



27 November 2020

File Ref: OIA 42347

[REDACTED]

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your information request dated 1 November 2020. Your request has been considered in accordance with the Official Information Act 1982 (the Act).

Your questions and my responses are below.

"I would like copies of the following documents that were completed relating to Lake Omapere; 1. Cultural Report 2. Environment Report 3. And any and or all reports completed to date."

This part of your request has been interpreted to mean all reports completed by Te Puni Kōkiri relating to Lake Omapere. A search of our physical and electronic records has been completed and no cultural or environment reports have been identified as in scope of your request. However we have identified four briefing papers relating to Lake Omapere. My decision to release the information are set out in the table attached as Appendix A.

"4. MOU agreements and or agreements signed by both the Lake Omapere Trustees and government related organisations."

A search of our physical and electronic records has not identified any MOU agreements or agreements signed by both the Lake Omapere Trustees and government related organisations. We have identified a Memorandum of Representation dated 18 March 2016 which may be of assistance to you. This is released as Document five as set out in the table attached as Appendix A.

"5. Copy of any financial agreements between the Lake Omapere Trustees and government in reference to the well being and restoration of the lake."

Te Puni Kōkiri has not entered into any financial agreements with Lake Omapere Trustees in reference to the wellbeing and restoration of the lake. Therefore this part of your request is refused under section 18(g) of the Act as the information requested is not held.

It is worth noting that a number of other agencies have been involved in the wellbeing and restoration of Lake Omapere, including the Ministry for the Environment, the Department of Conservation, Ministry of Fisheries and Northland Regional Council.

I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at oia@tpk.govt.nz.

Ngā mihi

pp

A handwritten signature in blue ink, appearing to read 'Geoff Short', written over a horizontal line.

Geoff Short
Hautū, Te Puni Hononga Kaupapa Here | Deputy Secretary, Policy Partnerships

Appendix A – documents OIA request from [REDACTED] dated 1 November 2020

Item	Date	Document description	Decision
1.	25 July 2000	Briefing paper to the Minister of Māori Affairs titled: <i>Background to Lake Omapere Trust Request for Assistance</i>	Released in full
2.	28 August 2000	Briefing paper to the Minister of Māori Affairs titled: <i>Reply to Lake Omapere Committee Request for Assistance</i> NOTE: We have been unable to locate a copy of the letter attached to this paper.	Briefing paper released in full. Attached letter refused under section 18(e) as despite reasonable efforts to locate, it cannot be found.
3.	26 April 2001	Briefing paper to the Minister of Māori Affairs: <i>Māori Affairs Select Committee Report on Lake Omapere</i>	Released in full
4.	13 June 2001	Briefing paper to the Associate Minister of Māori Affairs: <i>Government Response to Māori Affairs Select Committee Report on Lake Omapere</i>	Released in full
5.	18 March 2016	Memorandum of Representation	Released in full



Te Puni Kōkiri
Ministry of Māori
Development

25 July 2000

Minister of Māori Affairs

BACKGROUND TO LAKE OMAPERE TRUST REQUEST FOR ASSISTANCE

Purpose

1. This paper outlines the background issues concerning a request by the Lake Omapere Trust for \$2.84 million from the Crown to assist with the proposed transfer and release of 250,000 grass carp into Lake Omapere to control weed growth.

Background

2. Your office has received numerous correspondence concerning the proposed release of grass carp into Lake Omapere. The correspondence relates to a request by the Lake Omapere Trust to the Minister of Conservation, the Minister for the Environment and the Minister of Māori Affairs for a Crown contribution of \$2.84 million to assist with the release of 250,000 grass carp into Lake Omapere to control weed growth.
3. The matter has received considerable publicity in the local media with the involvement of local and regional authorities and various community interest groups. Copies of articles that appeared in 'Northland News' are attached for your information.
4. The grass carp industry has also been involved with the proposed transfer and release of the grass carp and request for Crown assistance. Mr Gray Jamieson (the main grass carp producer in New Zealand) has been assisting and advising the Lake Omapere Trustees.

Lake Omapere

5. The lake and water is vested in the Lake Omapere Trustees pursuant to section 438 of the Māori Land Act 1953, on behalf of all persons of Ngapuhi for the purpose of the economic development of the lake and its surrounding lands for the benefit of Ngapuhi.
6. The level of the lake has been lowered and the surrounding lands are farmed. It is not clear by whom or on whose authority the level of the lake was lowered. However, there is a claim (Wai 820) currently before the Waitangi Tribunal specifically related to the lowering of the water level of the lake. The statement

of claim was lodged with the Tribunal in September 1999 and is attached for your information.

7. Much of the aquatic life in the lake, outlet stream and downstream estuary was killed in the mid 1980's when the weedbeds collapsed, with the decomposing weeds stimulating anoxia and major blooms of 'blue-green algae'. The lake has gradually recovered over the last decade, but oxygen weed has become dominant again over the native water plants.

Background to the Request for Assistance

8. The initial application from the Lake Omapere Trust to transfer and release 18,500 grass carp into Lake Omapere was received by the Department of Conservation in December 1996. It should be noted that introducing grass carp to sites where they do not already occur requires the consent of the Minister of Conservation.
9. The former Minister of Conservation considered the application and gave his approval in October 1997. However, there were delays in fulfilling the conditions of the consent set down in the approval and as a result no grass carp have been introduced to date.
10. A second application by the Lake Omapere Trust to transfer and release 250,000 grass carp into Lake Omapere was received by the Department of Conservation on 8 June 2000. Since 1997, the weedbeds have grown to the extent that over 250,000 grass carp would be needed to reduce plant biomass back to a "safe" and sustainable level. However, NIWA has advised that the introduction of that level of grass carp would be risky and may have a low chance of success.
11. The Minister of Conservation considered the second application and gave her approval to transfer and release of 250,000 grass carp into Lake Omapere in mid June 2000. The approval was subject to conditions on the size of the grass carp.
12. Previous correspondence to your office and media releases had indicated that the Trustees, in conjunction with the Northland Regional Council, Far North District Council, Kaikohe Community Board, Federated Farmers and the grass carp industry were keen to pursue with the release of the carp and had requested a Crown contribution of \$2.84 million.
13. To date however, the Department of Conservation has not received any formal request from the Lake Omapere Trustees for a Crown contribution to transfer and release the grass carp into the lake.

