

TE RŪNANGA O NGĀI TAHU

Beached Marine Mammal Protocol



Tiakina he taonga a Tangaroa
mō tātou, ā, mō kā uri ā muri ake nei
For us and our children after us

Cover photograph:

Tuawera

This photograph shows the head of a 15 metre male sperm whale beached on Sumner Beach, near Tuawera (Cave Rock), Christchurch, in September 2001. The whale was first spotted floating dead off Sumner beach on Thursday the 13th of September and finally beached on Sunday the 16th of September. The skull of the whale was recovered and remains buried in a joint effort by Te Hapū o Ngati Wheke, Marine Watch, the Christchurch City Council and the Department of Conservation. This was an excellent example of the working relationship between all those involved. The skull now sits at Rapaki Marae.

The photograph was taken by Jim Lilley of Marine Watch.

Cover whakatauki:

mō tātou, ā, mō kā uri ā muri ake nei

“for us and our children after us”

This is a vision adopted by the former Ngāi Tahu Māori Trust Board to guide the work of the iwi through the settlement and implementation of its Waitangi claim – Wai 27 or Te Kerēme.

Mihi

Ehara taku mana i te mana tarepa

Rere atu taku ata ki te Parinui o Whiti

Heke iho ki te Karaka

Timu, pare hoki te Tai ō Marokura e tere ana ki te Hurunui

Mihi rā te Tai ō Mahaanui e rere ata ana ki te Waimakariri

E hipa atu ana te Tai ō Māhaanui i a Horomaka tae noa ki Waitaki

Mihi rā te Tai ō Ārai te Uru e rere ata ana ki te Pukekura tae noa ki Tautuku

Mihi rā te Ara ā Kewa

E pākia ana te taurapa te puka o te waka

Rere tonu atu te Mimi ō Tū Te Rakiwhānoa ki Pioipiotahi

Mihi rā te tai ō Poutini ki te Kurai o te Kahu o te Rangi

Huri ki uta mātai ai ki te Rāwhiti ki Parinui o Whiti

Ehara taku mana i te mana tarepa

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1 Te Kupu Whakataki – *Introduction*

This document has been created by Te Rūnanga o Ngāi Tahu and ngā Papatipu Rūnanga to outline the preferred processes for the way in which the marine mammals that beach within the Ngāi Tahu takiwā should be managed in conjunction with the Department of Conservation (the Department).

This document outlines the preferred overarching principles and processes for the management of marine mammals, in particular whale species, and the involvement of Ngāi Tahu, through Papatipu Rūnanga, in this management.

The major objective of this document is to increase the active involvement of Ngāi Tahu in all aspects of beached marine mammal management and to guide the Department in understanding the processes Ngāi Tahu wish to undertake in responding to beached marine mammals.

This is being done to acknowledge the rangatiratanga and kaitiakitanga of Ngāi Tahu over beached marine mammals, to enhance the partnership and working relationship between Ngāi Tahu and the Department, and to ensure that the mana and mauri of Ngāi Tahu Whānui and ngā taonga tuku iho is upheld throughout all beached marine mammal operations.

In general terms the document outlines:

- Ngāi Tahu and their relationship with, and values of, beached marine mammals (Section 2);
- The objectives and principles of partnership in managing beached marine mammals (Section 3);
- The rights and responsibilities of Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga and the Department of Conservation, and the interests of other agencies, in beached marine mammal management (Section 4); and
- An outline of the procedures to be followed in dealing with beached marine mammals (Section 5).

This document acts as guidance for the management of beached marine mammals by Ngāi Tahu and the Department and to set a strong foundation for this partnership to continue into the future. It can be used in the development of the planned joint protocol, reviewing contingency plans and implementing processes at a local level to help create clear and agreed processes for future management.

2 Tāhuhu kōrero – *Background*

The following section provides an overview of Ngāi Tahu and the relationship between the iwi and marine mammals. This kōrero draws on the knowledge, customs and traditions of Ngāi Tahu and the thoughts and discussions of Ngāi Tahu Whānui that have attended and participated in various marine mammal hui and customary events over time. This section does not attempt to outline a full explanation of the iwi or cover the full relationship of Ngāi Tahu with marine mammals. This section begins with a brief background to Ngāi Tahu as an iwi and concludes with an outline of the history behind the development of a protocol for the management of beached marine mammals.

