underline the Waikato-Tainui Fisheries Accord and the relationship of Waikato-Tainui with the Waikato River.

1. **TE MANA O TE AWA (THE SPIRITUAL AUTHORITY, PROTECTIVE POWER AND PRESTIGE OF THE RIVER)**

To Waikato-Tainui, the Waikato River is a tupuna (ancestor) which has mana (prestige) and in turn represents the mana and mauri (life force) of the tribe. The River has its own mauri, its own spiritual energy and its own powerful identity. It is a single indivisible being.

Respect for te mana o te awa (the spiritual authority, protective power and prestige of the Waikato River) is at the heart of the relationship between the iwi and their ancestral River. Waikato-Tainui regard their River with reverence and love. It gave them their name and is the source of their tribal identity. Over generations, Waikato-Tainui have developed tikanga (values and ethics governing conduct) which embody their profound respect for the Waikato River and all life within it. The Waikato River sustains the people physically and spiritually. It brings them peace in times of stress, relief from illness and pain, and cleanses and purifies their bodies and souls from the many problems that surround them. Spiritually, to Waikato-Tainui, the Waikato River is constant, enduring and perpetual.

2. **MANA WHAKAHAERE (AUTHORITY AND RIGHTS OF CONTROL)**

Mana whakahaere refers to the authority that Waikato-Tainui have established in respect of the Waikato River over many generations. Mana whakahaere entails the exercise of rights and responsibilities to ensure that the balance and mauri (life force) of the Waikato River are maintained. It is based in recognition that if we care for the River, the River will continue to sustain the people.

In customary terms mana whakahaere is the exercise of control, access to, and management of the Waikato River, including its resources in accordance with tikanga (values and ethics governing conduct). For Waikato-Tainui, mana whakahaere has long been exercised under the mana of the Kiingitanga.

3. HEALTH AND WELLBEING

The principle of health and well-being reflects the overarching purpose of the Waikato River Settlement, which is to restore and protect the health and well-being of the Waikato River.

The health and well-being of Waikato-Tainui and its special relationship with the Waikato River is inherently connected with the health and well-being of the Waikato River.

4. CO-MANAGEMENT

The Crown and Waikato-Tainui have committed to enter into a new era of co-management in respect of the Waikato River. The principle of co-management includes:

- the highest level of good faith engagement; and
- consensus decision-making as a general rule; while having regard to statutory frameworks and the mana whakahaere of Waikato-Tainui.

To be effective, co-management must:

- be implemented and achieved at a number of levels and across a range of management agencies, bodies and authorities, including (but without limitation) the following:
- the development, amendment and implementation of strategies, policy, legislation and regulations that may potentially impact on the health and well-being of the Waikato River; and
- the processes for granting, transfer, variation and renewal of consents, licenses, permits and other authorisations for all activities that potentially impact on the health and well-being of the Waikato River; and
- include provision for effective Waikato-Tainui input and participation by engagement at an early stage in statutory and management processes, and other actions, that may affect the health and well-being of the Waikato River, including the planning and development of new and amended policies or management initiatives or decisions affecting or relating to the Waikato River. This is a positive obligation to provide for early and effective input from Waikato-Tainui, rather than simply an obligation to consult.

5. INTEGRATION

Arising from the principles of Te Mana o Te Awa and Mana Whakahaere, and inter related to the principle of co-management, is the principle of integration. The health and well-being of the Waikato River and successful co-management requires effective integration of management between the relevant government agencies, Crown entities, local authorities and non-governmental agencies who have roles and responsibilities in respect of the Waikato River.

6. TREATY OF WAITANGI

Te Tiriti o Waitangi/the Treaty of Waitangi and its principles apply to the relationship between the Crown and Waikato-Tainui.

7. HONOUR AND INTEGRITY

Underpinning the Waikato River settlement is the principle of honour and integrity. Waikato Tainui and the Crown entered into the Deed of Settlement in good faith relying on the commitments of each other contained in the deed and the Kiingitanga Accord with the intention of achieving a full, fair and durable settlement of the claims of Waikato-Tainui in relation to the Waikato River.

Public reference - Implementation Strategy

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INTRODUCTION

Background

On 22 August 2008 Waikato-Tainui and the Crown signed a Deed of Settlement of Raupatu Claims in relation to the Waikato River and a Kiingitanga Accord. The overarching purpose of the settlement is to restore and protect the health and the wellbeing of the Waikato River for future generations.

A Fisheries Accord was signed in October 2008 setting out how Waikato-Tainui, the Minister of Fisheries, the Chief Executive and the Ministry will establish and maintain a positive, co-operative and enduring co-management relationship regarding the management and regulation of fisheries resources of the Waikato River.