Crown Response to the Request for Assistance

14. At the direction of the Minister of Conservation, officials from the Department of Conservation, Te Puni Kōkiri, the Ministry for the Environment and the Ministry of Fisheries considered the specific request of the Trust and the broader question of how the Crown could better assist the Trustees.
15. The Ministry for the Environment does not support the proposal to use grass carp methods to address the problems of the lake and turned down an earlier application by the Trustees for sustainable management funding. However, the Ministry has indicated that it would consider a request for contributing to funding a management planning process for the lake that addressed causes as well as

symptoms of degradation and assessed all the options for control of causes and symptoms.

16. The Department of Conservation believe that because the lake is neither vested in the Crown nor a protected area, it is difficult to make it a conservation priority. However, the Department has previously assisted the Māori trustees of a lake in the Horowhenua and are open to the possibility of using a similar model to assist in reaching agreement with the Lake Omapere Trustees to plan for the future enhancement of the lake.
17. Te Puni Kōkiri believe that the extent of the Crown's obligations to facilitate the Trust's request or to provide assistance are not clear-cut. While the lake is neither vested in the Crown nor a protected area, there is a perception from the applicants that delays caused by the Department of Conservation in processing the initial application for grass carp have prejudiced the ability of the Trustees to fund the project. This matter will need to be given further consideration once a formal request for assistance has been received by the Department of Conservation.
18. Officials concluded that there is an opportunity for facilitating a fast-tracked management planning process which addressed causes as well as symptoms of degradation and assessed all the options, similar to that recommended by the Ministry for the Environment.
19. The official's report on Lake Omapere has been sighted and signed by the Minister of Conservation. A copy of the report is attached for your information.

Recommendations

It is recommended that you:

1. **note** that the Lake Omapere Trust has publicly requested from the Minister of Conservation, the Minister for the Environment and the Minister of Māori Affairs a Crown contribution of \$2.84 million to assist with the release of 250,000 grass carp to Lake Omapere to control weed growth.
2. **note** that the Minister of Conservation approved the transfer and release of 250,000 grass carp into Lake Omapere.
3. **note** that to date the Department of Conservation has not received any formal request from the Lake Omapere Trustees for a Crown contribution to transfer and release the grass carp into the lake.
4. **note** that at the direction of the Minister of Conservation, officials from the Department of Conservation, Te Puni Kōkiri, the Ministry for the Environment and the Ministry of Fisheries considered the specific request of the Trust and the broader question of how the Crown could better assist the Trustees.

5. **note** that officials concluded that there is an opportunity for facilitating a fast-tracked management planning process which addressed causes as well as symptoms of degradation and assessed all the options.
6. **note** that the official's report on Lake Omapere has been sighted and signed by the Minister of Conservation.



Dr Ngatata Love
Chief Executive

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Horsfield inquest to be held this week

Coroner's Court hearing into the death of Ian Horsfield who was peppercorned by police in Kerikeri on October is scheduled to be held on two days, July 20 and 21, at the District Court.

Proceedings are open to the public, unless specifically closed by the coroner.

Horsfield's family hold confidence about the reason and manner of death.

The Police Complaints Authority is waiting for the results of the coroner's findings before commenting on the matter.

A family member, Phillipa Horsfield, said despite some public disquiet expressed at the time, witnesses had been hard to find.

She said the family expected police to put forward up to ten witnesses.

Report on lake coming

Environment Minister of Ian Horomia said his staff were co-ordinating support and assistance for the lake trustees, and would be presenting a report to the Minister of Conservation Sandra Lee in the near future.



Parekura Horomia

Citrus Bar opens soon

Mr Senior says the opening of the complex will create 10 -12 jobs, with more positions opening in summer for the busy season.

With the granting of a liquor licence, the Citrus Bar will be a welcome addition to Kerikeri's busy CBD and growing club-going population, which up until now has had to head to Paihia or Whangarei at the weekends.

SPECIALS

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degree in Social Sciences.

Joshua has chosen to follow in the footsteps of his forefathers, his great-grandfather was one of the first one hundred US Navy aviators.

Joshua, pictured above with his grandfather Richard Ralph, attended Kaeo Primary School, Kerikeri.

how to turn a dollar into two!

(or a thousand into two thousand)

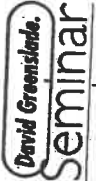
If the idea of turning one dollar into two seems easy to you, then why should turning one thousand dollars into two be any more difficult? If it were that easy everybody would be doing it, right? Wrong. It only appears hard - so those people making money can go on making it without you.

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professional investor & author.
Started own export business at age 14. A successful property investor at 21. General Manager of multi-million dollar company at 28. David is one of NZ's most successful financial planners and has recently sold his own financial planning company and become a consultant to the industry.

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a joke with two of the local and Jamin Tahere enjoyed the show and commented on the

The Poutu Xena

n doing so her friend Gabrielle is in perilous danger. An entire scene shot from only one angle at a time t included wide and tight shots of e same scene. t was interesting to learn that ubles are used more regularly an expected, in so far as they can in for the shots when the camera being focused on the other actor Pacific Renaissance Pictures is a ll New Zealand Production and is so a subsidiary of The American mpany Renaissance where the ript for the show is written. s Lawless, who travels a lot, said e liked to think she was still sed in New Zealand. Her daugh- r goes to school here.

and for case

v jury at received the single rial held adult UE benefit dur- ing parts of the same our-year period. woman judge AIM 00 from Thompkins remanded 's unem the case so that repara- benefit tion could be dis- and liv cussed. de-facto She faces sentencing had also on July 27, at Kaikohe.

FINANCIAL SERVICES

STIS IN:

Liz Johansson

targeted by the... with Hokiangā, the Northern ward and Whangaroa wanting their ramps excluded, for now at least. Cr Derek Ellis (pictured) says the council should tell ratepayers what it has cost to have legal department and other... reckons the mar- jime changes are to expensive.

Lake Omapere protest to be staged outside DOC offices

Lake Omapere trustees and Federated Farmers will protest outside the Department of Conservation offices in Whangarei tomorrow. They are objecting to the department's failure to support the application to release increased numbers of grass carp into the weed infested lake, according to trustee spokesperson Gray Jamieson. Permission is needed from the Minister of Conservation, Sandra Lee, to release 254,000 carp into the lake.

the rampant growth indicated that about 254,000 carps were now needed to cope with the lake vegeta- tion. Interested parties have been meeting regularly over the past month to ensure the trustees submission is considered. The cost of the project is now estimated to be about \$3 million. Federated Farmers became involved when the trustees wanted to raise the level of the lake to improve the water quality. But trustees agreed to wait until the minister was lobbied with a lake management plan and an application for

ing with boat- ies and com- m u n i t y boards. Law North and another Whangarei legal firm have also worked on the bylaw, and Cr Ellis wants to know what the bill is for their... now walks away from action, ratepayers will be le with the hefty bill. I wou expect the council to recover i costs from the association," Ellis said. The Northern News h sought cost estimates from t council.