2.1 Ko wai a Ngāi Tahu? – *Who are Ngāi Tahu?*

Ngāi Tahu literally means the “descendants of Tahu” after the tribe’s founder Tahu Pōtiki, who was born around 30 generations ago at Whangarā-mai-Tawhiti on the East Coast of the North Island of New Zealand.

Ten generations ago, the descendants of Tahu Pōtiki began their migration from Te Ika ā Maui (the North Island) into Te Waipounamu (the South Island), where through a combination of inter-marriage and conquest they merged with the resident hapū of Waitaha and Kāti Mamoe to form Ngāi Tahu Whānui as it is today.

Ngāi Tahu Whānui is the collective of individuals who descend from the primary hapū of these tribal groups and are recognised as the iwi with manawhenua over their takiwā (tribal area) within Te Waipounamu. Currently, there are over 30,000 registered Ngāi Tahu Whānui.

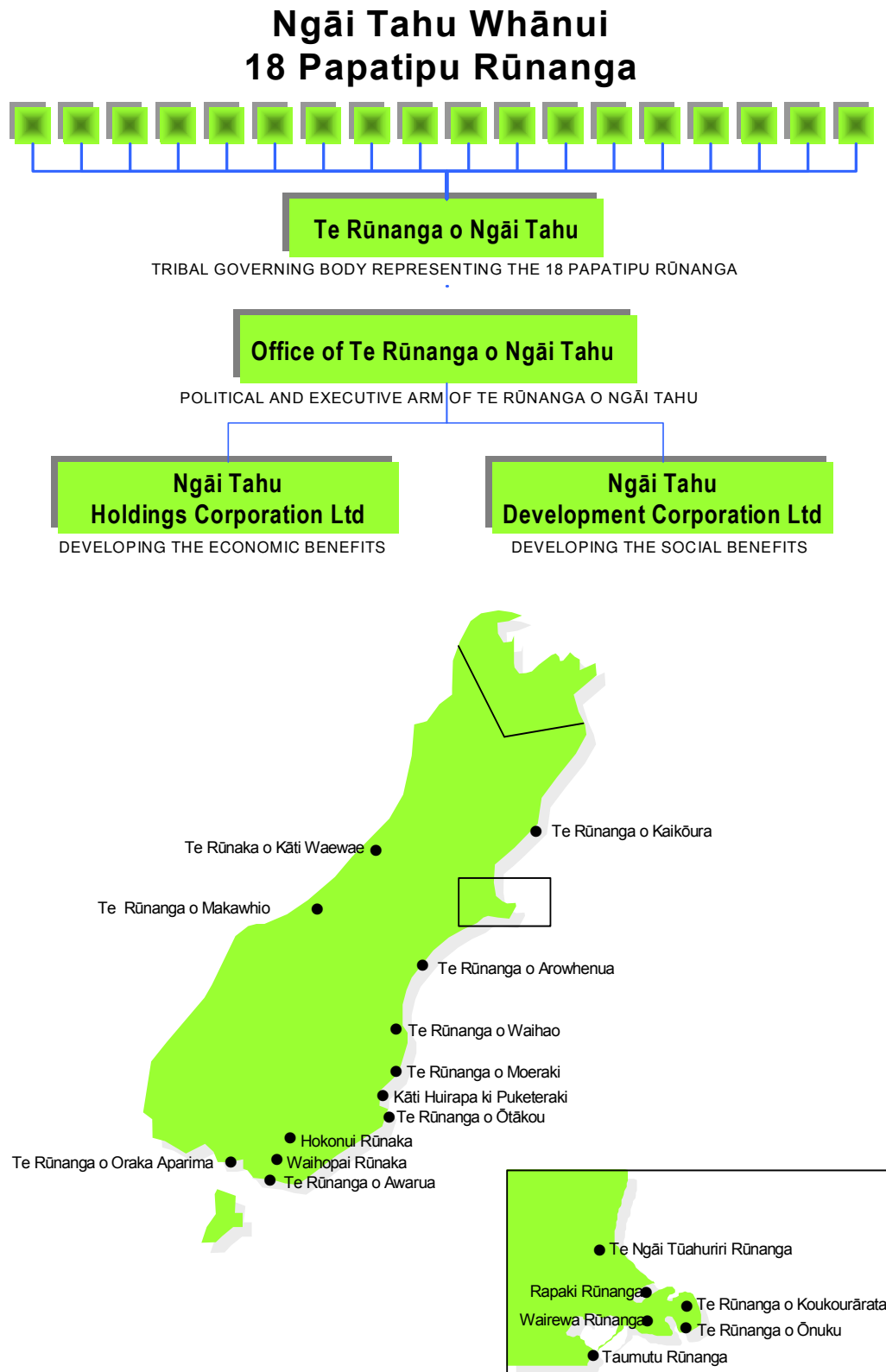
2.1.1 Te Rūnanga o Ngāi Tahu me ngā Papatipu Rūnanga