The Fisheries Accord also recognises the special relationship of Waikato-Tainui with all aquatic species found within the Waikato River and provides for the exercise of mana whakahaere (authority and rights of control) by Waikato-Tainui.

Purpose

To ensure that the Fisheries Accord is operating effectively and efficiently Waikato-Tainui and the Ministry of Fisheries (MFish) have initiated the development of a co-operative strategy for the co-management of fisheries of the Waikato River.

This document is intended to provide details that will guide the implementation of this co-operative strategy.

Scope

The Accord applies to all functions, responsibilities and actions of the Ministry that affect the health and wellbeing of the Waikato River and its catchments from Karapiro to Te Puuaha o Waikato, including the Waipaa River from its junction with the Puuniu River to its junction with the Waikato river. This area is shown as "A" on SO plan 409144. (Figure 1).

Approach

The first step required to initiate the implementation of agreements and mechanisms in the Fisheries Accord is the formation of a joint resource allocation body that will include members representing Waikato-Tainui and the Ministry of Fisheries. This resource allocation body will be responsible for prioritising work programmes and allocating resources and funding needed to implement the agreements.

The agreements of the Accord can be grouped into the following categories:

a) Co-management projects agreed in the Fisheries Accord. These include the development of the Waikato River Regulations, fisheries components of the Waikato-Tainui Environmental Plan and the fisheries component of the Integrated River Management Plan.

Figure 2 provides an overview of the agreed governance arrangements that will guide the delivery of these projects.

b) Specific mechanisms to provide for Waikato-Tainui management of fisheries. These include the protection of elvers and glass eels, the transfer of fish for enhancement purposes, and participation in pest fish eradication.

c) Arrangements that will facilitate the co-management of fisheries resources of the Waikato River. These include committing to information sharing between parties, early and effective engagement and Waikato-Tainui involvement in MFish processes.

This document provides insight into the steps and resources required to achieve each of these areas and target dates to guide implementation within required timeframes.