22/6/00 NN

Conservator Ger Rowan wants to mai- tain some plant cov- rather than reduc- the plant bioma- rapidly. "It appears to ha gone from a e x p e r i m e n t : approach to a ve reactive one," he h said. "The Northland Conservatory is zeal- ous beyond its call," he said. Lake chairman Wallace Wihongi asked for support from the community and attend the protest that would start at 12 noon. The Department's offices are situated near a McDonalds restaurant on Bank Street. Northland

\$66,000

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Noting/Actioning: (any)	
Due By:	

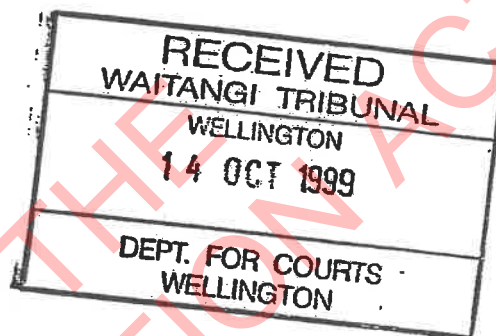
WAI 820

#1.1

Ronald TeRipi Wihongi
Po Box 385
Kaikohe

25 September 1999

The Registrar
Waitangi Tribunal Division
PO Box 5022
WELLINGTON



I wish to register my claim with the Waitangi Tribunal, with regards to the Omapere Lake, which is situated approximately 4 kilometres North of the Township of Kaikohe.

The Lake comprises of an area of 1,100ha, which constitutes a significant part of the 2,900ha total catchment area.

We are deeply concerned with the contamination of our Lake, due to the prolific growth of Algae Bloom, which has been accelerated principally by the lowering of the Lake, and also by the Ideal weather conditions we have been experiencing these past 10 years.

The headwaters of the lake on the Western side was lowered in the early 1900's to allow the water to pass under the Railway line which continued North to its terminal in Okaihau.

It was lowered again in the Mid 70's, and we believe it was this move that proved detrimental to our Lake.

The oxygen weed known as "Egeria Densa" has been studied by several Research Teams 10 years.

1. Ruakaka M.A.F. Hamilton
2. D.S.I.R. Grasslands Div (Kho)
3. D.S.I.R. Botany, Div (Auck)
4. M.W.D. (WR)

There are still no answers as yet from these Research Teams.

We the Trustees & Beneficiaries of the Lake are seeking help from the Crown who is obligated under the "Treaty of Waitangi" for the protection of our Taonga.

We believe simply, that the Lake Level will have to be raised. We are fully aware that when this process happens, the two farms that are now encroaching onto the receded lake bed will be inundated in the winter months.

The Prime Minister Mrs Jenny Shipley suggested that the Trustees should approach the Waitangi Tribunal for recommendations to the Crown for :

1. Compensation to the two farmers, and also assist with the:
2. Establishment of the Old Lake Boundaries & Levels.

3. Feasability study, for future pipeline along Old Railway Corridor(ironically the reason why the Lake was lowered in the first place).
4. Fence and plant riparian strip based on historian boundaries.
5. Eliminate cowshed discharge direct to water within the catchment.
6. Install barrier and sluice gates at the outlet, to enable Winter rainfall to be held back for release in the Summer months, or for emergency purposes when excessive flooding occurs.
7. Raise Lake Level to original boundary limits of the Lake, this in itself will reduce the weed/water ratio, thus stabilising the echo-system. Exposing of lake means layering will not be a problem.
8. Introduction of Grass Carp, Silver Carp and native weed eating species as a supplementary measure. The Carp proposal, needs to be looked at from an independent viewpoint, looking to what is best for the Lake. There is a conflict of interest in having the vendor of the carp Mr Jamieson also acting as agent for the Trustees. The true cost & benefits are not being accurately represented.
9. Install pipeline primarily for irrigation purposes. The water will be generated for the use of organic horticulture in Kaikohe.

This would also eliminate the taking of water from private bores which is used at The present time for horticultural purposes. Thus freeing up the spring water from the Monument Hill aquafer to supply quality water for the township of Kaikohe.

If of course the lake water improves, and the equatic weed dissapears through process mentioned above, then our town would have an inexhaustible supply of water perpetually.

There is an existing pipeline which extracted water from the lake, from the 70's to the mid 80's, when the water became contaminated, thus leaving the town of Kaikohe to find alternative water. This pipeline can be used when the lake clears up.

This Lake is very important the people of Ngapuhi. It plays a significant part in the history of our people. It is a taonga of great spiritual value. It is part of our inheritance, the survival of our Tupuna from, the many hapu that is a beneficiary to this lake, is attributable to the great resources of the many species of Eel stocks that are harvest from this lake, and the many spring fed streams that flow into the lake.

Enclosed is a map of the lake of Omapere, associated with the Omapere Development Scheme.

