

# HAPŪ SUMMARY REPORT

**Purpose**

Summary of the bi-monthly meeting of the Whakatōhea Fisheries Trust Board for August 2023

**Governance:**

The Fisheries Trust is in place to monitor Financial position, risk, investments, and activities internally of their Asset Holding companies. As well as they, they must keep an external focus on changes to the Māori Fisheries Act, the activities of Te Ohu Kai Moana, and any government policy that may affect the group entities as a going concern.

## Ohu Te Ohu Kai Moana Māori Commercial Aquaculture Claims Settlement Act Amendment Bill

The passing of the MCACSA in April 22 has allowed Iwi in the Mataatua region to consider options for development. TOKM is keen to see Iwi receive their settlement assets to progress their aquaculture aspirations and to contribute to the wider 3 billion dollar industry in aquaculture.

The bill enables:

- Iwi to access their aquaculture settlement assets within an appropriate time frame, rather than being held by Te Ohu Kaimoana indefinitely,
- improves the delivery of the Crown's aquaculture settlement obligations by enabling those who would like to progress in their settlement to do so; and
- protect the interests of iwi who do not wish to claim their aquaculture settlement assets; and
- support iwi aquaculture aspirations as well as further support the growth of the aquaculture industry.

## Commercial Aquaculture Claims Settlement Negotiations

### Bay of Plenty Crown Offer:

**Purpose:**

This hui was held on the 18 July at Te Mānuka Tutahi – Ngāti Awa to present and discuss the Crown offer for aquaculture settlement for the Bay of Plenty Region. This included testing the forecast and valuations, identify how the Crown, Iwi, Te Ohu Kaimoana and the negotiations facilitator could work together to progress the negotiations, and agree on a plan for towards reaching a Regional Agreement.

**Record of meeting:**

A comprehensive slide deck was presented at the hui covering:

#### Background to the Crown Offer

- The Crown settlement offer, including the forecasting basis of the offer and the valuation approach.
- The roles of Te Ohu Kaimoana, Fisheries New Zealand and Daran Ponter (as iwi negotiation facilitator)

There was a lot of discussion on the slide deck presentation and the following key questions and answers were provided to help understand how the Crown came to their first draft of an aquaculture valuation for the water space.

### **1. Why is it only mussel farming used for valuation?**

Mussel farming is the highest value species currently farmed in the Bay of Plenty, and provides the best available information at this moment. Basing the valuation on mussel farming is not to indicate that development of other species is not expected, or viable, into the future. We know that there is interest in a diverse range of future species, including seaweed. As these progress and become commercialized- we will sit down and work with Bay of Plenty iwi and Te Ohu Kaimoana to discuss the valuations of each species.

When new information becomes available and new species farmed, it is intended that future valuation modelling will be adjusted to incorporate the new information and new species. It was made clear that aquaculture operations will be moving very quickly in the Bay of Plenty in the next 5 years and the Crown will need to keep up and possibly revalue earlier than five years for reconciliation

The valuation is based on commercial information known from industry, this includes that of the current operations in the Bay of Plenty. There are likely to be changes in the future should a spat hatchery become operational. This will change the farming assumptions, such as the proportion of 'dead space, spat holding' areas within the farm footprint. As future uses and business change, so will the valuation. We will need to be agile as we work in the Bay of Plenty.

### **2. What happens if the Crown gets it wrong?**

There is a 5 yearly 'reconciliation' periods built into the regional agreement, where we check to see if we got it right. If we under settle we will do a top up, and if we over settle, we will carry the credit forward (i.e. the Crown would never ask for assets to be returned).

We will also put a clause into the Regional Agreement, that if there are any significant changes, we will initiate an out of cycle review of the agreement.

It was also mentioned that the Minister had to consider high, medium, and low growth scenarios. This current offer is based off the medium growth scenario. It was requested to see the scenarios, and MPI have committed to provide further detail on this.

### **3. What is the connection with the phytoplankton modelling work that is underway?**

There was a strong connection between the current forecast of space and the original carrying capacity modelling carried out. In order, to update this modelling, MPI has commissioned work being carried out by DHI. This piece of work will help us better understand the broader development of aquaculture across the Bay of Plenty. It was noted that seaweed farming is not dependent on phytoplankton, and that the scope of the original study was narrower and not inclusive of the whole Bay of Plenty rohe.