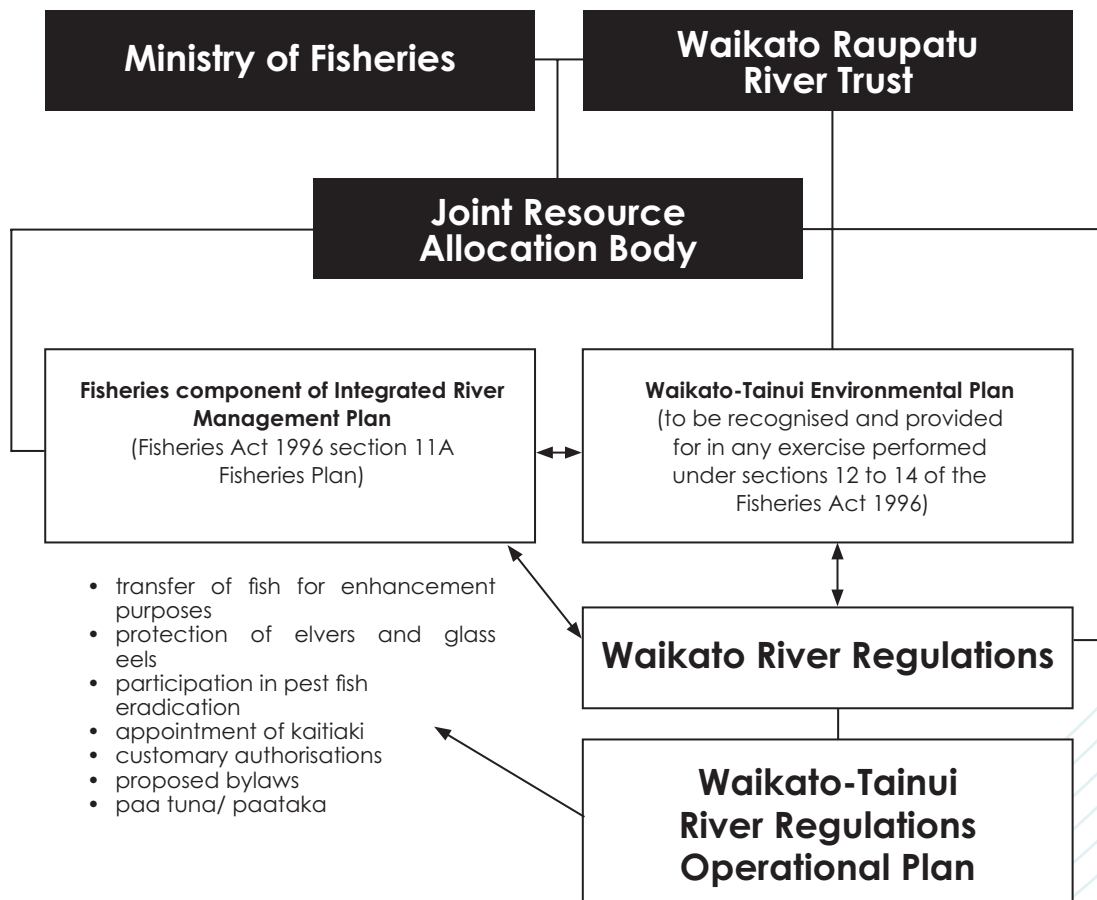


FIGURE 2
Co-management arrangements agreed in the Waikato-Tainui Waikato River Fisheries Accord

PART A

Co-management Projects agreed in the Fisheries Accord



Photo Credit - Joanne Bromley

Waikato-Tainui Environmental Plan: Clause 5.3 of the Fisheries Accord

Clause 8.4 of the Waikato-Tainui Waikato River Deed of Settlement provides for Waikato-Tainui to develop their Environmental Plan. The plan will relate to multiple aspects of the environment and be recognised by a number of different agencies. MFish will provide assistance and resources as required in the development of relevant parts of this plan. Once completed, this plan will be recognised and provided for by any person exercising functions, powers and duties under sections 12 to 14 of the Fisheries Act 1996, and will also provide guidance in the development of other co-management projects.



Waikato River Regulations: Clause 5.2 of the Fisheries Accord

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Waikato-Tainui to provide first draft of proposed regulations	2009/2010	Waikato-Tainui	Regulations submitted to MFish	27 May 2009
MFish to review proposed regulations (including discussion with other agencies)	2009/2010	MFish Policy	MFish to report back to Waikato-Tainui	4 August 2009
Discussion between Waikato-Tainui and MFish. MFish to provide further information if required.	2009/2010	MFish Policy and Waikato-Tainui	Agreement on proposed regulations	4 August 2009
Waikato-Tainui internal Hui	2009/2010	Lead by Waikato-Tainui, support MFish	Waikato-Tainui awareness	To occur between 4 August & 24 August 2009
Initiate in-house discussion (involving MFish Compliance, other business groups)	2009/2010	MFish	MFish wide staff awareness	To occur between 4 August & 24 August 2009
MFish Hui to discuss outcome of in-house discussions and implementation of regulations	2009/2010	MFish	Agreement on how regulations will work in practice.	24 August 2009
Discussion between Waikato-Tainui and MFish regarding outcome of Pre-consultation and MFish in-house discussions	2009/2010	MFish Policy and Waikato-Tainui	Review outcomes, agree results and steps moving forward	31 August 2009

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Cabinet Paper seeking approval to consult on draft regulations	2009/2010	MFish with input from Waikato-Tainui	Consultation paper ready for distribution	November 2009
Consultation Period	2009/2010	MFish	Close of submissions	February 2010
Analysis of submissions received.	2009/2010	MFish with input from Waikato-Tainui	All information collated and analysed	March 2010
Agreement to final regulations	2009/2010	Crown/ Waikato-Tainui	Regulations developed	Depends on issues arising
Cabinet approval of regulations.	2009/2010	MFish	Regulations approved.	+4 weeks 28 days from gazettal.
Gazetting of Regulations	2009/2010	MFish Regulatory Services	Regulations promulgated.	Regulations to be made 80 working days from settlement date.

Plan for Implementing Waikato River Regulations

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Hui with MFish Compliance to discuss compliance resources required.	2008/2009	MFish Compliance & Waikato-Tainui	Agreement on resources.	March 2009
Develop job descriptions for Fisheries Surveillance Officers	2009/2010	Waikato-Tainui	Job descriptions ready to advertise	May 2009
Recruit Fisheries Officers	2008/2009-2009/2010	MFish Compliance & Waikato-Tainui	Fisheries officers appointed (Waikato-Tainui involvement in selection panel)	September 2009
Hui with MFish District Compliance Manager to discuss specific compliance needs resulting from the new regulations.	2009/2010	Waikato-Tainui/ MFish	Hui held	Following agreement on regulations
Develop training package for FSOs that will work in the area – specific to Waikato-Tainui, the Accord and the regulations	2009/2010	MFish Compliance & Waikato-Tainui	Training package completed	Following agreement on regulations
Arrange resources for Fisheries Surveillance Officers	2009/2010	Waikato-Tainui/ MFish	Resources identified	Following agreement on regulations
Internal notification of regulations.	2009/2010	MFish Compliance & Waikato-Tainui	Regulations notified internally	Following approval of regulations
Public notification of regulations	2009/2010	Waikato-Tainui/ MFish	Regulations notified externally	Following approval of regulations