Anticipating your reply,

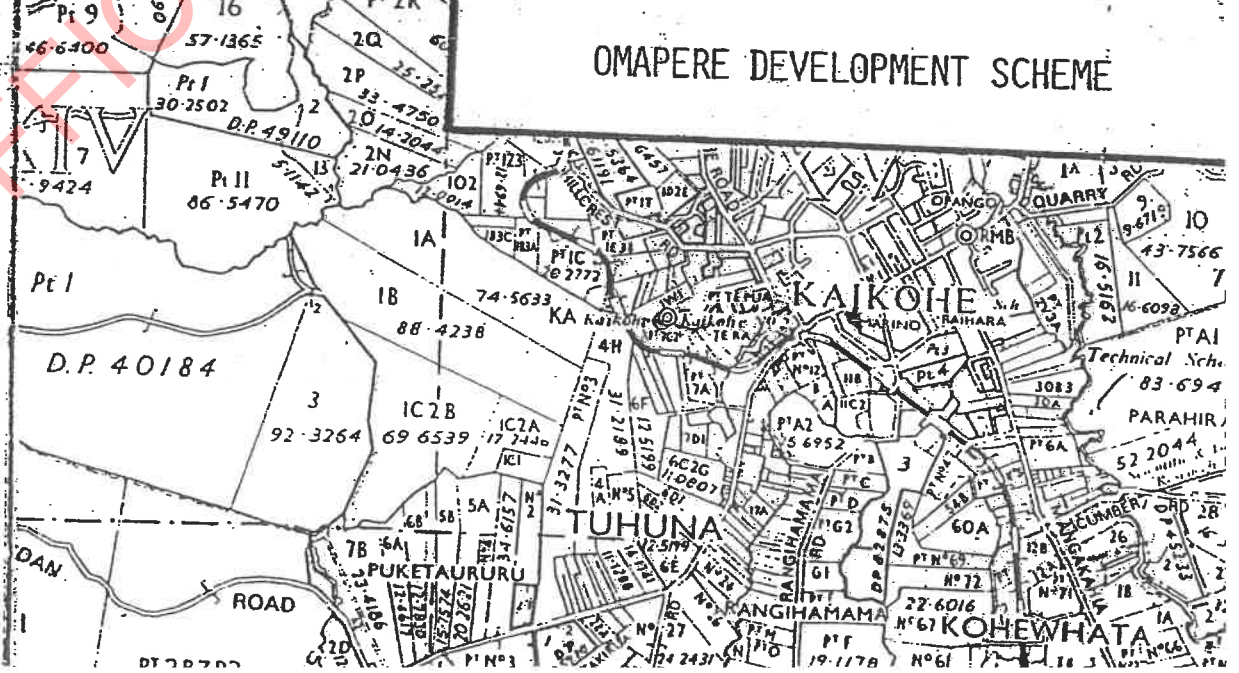
AROHA NUI kia Koutou nga Kai hautu mo a tatou whenua, I Aotearoa nei


Ronald TeRipi Wihongi
Kaumatua, Kaitiaki
Ngapuhi

Te Uri - O - Hua.
Taketake.
Ngai tawake.



OMAPERE DEVELOPMENT SCHEME





Department of Conservation
Te Papa Atawhai

Ministerial No. _____ - ____ - _____
(MSU use only)

Departmental Submission

Date:	29 June 2000	File reference:	FIS 0041
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Minister of Conservation

Subject:	LAKE OMAPERERE REQUEST FOR ASSISTANCE (00-B-0176)
Action Sought:	Note advice in this report
Deadline:	30 June 2000

Paper Type: (Policy, Operational, Cabinet, Statutory or Noting)	Policy	Dept's Priority: (Very High, High, Normal or Low)	High
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Contacts for telephone discussion (if required)				
	Name	Position	Telephone	
1	Chris Richmond	Senior Policy Analyst	(wk)(04)471 3209	(ah) 233 9823
2	Bronwyn Barnard	Solicitor	(wk) (04)4713169	(ah)
3			(wk)	(ah)

Head Office

P O Box 10420, 59 Boulcott Street, Wellington
Telephone 0-4-471 0726, Facsimile 0-4-471 1082

Executive Summary

This report provides a summary background to the anticipated request from the Lake Omapere Committee to you and the Ministers of Maori Development and for Environment for nearly \$3 million to assist with a large release of grass carp to Lake Omapere. It provides a preliminary assessment from Te Puni Kokiri, the Ministry and the Department of the proposal and recommendations about how you might prepare to address it when it arrives formally.

Recommended Action

It is recommended that you:

note the contents of this briefing

note that the expected request for funding has not yet been received in your office

provide direction, if any, to the relevant agencies to undertake any specific investigations necessary to assist with the preparation of a coordinated response from the three Ministers being targeted with the funding request.

agree that it is not clear that the release of grass carp at this time would be effective in preventing lake collapse

agree that a management plan which assesses alternatives would be needed to determine the best combination of interventions.

Approved/Agreed/Declined/Noted
{delete those that are not applicable}

Aidan Challis
Acting General Manager Policy
for Director-General

..... / /
Hon Sandra Lee
Minister of Conservation

Purpose

You have sought a background report to an impending request from the Trustees of Lake Omapere and the Lake Omapere Committee for assistance with management of the lake, and a briefing on the issues and options associated with this request. You have sought that the Department prepare this briefing in consultation with nominated officials from Te Puni Kokiri and Ministry for the Environment, so that you can consider the matter from the perspective of all of your portfolios.

Background to this briefing

You have received numerous letters and representations on this topic, and two applications to vary the numbers of grass carp to be released to the lake in an attempt to control cyclical, alternating blooms of algae and lakeweed. The second of these applications you are currently assessing for a decision. You have recently written to the Trustees and their advisors informing them that you will not be able to meet with them immediately, but may be able to do so later.

Background to the request

Lake Omapere waters and lakebed were in 1955 vested under s.438 of the Maori Land Act in 15 Trustees, on behalf of all persons of Ngapuhi. This followed a protracted series of hearings of the Maori Land Court starting in 1929. The vesting order is clearly for the purpose of the economic development of the lake and its surrounding lands for the benefit of Ngapuhi.

The trusts to be exercised by the Trustees, at their discretion, are:

- To complete title to the lake through boundary survey and plan lodging
- To drain the whole or any part of the lake and use the land for leasing, camping or farming
- To sell lake water for public water supply and to erect water works for this purpose
- To promote hydro-electricity works and incur expenses associated with running same
- To promote or exploit native or exotic fisheries in any manner and let rights in respect of these
- To borrow money to carry out these objects, and to secure such loans against the lake and lands
- To spend such money as may be needed to administer this trust

The level of the lake has been lowered (by whom and on whose authority is not clear) and surrounding lands are farmed. Survey of the boundary has not yet been completed. The water supply works were completed and water has been sold for the town supply of Kaikohe. Nutrient enrichment from farm development in the watershed has caused the lake to become eutrophic with blooms of suspended algae. This has been aggravated by the unauthorised introduction of an aggressive South American oxygen weed (*Egeria densa*) which also exploded in response to the fertile conditions.

In the mid 1980's the weedbeds collapsed, with the decomposing weeds stimulating anoxia and major blooms of "blue-green algae" (cyanobacteria). Much of the aquatic life in the lake, outlet stream and downstream estuary was killed. The water supply to Kaikohe was suspended. The lake has gradually recovered over the last decade, but *Egeria* has again become dominant over the native water plants. Concern about a repeat of this type of eutrophication induced cycle led to a proposal to stock the lake with grass carp to maintain a partial control over the weedbeds, hopefully preventing surface-reaching growths which would be at risk of collapse. As the grass carp biomass would grow faster than weed production, there would be a need to remove surplus

carp. The Trustees have indicated in media reports that they are interested in supplying such fish to the Asian restaurant market.