#### **4. What about Land-based aquaculture?**

The Māori Commercial Aquaculture Claims Settlement Act 2004 only relates to new aquaculture space in the Coastal Marine Area. This settlement only relates to CMA. There is nothing stopping iwi from taking the cash from settlement and investing it in any other aquaculture opportunity (or anything else).

#### **5. How does the negotiations work moving forward to reach regional agreement?**

Under the Māori Commercial Aquaculture Claims Settlement Act, all iwi must agree on the form of assets they each individually take. The role of MPI is to ensure they are upholding their obligations and working alongside all iwi. Te Ohu Kaimoana is there to ensure the technical information provided to iwi is sound, to also be the arms and legs of iwi.

Another key part of their role is to facilitate agreement between iwi, and between iwi and the Crown. Sometimes individual iwi to Crown, or iwi and Te Ohu Kaimoana conversations are required. It is important to note though that reaching a collective regional agreement transparently is the ultimate outcome. As aquaculture is high risk and requires such a large investment, collectively working together will mean the best outcomes for iwi.

#### **6. What about obtaining resource consents?**

Taking Space means the exclusive right to apply for the space. Business cases and returns on investment change significantly based on the length of time it takes to get consents. For example, the existing Eastern Seafarms Limited Farm took 9 years to obtain consent. Te Huata Marine farm application is currently being processed, and it will be important to watch and learn how the Council deal with this adaptive management approach.

The Crown will also provide a payment towards the costs of applying for resource consents. This payment recognizes that the costs of obtaining a resource consent under the Resource Management Act 1991 are higher than when authorizations were granted in relation to Aquaculture Management Areas under the previous regime.

The purpose of this assistance is to enable the Iwi Parties to use and benefit from space authorizations taken as part of the settlement asset package. This payment will be agreed with Iwi Parties and the Trustee, and will be calculated to reflect the amount of authorized space that the Iwi Parties elect to take.

#### **Next Steps:**

It was agreed at the hui that Te Ohu Kaimoana will work with the already established and endorsed Te Moana a Toi Iwi Aquaculture Working Group to organize a hui every six weeks to keep progress going. The topics of these hui will be decided by the working group and Fisheries New Zealand will support with information requested and will attend at the working groups invitation.

The working group will be responsible for keeping the wider collective updated, and there will be an all IAO hui held at the end of the year as a progress update.

MPI will work with Iwi and Te Ohu to organize another collective hui with all participants in December (location TBD).