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Train Fisheries Surveillance	2009/2010	MFish Compliance & Waikato-Tainui	Fisheries Surveillance	December 2009
Develop roll-out plan for the Honorary Fishery Officer network	2009/2010	MFish Compliance & Waikato-Tainui	Roll-out plan agreed	April 2010
Recruit Honorary Fishery Officers	2010/2011 - 2013/2014	MFish Compliance & Waikato-Tainui	Honorary Fishery Officer Network at capacity	April 2014
Arrange resources for Honorary Fisheries Officers	2010/2011 - 2013/2014	MFish Compliance & Waikato-Tainui		As required
Development of Tangata Kaitiaki Training (both initial MFish training and SITO training) to include matters specific to Waikato River	2009/2010	Waikato-Tainui MFish/ SITO	Waikato-Tainui Waikato River Training Package Developed	30 August 2009
Appointment of Tangata Kaitiaki	2009/2010	Waikato-Tainui	Tangata Kaitiaki confirmed	Following agreement on regulations
Appointment of Management Committee	2009/2010	Waikato-Tainui	Supported by Waikato Raupatu River Trust	November 2009
MFish training of Tangata Kaitiaki	2009/2010	MFish	Issuing of resources in accordance with regulations (e.g. authorisation books and catch landing forms)	Following appointment of Tangata Kaitiaki

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Training through SITO	2009/2010	SITO / CRM	Completion of course	When Tangata Kaitiaki are available
Waikato-Tainui training MFish staff on Waikato tikanga	2009/2010	Waikato-Tainui	Training completed	As required
MFish training on general fisheries management for Waikato Raupatu River Trust	2009/2010	MFish	Training completed	As required
Reporting regime consistent with the River Regulations	2009/2010	Waikato-Tainui/ MFish	Fish Database established and quarterly information sharing with MFish commenced	November 2009

Waikato-Tainui River Regulations Operational Plan

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Waikato-Tainui workshop to develop vision and objectives for Waikato-Tainui Regulations Operational plan	2009/2010	Waikato-Tainui with MFish input where requested	Vision and objectives for Iwi Management Plan Developed	First hui by July 2009

The plan may include:

- Endemic fisheries management
- Exotic fisheries management
- Species recovery plans
- Guidance on issuing of permits/authorisations
- Management for fisheries within the rohe
- Development of general rules e.g. size, gear limits,
- Policies and rules for transfers paa tuna/paataka
- Rules for authorisations for non-commercial aquaculture for enhancement projects, customary and education purposes

PART B

Specific mechanisms to provide
for Waikato-Tainui management of
fisheries

Integrated River Management Plan:

Clause 5.4 of the Fisheries Accord

The following strategy outlines the steps needed to develop the Fisheries Component of the Integrated River Plan. Steps required to implement the operation of this plan will be determined through the planning process.

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE	TARGET DATE
Determine overall strategy for Integrated River Management Plan, timeframes, content, & how different parties/ agencies (DOC, EW, MAF) will work together.	2009/2010	Shared between Waikato- Tainui, and agencies involved	Commence discussions with other agencies	July 2009
Determine relationship between Fisheries Component of Integrated River Plan and other MFish led fisheries plans	2009/2010	Waikato-Tainui/ MFish	Clarity regarding the relationship between the various planning documents	August 2009
Engage with MFish Officials over development of fisheries component of integrated river plan	2009/2010	Waikato- Tainui	Confirmation on MFish role in development of the plan.	December 2009
Hui with Waikato-Tainui over development of integrated river plan	2009/2010	Waikato-Tainui/ MFish	Waikato-Tainui input into development of plan	March 2010
Write draft fisheries component of integrated river plan	2010/2011	Waikato-Tainui/ MFish	Draft plan completed	June 2010
Hui with Waikato-Tainui on draft fisheries component of integrated river plan	2010/2011	Waikato-Tainui	Waikato-Tainui awareness of fisheries component of integrated river plan	July 2010
Waikato-Tainui co-negotiators, and Minister of Fisheries approve plan	2011/2012	Waikato-Tainui/ MFish	Integrated River Management Plan Finalised	March 2012 (at latest)