There were delays in fulfilling some conditions set down in the 1997 Ministerial consent and the Operational Plan so no grass carp have been introduced to date. Since 1997 the weedbeds have grown to the extent that over 250,000 grass carp would now be needed to reduce plant biomass back to a "safe" and sustainable level. When that lower level was achieved most of those grass carp would be surplus, provided that they were not killed by a decline in water quality. NIWA has advised that the experiment is risky, with uncertain outcomes, and has now recommended that grass carp not be released until after there has been some die-back of the weed growth.

However, the Trustees, in conjunction with the Northland Regional Council, Far North District Council, Kaikohe Community Board, Federated Farmers and the grass carp industry are keen to pursue the experiment. We understand from media releases that they have pledged \$330,000 towards an estimated total cost of \$3,200,000, and are preparing a submission to you and other Ministers seeking a Crown contribution of \$2,840,000.

Views of other agencies

At your direction, Conservation officials have discussed the situation and options with Officials from Ministry for the Environment, Te Puni Kokiri, and Ministry of Fisheries (responsible for freshwater fish farming, and approvals of subsequent releases of grass carp). We have discussed both the specific request and your broader question of how the Crown can better assist the Trustees in managing a degraded lake for which they have a primary responsibility but little authority over the causes of degradation.

The Ministry for the Environment has not supported the proposal to use grass carp methods to address the problems of the lake, and has turned down an earlier application for funding. The Ministry has indicated it would be receptive to a request for contributing to funding a management planning process which addressed causes as well as symptoms of degradation, and assessed all options for control of causes and symptoms. A variety of tools have been used for these objectives in other New Zealand shallow lakes and ponds, including:

- inlet stream diversion,
- catchment nutrient control schemes,
- water margin planting and wetland establishment,
- artificial aeration for control of algal blooms
- lakeweed control through mechanical harvesting/suction dredging/herbicides
- ecological restoration through draining/dessication/reflooding or complete eradication of rooted plants with grass carp overstocking/removal, then revegetation with natives.

Te Puni Kokiri has examined the vesting order and considers that the vesting of the lake assets and rights, including the water itself, appears to be primarily for the economic development of Ngapuhi. There is an impediment to the Trustees fully exercising its trusts, in that the land boundary survey has not yet been completed so that the asset cannot be used as intended as security for loans to develop the resources specified in the Order. It is not clear to what extent the Crown has obligations to facilitate that primary task or to provide assistance under other legislation.

The Ministry of Fisheries administers the Freshwater Fish Farming Regulations 1983, but no longer provides the type of financial and technical assistance that was associated with the original promotion of fish farming in New Zealand.

Department of Conservation

The Department of Conservation has relevant functions under the Conservation Act for:

- preservation of indigenous freshwater fisheries
- protection of freshwater fish habitats
- management of protected areas allocated to it for conservation
- control of introduced species causing damage to indigenous species
- advising Ministers on applications to transfer or release aquatic life
- advocating the conservation of aquatic life and freshwater fisheries generally
- commissioning research or investigations of freshwater fisheries

Because Lake Omapere is not vested in the Crown nor a protected area, it is difficult to make it a conservation priority, even for ecological restoration of a degraded example of a large shallow lake. That would be inconsistent with the existing development objective of the vesting order. The Crown has previously assisted the Maori trustees of another large shallow degraded lake, Horowhenua, through establishing by legislation a protective reserve around its margins and vesting that in a multi-party board of control, and through contributing to control of effluent inflows. It may be possible to use this model to assist in reaching agreement with the Trustees to plan for the future enhancement of Omapere in return for some public benefit.

The primary role the Department has for Omapere is through the fish transfer/release provisions, together with roles in providing advice, advocacy and research where appropriate. These are, of course, interpreted in the context of section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi. While we have been able to develop some innovative empowerment mechanisms for tangata whenua in their co-management of South Island freshwater fisheries under the Conservation (South Island Customary Freshwater Fisheries) Regulations, few of these tools are relevant to the Omapere situation.

Lake Omapere proposal costs and benefits

One perspective on the Omapere situation is that the Trustees and associates, unable to control nutrient inflows to the lake, are forced to utilise the extremely high fertility through some type of biological harvesting of its surplus production. They have chosen to harvest grass carp rather than lakeweed. This would be a high risk venture, requiring some venture capital. The potential benefits may be high, with the Trustees and associates estimating that sales of grass carp could potentially inject more than \$500,000 per annum into the Northland economy. Other potential benefits include reduced costs of municipal water supply, retention of a valuable eel fishery, retention of some existing tourism usage and avoidance of ecological collapse, valued by the Councils at between \$500,000 and \$1M. The potential return on investment of venture capital appears to be over 30% per annum, so it would seem to be economically feasible, provided that risks could be managed by those facing the consequences.

The primary benefits are being sought by the grass carp industry/Trustees and the local authorities, with some benefits being perceived by Federated Farmers and the Kaikohe Landcare Group, presumably through the grass carp option taking off the pressure to farm the catchment in a sustainable (nutrient retentive) manner. No benefits are being sought by the Crown at this stage.

While any expenditures made by parties which are not public bodies are of little concern to you and other Ministers, expenditures/investments made by central and local government agencies are constrained by the Public Finance Act and the Local Government Act. The latter was amended in 1996 to provide in s.112F principles for funding expenditure which are, in brief: that where the beneficiaries of expenditure on a project can be identified those costs should be recovered; where the benefits are dispersed across the community then it may be levied; and where expenditure is needed to rectify the consequences of the actions or inactions of others, then those costs should be recovered from those classes of persons who caused the problem.

These principles seem to provide the philosophical basis for apportioning all of the costs of the grass carp project across the various local communities which have contributed to the problem and would benefit from the proposed expenditure. Given the historical circumstances of the Far North, however, there may be some basis for considering it at some stage as a Regional Development Assistance project, provided that the risks identified by NIWA can be quantified and addressed. The Ministry of Economic Development has not yet been approached.

Conclusion

However, given that NIWA has now recommended that an immediate release has a low chance of success, and that there is a high risk of mortality of released fish should the initial control levels be insufficient to prevent a collapse of the weedbeds, there is an opportunity for facilitating a fast-tracked management planning process of the type recommended by the Ministry for the Environment. Both the Department of Conservation and Te Puni Kokiri support such an approach, while acknowledging that the Lake Omapere Trustees and the Northland agencies may consider that they have already undertaken enough planning to choose their preferred course of action.