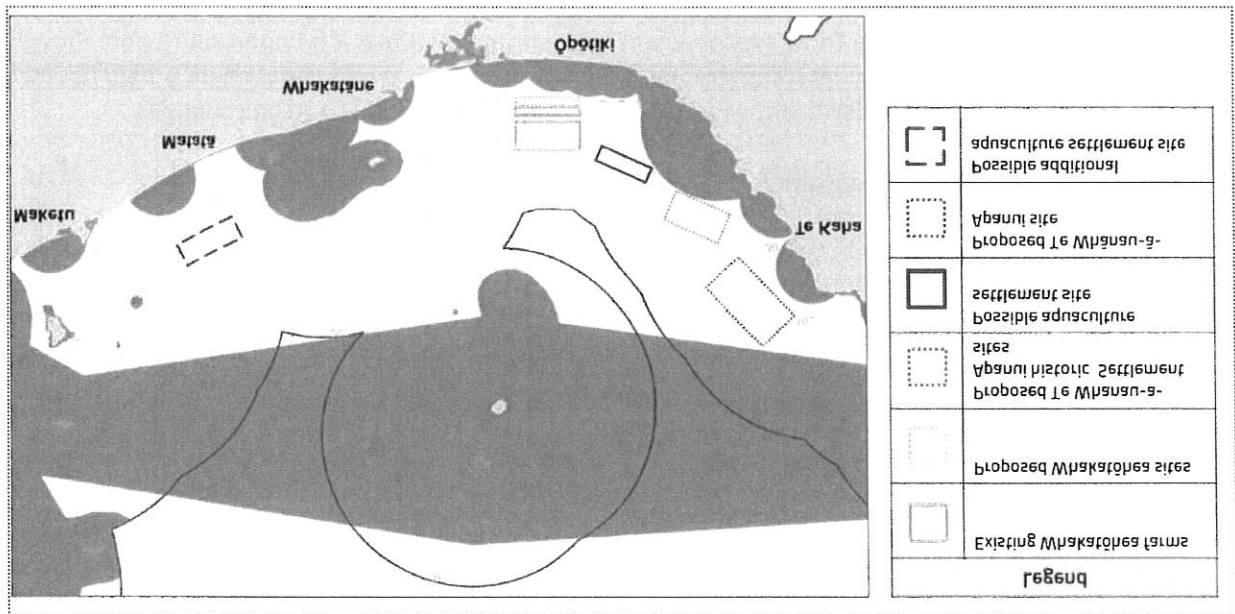
**Actions**

1. Send through a template regional agreement
2. Amend template agreement to explicit possibility of out-of-cycle review of regional agreement.
3. Send through further information on the high, medium and low growth scenarios
4. Set up in person presentation of DHI phytoplankton modelling

**To summarise:**

The map below shows current and anticipated development within the BoP region out to 2045.

The **New Space** settlement obligation on the Crown results from the existing unsettled Whakatōhea site (solid yellow), the proposed Whakatōhea sites (dotted yellow boxes), proposed Te Whanau-a-Apanui historical settlement site (dotted blue box) and proposed commercial Te Whanau-a-Apanui site (dotted purple box). These collectively result in an obligation on the Crown.



## Iwi Tribal Register

### As at 31 July 2023

Hapu	Voting			Non-Voting			Lost Contact	Total Registered
	Female	Male	Total	Female	Male	Total		
Ngāti Patumoana	936	849	1786	532	744	1276	232	3062
Ngāti Ruatakena	1943	1582	3525	435	476	911	600	4436
Ngāti Ngahere	800	604	1404	622	832	1454	257	2858
Ngāi Tamahaua	1313	1012	2325	432	480	912	380	3237
Upokorehe	617	522	1139	315	391	706	211	1845
Ngāti Ira	767	566	1333	597	788	1385	189	2718
<b>Total</b>	<b>6376</b>	<b>5135</b>	<b>11512</b>	<b>2933</b>	<b>3711</b>	<b>6644</b>	<b>1869</b>	<b>18156</b>

#### 1. Registered Members:

As at 31 July 2023, there were 11,512 registered voters over 18.

#### 2. Total Non-Voting:

As at 31 July 2023 there were 6,644 non-voting, made up of the following:  
Deceased, Under 18, RUP's.

#### 3. Total GNA's (Gone No Address) or Lost Contact:

Total at 31 May 2023, 1,903 GNA's

### As at 31 May 2023

#### Iwi Statistics

##### Iwi Registration

For Iwi Registered members as at 31/05/2023



**Whakatōhea**  
Māori Trust Board

Hapu	Voting			Non-Voting			Lost Contact	Total Registered
	Female	Male	Total	Female	Male	Total		
Ngāti Patumoana	932	847	1780	528	740	1268	236	3048
Ngāti Ruatakena	1938	1578	3516	427	467	894	614	4410
Ngāti Ngahere	799	603	1402	621	829	1450	262	2852
Ngāi Tamahaua	1292	1005	2297	417	464	881	384	3178
Upokorehe	610	513	1123	307	385	692	213	1815
Ngāti Ira	752	558	1310	588	777	1365	194	2675
<b>Total</b>	<b>6323</b>	<b>5104</b>	<b>11428</b>	<b>2888</b>	<b>3662</b>	<b>6550</b>	<b>1903</b>	<b>17978</b>

**1. Registered Members:**

As at 31 May 2023, there were 11,428 registered voters over 18.

**2. Total Non-Voting:**

As at 31 May 2023 there were 6,550 non-voting, made up of the following:  
Deceased, Under 18, RUP's.

**3. Total GNA's (Gone No Address) or Lost Contact:**

Total at 31 May 2023, 1,903 GNA's