Protection of elvers and glass eels: Clause 5.5 of the Fisheries Accord

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE
Develop research programme for monitoring glass eels population	2009/2010	Waikato-Tainui with MFish input as required	Monitoring plan developed
Put forward to Joint Resource Allocation Body for prioritisation.	2009/2010	Waikato-Tainui/ MFish	Funding allocated
Monitoring of glass eel population	2009/2010	Waikato-Tainui	Tuna population in Waikato River being monitored
Waikato Raupatu River Trust to collate monitoring information	2009/2010	Waikato-Tainui	Waikato-Tainui information on tuna populations being collated
Participate in research planning process	2009/2010	Waikato-Tainui	Ongoing

Annual monitoring of glass eel population

Waikato-Tainui are entitled to make bylaws under the Waikato River Regulations (see Part A) to restrict or prohibit the take of tuna (eel) at all stages of their life cycle.

Waikato-Tainui can also provide advice to the Minister of Fisheries for the sustainable utilisation of fisheries, including tuna, in the Waikato River. A plan for monitoring the glass eel population will help to support and assist with these management decisions.

Waikato-Tainui Involvement in Pest Eradication: Clause 5.7 of the Fisheries Accord

TASK	PRIORITY FOR FINANCIAL YEAR	OWNERSHIP/ RESPONSIBILITY	MILESTONE
Waikato-Tainui included in special permits process in accordance with clause 5.7 of the Waikato-Tainui Waikato River Fisheries Accord	Ongoing	MFish	Issue of special permit
Understanding of roles, processes and pest management strategy.	2009/2010	Waikato-Tainui/ MFish	Commence discussions with MAF, DOC & EW
Determine programme for pest fish eradication	2009/2010	Waikato-Tainui	Initiate programme for pest fish eradication
MFish to issue Waikato-Tainui with appropriate permits	Ongoing	MFish	Issue of appropriate permit

PART C

Arrangements that will facilitate the co-management of Fisheries Resources of the Waikato River

Arrangements to maintain co-management relationship between Waikato-Tainui and MFish

Joint Resource Allocation Body

This body will be responsible for prioritising work programmes and allocating resources and funding needed to implement the agreements.

The first task of this body would be to jointly determine the role and resources for a Joint Project Manager.

Waikato-Tainui/MFish Reporting

Joint quarterly report to the Waikato-Tainui and MFish Chief Executives providing an update on the progress against the actions agreed in this strategy, and tracking costs against the estimated budget.

Waikato-Tainui/MFish Regular Meetings

Waikato-Tainui and MFish will meet four times a year for a more substantial update on not only progress in regards to the agreed actions, but also any other upcoming matters that may be of interest and which Waikato-Tainui may want to become engaged in. Timing of the meetings will be agreed between parties to best fit with participation in existing MFish processes.

Waikato-Tainui Participation in MFish Processes

Clauses 5.8- 13 of the Fisheries Accord provide agreements on how MFish will work with Waikato-Tainui in relation to engagement, information exchange and involvement in MFish processes.

MFish processes include:

Sustainability and Regulatory Rounds

Each year MFish reviews fishery management measures in what are called sustainability rounds and regulation rounds. Regulation rounds include any proposals that require regulatory change, while sustainability rounds typically include reviews of catch limits, deemed value rates, and other management measures for selected fishstocks. Waikato-Tainui will be fully involved throughout this process.

Research Planning

MFish has a separate customary as well as a general research process to which research proposals are submitted, discussed and prioritised for funding. A working group made up of scientists and MFish staff are involved in assessing the proposals as well as the progress and results from commissioned research. Interested parties such as representatives from Waikato-Tainui can attend and participate in these working group meetings and receive updates on the process through a dedicated website. Because of the steps involved, the process from start (the initial consideration of a proposal) to finish (the final results from

an approved research project becoming available) spans over three years.

Fisheries Plans

While the Fisheries Component of the Integrated River Plan has been discussed in part A of this document there are several other fisheries plans scheduled that may impact on the management of fisheries resources of the Waikato River and its catchment or Fisheries Management Area 9.

At this stage these include the Eel Fisheries Plan, Freshwater Fisheries Plan, North West Finfish Fisheries Plan and the North-West Shellfish Fisheries Plan.

Waikato-Tainui will also be involved in other processes including: special permits, work planning, contracting for services ,and the education of staff.

For further information on Ministry of Fisheries processes please see www.fish.govt.nz or contact:

Ministry of Fisheries
Auckland Office (09) 820 1990.

Disclaimer: Waikato-Tainui and MFiish agree that the Implementation Strategy is a living document which shall be updated and adapted to take account of future developments between the Crown and Waikato-Tainui.



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Te Tautiaki i nga tini a Tangaroa