Recommendations:

It is recommended that you:

note the contents of this briefing

note that the expected request for funding has not yet been received in your office

provide direction, if any, to the relevant agencies to undertake any specific investigations necessary to assist with the preparation of a coordinated response from the three Ministers being targetted with the funding request.

agree that it is not clear that the release of grass carp at this time would be effective in preventing lake collapse

agree that a management plan which assesses alternatives would be needed to determine the best combination of interventions.



Te Puni Kōkiri
Ministry of Māori
Development

28 August 2000

Minister of Māori Affairs

REPLY TO LAKE OMAPERE COMMITTEE REQUEST FOR ASSISTANCE

Purpose

1. This paper attaches a draft letter of reply for your signature to the Lake Omapere Committee request for \$2.84 million to assist the proposed introduction of grass carp to control the weed growth in Lake Omapere.

Background

2. You have been previously briefed on the background to the request for assistance by the Lake Omapere Trust (dated 25 July). Subsequently, you have received a letter from Jim Peters, Chairman of the Northland Regional Council (dated 31 July 2000) attaching a formal submission to the Ministers of Conservation, Māori Affairs and the Environment by the Lake Omapere Committee for \$2.84 million to assist with the proposed introduction of grass carp into Lake Omapere.

Comment

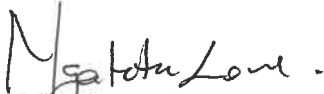
3. Unfortunately, Te Puni Kōkiri has no funds available to assist the Lake Omapere Committee. However, it is understood that your colleagues, the Minister of Conservation, the Hon Sandra Lee and the Minister for the Environment, the Hon Marian Hobbs are currently considering the Committee's proposal.
4. To co-ordinate the Crown response, we recommend that you consult and confirm with the Minister of Conservation and the Minister for the Environment the draft letter of reply to the Lake Omapere Committee.

Recommendations

It is recommended that you:

1. **note** that this paper attaches a draft letter of reply for your signature to the Lake Omapere Committee request for \$2.84 million to assist the proposed introduction of grass carp to control the weed growth in Lake Omapere.
2. **note** that Te Puni Kōkiri has no funds available to assist the Lake Omapere Committee.
3. **note** that the Minister of Conservation and the Minister for the Environment are currently considering the Committee's proposal.

4. **consult and confirm** with the Minister of Conservation and the Minister for the Environment the draft letter of reply to the Lake Omapere Committee.
5. **sign and send**, after consultation and confirmation from the Minister of Conservation and Minister for the Environment the draft letter of reply to the Lake Omapere Committee.


Dr Ngatata Love
Chief Executive

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Te Puni Kōkiri
Ministry of Māori
Development

26 April 2001

Minister of Māori Affairs

MAORI AFFAIRS SELECT COMMITTEE REPORT ON LAKE OMAPERE

Purpose

1. This paper briefs you on the Māori Affairs Select Committee report into Lake Omapere.

Background

2. On 5 April 2001 the committee released a report on its inquiry into the possible collapse of Lake Omapere.
3. The committee decided to inquire into the possible collapse of Lake Omapere because it has considerable cultural significance and economic potential for Ngapuhi, and holds large stocks of eel and freshwater mussels. Damage to the lake could therefore have severe implications for Ngapuhi and the mid-North community, as well as having serious effects on the Utukura River, Waitangi and Wairoa streams and the Hokianga Harbour. It could also put under threat the development of Kaikohe, a community that is looking to the lake for a possible future source of water.
4. Lake Omapere is a shallow lake approximately four kilometres north of Kaikohe. It has a depth of between one and 2.5 metres and a surface area of 1200 hectares. As such it is the largest lake in Northland. It has a catchment area of 1700 hectares. This catchment area is mainly farmland, predominantly sheep and beef, though there is also some dairy farming. Runoff from the farms has led to the lake being nutrient-enriched. According to the Ministry for the Environment, Shallow nutrient-enriched lakes are ecologically unsustainable. The lake is also infested by South American oxygen weed *Egeria densa*.
5. The waters of the lake as well as the lake bed and margins were vested in the Lake Omapere Trustees on behalf of all of Ngapuhi by the Māori Land Court in 1955. The trust order allows the trustees to undertake many activities which promote the lake and economic development, including:
 - Sell water;
 - Erect waterworks;
 - Promote hydro-electric works and license such use;
 - Exploit exotic and native fisheries and license such use;
 - Drain the whole or part of the lake;

- Undertake farming, erect buildings and camping facilities, or let camp sites on the drained land;
- Borrow money upon the security of the lake in order to pursue the objects of the trust.

Comment

6. The committee has made five recommendations, two of which specifically call upon Te Puni Kōkiri to take certain actions. Te Puni Kōkiri has already begun considering how we can implement these recommendations.

Recommendation three: that Government instruct Te Puni Kōkiri to oversee a timely resolution of the outstanding title issues relating to the lake.

7. The Land Management Unit at Te Puni Kōkiri has investigated the status of the title to Lake Omapere and good progress is being made on resolving the outstanding issues.
8. In brief, it appears that a survey of the block of land known as Lake Omapere was completed in December 1922 and a survey plan approved by the Chief Surveyor (SO 22379). This established a clear boundary for Lake Omapere at that time.
9. ML Plan 12637 was produced in 1929. A comment written on that plan says:

In its judgement of 1st August 1929 the Māori Land Court requests the Chief Surveyor to amend this plan “so as to show the correct boundaries and area of Lake Omapere as they existed prior to the unauthorised drainage operations of the Crown” – i.e. to the Green line shown on SO Plan 22379
10. This appears to confirm that SO 22379 is the correct surveyed block.
11. It is important to note that the area is a block of land, and that the vesting order issued by the Māori Land Court on 22 February 1955 refers to the area as “...the land and the water thereon...”. The boundary is not the edge of the water, but the boundary as surveyed in 1922.
12. It is clear now that a separate survey is not necessary and there appears to be no reason why title cannot be issued. If the trustees agree, then the following course of action would be recommended:
 - i) If necessary, refer SO Plan 22379 to the Māori Land Court for approval (note that the plan has already been approved by the Chief Surveyor, and that ML12637 and the Court’s decision of 1 August 1929 confirm SO22379 is a true survey of the block);
 - ii) Request that the Māori Land Court refer the vesting order to the Land Transfer Office for preliminary registration;
 - iii) Follow up with a requisition for issue of title.
13. Once a certificate of title has been issued, the trustees should be able to utilise the asset as intended as security for loans to develop the resources as set out in the vesting order.
14. Te Puni Kōkiri is willing to assist the trustees to initiate these actions and also can cover the costs of seeking an issue of title.