Te Rūnanga o Ngāi Tahu (see Figure 1) is the structure established by Ngāi Tahu Whānui under the Te Runanga o Ngai Tahu Act 1996 to protect the beneficial interests of all members of Ngāi Tahu, including the beneficial interests of the Papatipu Rūnanga of those members. This act also sets out Te Takiwā o Ngai Tahu Whānui described below in 2.1.2 and shown in Figure 1 and Map 1.

Te Rūnanga o Ngāi Tahu is a tribal council consisting of elected representatives from each of the 18 Papatipu Rūnanga of Ngāi Tahu. Papatipu Rūnanga are regional collective bodies that were established by

Ngāi Tahu in the 19th century that today act as the administrative councils of traditional Ngāi Tahu hapū and marae-based communities.

Figure 1. Ngāi Tahu Whānui, Ngā Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu



Every individual Ngāi Tahu person affiliates to one or more of the Papatipu Rūnanga that are spread throughout Te Waipounamu (see Figure 1).

The 18 Papatipu Rūnanga are recognised as the kaitiaki for the marine mammals that beach within their respective takiwā as defined by the Te Runanga o Ngai Tahu Act 1996. These rūnanga are shown in Figure 1 and Map 1 and are listed in Appendix A.

Kaupapa Taiao (the environmental unit) of Te Rūnanga o Ngāi Tahu support Papatipu Rūnanga in dealing with beached marine mammals as appropriate.

2.1.2 Te Takiwā o Ngāi Tahu – The Ngāi Tahu Tribal Area

The takiwā of Ngāi Tahu Whānui is the area described in Section 5 of the Te Runanga o Ngai Tahu Act 1996 being:

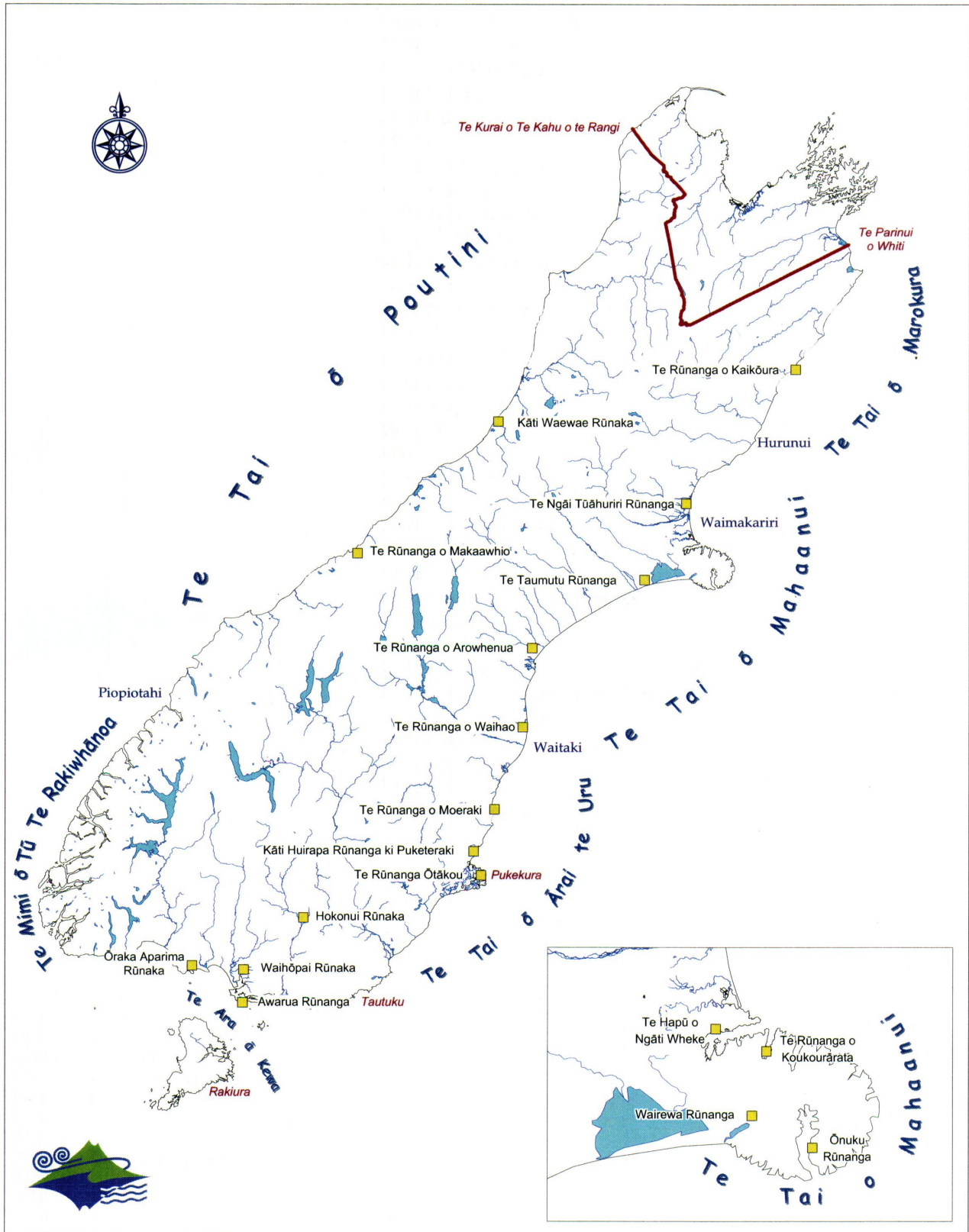
all the lands, islands and coasts of Te Waipounamu south of Te Parinui o Whiti on the East Coast and Kahurangi point on the West Coast.

Surrounding Te Waipounamu are the six coastal marine areas of importance to Ngāi Tahu (shown on Map 1). These include:

- Te Tai ō Marokura (North Canterbury/Kaikoura coastal area);
- Te Tai ō Mahaanui (Banks Peninsula/Central/South Canterbury coastal area);
- Te Tai ō Arai Te Uru (Otago coastal area);
- Te Ara ā Kewa (Foveaux Strait/Rakiura coastal area);
- Te Mimi ō Tū Te Rakiwhānoa (Fiordland coastal area); and
- Te Tai ō Poutini (The West Coast).

These coastal areas are of special significance to Ngāi Tahu Whānui being taonga tuku iho o ngā tūpuna. These coast areas, excluding Te Tai ō Poutini are included as Coastal Statutory Acknowledgements under the Ngāi Tahu Claims Settlement Act 1998.

Map1. Te Rohe Moana o Ngāi Tahu Whānui and Ngā Papatipu Rūnanga



2.2 Toitu te marae nui a Tangaroa, Toitu te iwi

Ngāi Tahu whakapapa, history and culture is deeply embedded in the landscape and resources of Te Waipounamu. The customs, values, resources, mahinga kai, flora and fauna, place names and the pūrākau, pakiwaitara, whakataukī, waiata and accompanying kōrero are the embodiment of the tribes ongoing identity.

Ngāi Tahu traditions represent the values and beliefs of the whenua (land), of the moana (sea), of the tribe, and of the hapū who by whakapapa retain the customary rights and responsibilities associated with ngā taonga tuku iho (treasures handed down).

For Ngāi Tahu, the range of natural resources, species and taonga, such as marine mammals, found within our takiwā are tangible treasures that transcend the generations. The maintenance of the mauri of these taonga is as important as the ability of the iwi to continue to survive and to foster healthy off spring.

Mauri can be described as the life force, present in all objects living and inanimate, a force that stems from the beginnings and a value that is distinguished by qualities of health, abundance, vitality, the pristine and unpolluted. It is something sacred to our whakapapa, a spiritual link in the widest sense, to the past, the present and to the future, the template of influence that maintains our mana and our culture with particular values and beliefs.

All of these things lay at the very roots of our existence and meaning - to pass on to the following generations, the values and resources, and the age old customs that distinguish Ngāi Tahu from any other iwi, and identify our hapū and iwi as manawhenua of our takiwā within Te Waipounamu.

2.2.1 Ngāi Tahu and Marine Mammals

For Ngāi Tahu, marine mammals play significant roles in creation, migration, and settlement traditions. In particular, whales feature predominately as kaitiaki or taniwha (spiritual guardians) in local legends that link tūpuna (ancestors) and their descendants to the coastal environment of Te Wai Pounamu. Within these traditions, marine mammal species are mentioned as assisting human activities or providing guidance through tohu or signs.

Equally important, marine mammals provide valuable resources, such as iwi (bone), rei (ivory), hinu (oil) and kiko (flesh) for a variety of uses including food, medicine, clothing, tools and weapons.

In both these ways, while being more significant in certain areas than others, marine mammals were and are important to the survival and well-being of many Ngāi Tahu hapū and whānau.

Overtime, the knowledge, kōrero, customs and practices associated with marine mammals and the recovery of resources handed down from generation to generation have become a part of the traditions that continue to shape the identity of Ngāi Tahu today.

Such traditions and customs bind Ngāi Tahu and marine mammals in a relationship that acknowledges the mauri (life force) of marine mammals and the environments in which they live. It is through the acknowledgement and continued use of customary practices and traditions that this relationship and mauri is nurtured and protected.

Customs and traditions provide the basis for the continued involvement of Ngāi Tahu in beached marine mammal operations. The aim of this document is to advocate that traditional beliefs and practices become an inherent part of the contemporary management of these operations within Te Waipounamu.

2.2.2 Traditional Customs and Uses

He taoka no Takaroa
i waihotia mo tātou
ko te tohora ki uta

*This whale cast on the beach
is the treasure left to all of us
by the great god Takaroa*

Although aihe (dophins), upokohue (porpoises) and kekeno/pakake (seals) were hunted during the seasonal round of food gathering (mahinga kai), the most significant customs associated with marine mammals revolve around the use of beached whales.

Evidence suggests that the beaching of whales was commonplace in pre-European times and these whales were used extensively by Ngāi Tahu. The whakataukī above, used in evidence to the Ngāi Tahu fisheries claim, demonstrates the belief that the natural beaching of whales was considered an act of the gods providing the gift of life for people.

Because of the spiritual importance of whales, tapu and noa principles and the care that needed to be taken in utilising resources from dead beached whales, strict protocol was observed. These customs usually involved the use of mihi and karakia to give thanks for the whale and make it safe for use. It was also common for tohunga to carry out ritual to ascertain any messages the particular whale may have brought with it, highlighting the belief that whales carried messages and guidance or 'tohu' from atua and tūpuna.

Once the appropriate spiritual customs had been carried out, rangatira would ensure the whale was divided up appropriately and distributed amongst the iwi. The dividing up and distribution of beached whales was an important symbol of rangatiratanga, manawhenua and ahi kā. Often, the particular hapū or iwi involved would gift particular resources to neighbouring tribes and sub-tribes. Upon accepting the gift the neighbours were said to be accepting the status of that hapū as tangata whenua, with manawhenua over the particular area.

Ngāi Tahu also had an in depth knowledge of the seasons and movements of whales and it has been recorded that at particular times groups would enhance the process of beaching whales, through herding. However, these practices were limited by a number of factors including the need of whale resources, the time of the year, and the migration routes and habits of particular whales. If herding did occur, it was most often the smaller whale species or whale calves that were targeted.

The customary resource use of marine mammals, and in particular whales, included the recovery of iwi (bone), rei (ivory), mimiha (ambergris), hihi (baleen), uaua (sinews), hinu (oil) and kiki (flesh).