Recommendation four: that Government instruct Te Puni Kōkiri to provide assistance to the Lake Omapere Trustees from their capacity building programme to enable the trustees to meet their responsibilities as trustees.

15. The Te Puni Kōkiri Regional Office in Whangarei is engaged in regular dialogue with the trustees on matters relating to the lake. At this stage, I understand that the trustees have not raised the issue of funding to meet their trustee responsibilities. Capacity building funding could assist the trustees to build the strategies, systems, structures and skills that they need to control their own development and achieve their own objectives in respect of Lake Omapere. Other funding avenues could also be available to assist the trustees to develop Lake Omapere in the manner described in the vesting order, such as employment and economic ventures.

16. I have asked staff to raise the matter of capacity building with the trustees when they consider it appropriate and to assist the trustees, if necessary, to make an application. The next round of capacity building funding will be available from 1 July 2001.

17. The committee has requested that Te Puni Kōkiri report to it by 23 July 2001 on progress in implementing these recommendations.

Te Puni Kōkiri advice on Crown Treaty of Waitangi responsibilities

18. The committee also asked for Te Puni Kōkiri advice on the Crown partnership or Treaty responsibility relating to Lake Omapere. In advice dated 26 April 2001, it is Te Puni Kōkiri's view that, upon further consideration of the issues, a clear Treaty responsibility does exist.

19. In the original vesting of the lake the Crown failed to survey and protect the lake boundary. Since then, the lake has been degraded, in large part due to these omissions by the Crown. Even though a vesting order has been enacted, this does not permit the Crown to divest itself of its obligations.

Recommendation

20. It is recommended that you:

- a) Note that on 5 April 2001 the Māori Affairs Select Committee released a report on its inquiry into the possible collapse of Lake Omapere;
- b) Note that two of the five recommendations in the report call upon Te Puni Kōkiri to undertake specific tasks;
- c) Note that Te Puni Kōkiri has already begun considering how we can implement these recommendations and is making good progress on resolving these issues;
- d) Note that the committee has asked Te Puni Kōkiri to report by 23 July 2001 on progress in implementing these recommendations; and
- e) Note that Te Puni Kōkiri has also given the committee advice on the Crown Treaty of Waitangi responsibilities relating to Lake Omapere.

Leith Comer
Chief Executive



Te Puni Kōkiri
Ministry of Māori
Development

13 June 2001

Associate Minister of Māori Affairs

**GOVERNMENT RESPONSE TO MĀORI AFFAIRS SELECT COMMITTEE
REPORT ON LAKE OMAPERE**

Purpose

1. This paper briefs you on the proposed Government response to the Māori Affairs Select Committee Inquiry on the possible collapse of Lake Omapere, which will be considered by the Cabinet Legislation Committee on Thursday 13 June 2001.

Background

2. On 5 April 2001 the committee released a report on its inquiry into the possible collapse of Lake Omapere.
3. The committee decided to inquire into the possible collapse of Lake Omapere because it has considerable cultural significance and economic potential for Ngapuhi, and holds large stocks of eel and freshwater mussels. Damage to the lake could therefore have severe implications for Ngapuhi and the mid-North community, as well as having serious effects on the Utukura River, Waitangi and Wairoro streams and the Hokianga Harbour. It could also put under threat the development of Kaikohe, a community that is looking to the lake for a possible future source of water.
4. Lake Omapere is a shallow lake approximately four kilometres north of Kaikohe. It has a depth of between one and 2.5 metres and a surface area of 1200 hectares. As such it is the largest lake in Northland. It has a catchment area of 1700 hectares. This catchment area is mainly farmland, predominantly sheep and beef, though there is also some dairy farming. Runoff from the farms has led to the lake being nutrient-enriched. According to the Ministry for the Environment, shallow nutrient-enriched lakes are ecologically unsustainable. The lake is also infested by South American oxygen weed *Egeria densa*.
5. The waters of the lake as well as the lake bed and margins were vested in the Lake Omapere Trustees on behalf of all of Ngapuhi by the Māori Land Court in 1955. The trust order allows the trustees to undertake many activities which promote the lake and economic development, including:
 - Sell water;
 - Erect waterworks;
 - Promote hydro-electric works and license such use;
 - Exploit exotic and native fisheries and license such use;

- Drain the whole or part of the lake;
- Undertake farming, erect buildings and camping facilities, or let camp sites on the drained land;
- Borrow money upon the security of the lake in order to pursue the objects of the trust.

Comment

6. The committee has made five recommendations, two of which specifically call upon Te Puni Kōkiri to take certain actions. Te Puni Kōkiri has already begun considering how we can implement these recommendations, and this work is reflected in the draft Government response.

Recommendation three: that Government instruct Te Puni Kōkiri to oversee a timely resolution of the outstanding title issues relating to the lake.

7. The Land Management Unit at Te Puni Kōkiri has investigated the status of the title to Lake Omapere and good progress is being made on resolving the outstanding issues. In brief, it appears that a survey of the block of land known as Lake Omapere was completed in December 1922 and a survey plan approved by the Chief Surveyor (SO 22379). This established a clear boundary for Lake Omapere at that time. The vesting order issued by the Māori Land Court on 22 February 1955 refers to the area as "...the land and the water thereon...". The boundary is not the edge of the water, but the boundary as surveyed in 1922.
8. The Trustees are able to apply to the Māori Land Court at any time to ask that the vesting order be presented to the District Land Registrar, and registered with the Land Transfer Office. Once registered with the Land Transfer Office, a certificate of title can be issued. The Trustees should then be able to utilise the asset as intended as security for loans to develop the resources as set out in the vesting order.
9. It is possible that the current surrounding landowners may not be aware of the defined boundary. Once the title has been issued, the Trustees may wish to establish with their neighbours the correct boundary if it is not already known. There may be some public outcry when current landowners adjoining the lake discover that some of "their" farmland is within the title to be transferred to the Trustees.
10. Te Puni Kōkiri is willing to assist the Trustees to initiate their application for a certificate of title, and can also cover the costs of seeking an issue of title. This action, however, can only be undertaken at the request of the Trustees. Te Puni Kōkiri is endeavouring to raise this matter with the Trustees and seek their opinion on how they wish to proceed.

Recommendation four: that Government instruct Te Puni Kōkiri to provide assistance to the Lake Omapere Trustees from their capacity building programme to enable the trustees to meet their responsibilities as trustees.

11. The Te Puni Kōkiri Regional Office in Whangarei is engaged in regular dialogue with the trustees on matters relating to the lake. At this stage, I understand that the trustees have not raised the issue of funding to meet their trustee responsibilities. Capacity building funding could assist the trustees to build the strategies, systems, structures and skills that they need to control their own development and achieve their own objectives in respect of Lake Omapere. Other funding avenues could

also be available to assist the trustees to develop Lake Omapere in the manner described in the vesting order, such as employment and economic ventures.

12. I have asked staff to raise the matter of capacity building with the trustees when they consider it appropriate and to assist the trustees, if necessary, to make an application. The next round of capacity building funding will be available from 1 July 2001.

Other issues

13. The Select Committee also recommended that the Government acknowledge that the Department of Conservation is not giving effect to section 4 of the Conservation Act 1987, and to direct it to adhere to its statutory obligations. Section 4 of the Conservation Act requires the Department to interpret and administer the Conservation Act so as to give effect to the principles of the Treaty of Waitangi.
14. The Government report does not accept the allegations made against the Department of Conservation. The Department has a general responsibility for the protection and preservation of New Zealand's natural and historic resources. It has specific responsibility to protect indigenous freshwater fisheries and habitats. The statutory responsibilities associated with the introduction of grass carp to Lake Omapere were fulfilled by the proper permitting of the grass carp introduction to the lake.
15. A catastrophic "collapse" of the lake's ecology is now unlikely in the short term. However, should the lake weed continue to die-back, lake management options will fall within local capacity. Should the lake weed regrow, the addition of further grass carp is the preferred control measure. It is possible that the Lake Trustees will seek up to \$1.23 million for these and existing fish and that further management intervention could double this sum. The response to the Committee report does not directly address the issue of costs.

Te Puni Kōkiri advice on Crown Treaty of Waitangi responsibilities

16. The committee also asked for Te Puni Kōkiri advice on the Crown partnership or Treaty responsibility relating to Lake Omapere. In advice dated 26 April 2001, it is Te Puni Kōkiri's view that, upon further consideration of the issues, a clear Treaty responsibility does exist.
17. In the original vesting of the lake the Crown failed to survey and protect the lake boundary. Since then, the lake has been degraded, in large part due to these omissions by the Crown. Even though a vesting order has been enacted, this does not permit the Crown to divest itself of its obligations.

Recommendation

18. It is recommended that you:
 - a) **Note** that on 5 April 2001 the Māori Affairs Select Committee released a report on its inquiry into the possible collapse of Lake Omapere;
 - b) **Note** that two of the five recommendations in the report call upon Te Puni Kōkiri to undertake specific tasks;
 - c) **Note** that Te Puni Kōkiri has already begun considering how we can implement these recommendations and is making good progress on resolving these issues;

- d) **Note** that the Government response must be presented to the House by 4 July 2001;
- e) **Note** that Te Puni Kōkiri also gave the committee advice on the Crown Treaty of Waitangi responsibilities relating to Lake Omapere; and
- f) **Agree** to the proposed government response.



Leith Comer
Chief Executive

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Office of Treaty Settlement
Maori Land Court, Tai Tokerau District

From; Lake Omapere Trust: (LOT)
Compiled By: Nuki Smith Chairperson of Trustee.
On behalf of Lake Omapere Trust
PO Box 725
KAIKOHE 0440
(09) 4051200 – 021 034 1963
lakeomaperermu@gmail.com

Dated; 18th March 2016

Subject **without prejudice**
For the record

Conveyance of Information of “Rebuttable Presumption”
Re: Representation by “iwi leaders group (sic)”, in respect of Lake Omapere.

To whom ever It May Concern:

Be Advised;

Ko matou nga Rangatira o Nga Hapu Ngapuhi ko enei nga korero

In the matter of “Rebuttal” we the Trust do so in reference to representation by “Iwi Leaders”(sic) The Trust do so due to the matter of ‘jurisdiction’ in regards to Lake Omapere. The lake is governed by a Trust, and the Trust give no authority without a written resolution.

For some clarification, we refer you to the following attachments;

- #1; an introduction to Lake Omapere
- #2; Maori land Trust (The Act - Regulations)
- #3; Judicial Conference
- #4; Charter of LOT Bd.

#1; an introduction to Lake Omapere

The origin of the Trust began when Maori first applied to the Maori Land Court to investigate title in 1913. Deliberate obstructive action by Crown officials initially blocked the investigation. Eventually in 1953 the Court decided in favour of the Maori applicants – the Lake being vested

#2; Maori land Trust (The Act - Regulations)

The trust is now an 'Ahu Whenua Trust' established under sec. 215 of Te Ture Whenua 1993. Therefore has responsibilities under the Act and its Regulations

#3; Judicial Conference (JC)

One of a series of JC with the Trust and People of Ngapuhi. I refer you to a Court Order attachment at 50 Taitokerau MB 164 & 165. This to identify the current operational Tr Lake Omapere.

#4; Charter of LOT Bd.

The fundamental principle that the Trustee and the beneficiaries of Lake Omapere inter been developed over the years and are promulgated within its Charter. This relationship continuing. Because of the complexities and conflict of Law and Tikanga, many matters negative relationship occasionally occurs, these are ongoing situations that the Trust, the and the people of Ngapuhi continually deal with. The Charter is one of the tools. For representation, we refer the you to sec. 7.1.1 - .6 of the Charter

Conclude

The Trust is active, and of its jurisdiction some matters are in progress, are sensitive, and embargoed until such time that the Trust and the people that elected them decide other

It is found that Lake Omapere is a private piece of real estate that belongs to the people Ngapuhi, and in the Trustee's opinion any covenant, compact, agreement, arrangement, promises, with stipulation, relative to Lake Omapere is a process of the governing organi elected by the people of that real estate.

In the matter of the representation with regards to Lake Omapere. We the Trust (LOT) decision, with regards to Lake Omapere must be accompanied with written approval/ authorisation (a resolution), from the Trust (LOT), or be dismissed.

Kati.

Anei o matou tohu

Wahine Te chawpore
[Signature] Trustee
[Signature] TRUSTEE...
Natalie Kay Baker Trustee
Ann Stewart