Flesh was a particularly important part of the traditional diet in the absence of terrestrial mammals. Bone was used extensively for weapons and tools including patu, hoe and taiaha, for construction and for carving and the creation of taonga and adornments. Ivory teeth were used for personal adornments, amulets and musical instruments such as the heitiki and nguru. Sealskin was important for clothing, especially in the colder south. Oil from most marine mammals had many traditional uses such as being used as a medicine in rongoa, and in the preparation of paints and the preservation of food. Ambergris from the sperm whale was used as a chewing gum for oral hygiene and as a perfume or scent hung around the neck.

These resources were extremely sort after and particularly important for trade and the economic well-being of many Ngāi Tahu hapū. Marine mammal resources were regularly traded with pounamu and other resources obtained from other regions and people. Trading customs and traditions are an important part of the values associated with marine mammals that reinforced mana, rangatiratanga and whakawhanaungatanga.

All of these customs highlight the spiritual, social and economic importance of marine mammals to Ngāi Tahu, which remained important, albeit with changes, into the post-European period and with the advent of commercial sealing and whaling in New Zealand.

2.2.3 European Sealing, Whaling and Influences

Because of the Ngāi Tahu relationship with, and extensive use of, marine mammals in pre-European times, practices quickly adapted as European sealing and whaling became common place around Te Waipounamu.

From the 1820s to the 1860s, Ngāi Tahu were heavily involved in many aspects of commercial whaling. Hundreds of Ngāi Tahu men worked on European whaling ships and boats as common seamen, navigators, harpoonists, officers and captains. Leading Ngāi Tahu rangatira such as Tuhawaiki even established and ran successful shore based whaling stations in this period.

During this period the interaction and intermarriage between Ngāi Tahu and whalers was widespread, so much so, that many Ngāi Tahu families alive today trace their European origins back to early whalers. All of this interaction had an impact on the customary practises of Ngāi Tahu.

Despite, a more proactive involvement in utilising whales, Ngāi Tahu whānau and hapū continued to customarily use beached whales. Many Ngāi Tahu adapted the custom of gifting whale resources by trading meat and oil collected from beached whales to commercial whalers. Ngāi Tahu were also known to utilise the resources from whales discarded by commercial whalers.

The common use of whale resources by Ngāi Tahu and many other iwi only diminished into the 20th Century, and in particular since 1978 when the Marine Mammals Protection Act gave marine mammals total protection in New Zealand.

2.2.4 Contemporary Marine Mammal Relationships

In recent years, particularly since 1978, the relationship and interaction of Ngāi Tahu with marine mammals has been very limited. A major reason for this diminished association has been the introduction of legislation that has limited access to marine mammals. With a lack of access to beached marine mammals has come the associated loss of mātauranga (knowledge) and customary practice in dealing with and utilising beached marine mammals.

Today, Ngāi Tahu concentrate on advocating and maintaining their rights and responsibilities over marine mammals. This has brought about a focus on being actively involved in the management and decision making over both (dead) beached and live marine mammals, through building relationships and working with the Department of Conservation. This work has included the involvement of Ngāi Tahu in the marine mammal tourism industry, such as

Whalewatch Kaikoura as well as the development of joint protocols for managing beachings and other aspects of marine mammal conservation.

In saying this, it is important to acknowledge that the use of marine mammal resources is still seen as an important customary right to be protected and upheld. Within this, Ngāi Tahu continue to assert the need to undertake customary practices such as the use of mihi whakatau and karakia (particularly for dead marine mammals) as well as upholding the mana involved with decision making over the use and distribution of whale resources. Continuing these customary practices is as an important expression of rangatiratanga, a right guaranteed to Ngāi Tahu under the Treaty of Waitangi, as well as being an expression of kaitiakitanga, manawhenua, manamoana and ahi kā.

The involvement of Papatipu Rūnanga in the management of beached marine mammals through the development of a tribal position, joint protocol and ongoing working relationships with the Department is an essential part of maintaining these values and customs.

2.3 Developing a Tribal Position and Joint Protocol

As highlighted above, in recent years Ngāi Tahu have focussed on increasing involvement in the management and decision making over beached marine mammals through working with the Department of Conservation. Through this work a protocol to clarify this involvement with the Department was considered important. The paragraphs below outline the major events that have lead to the development of this policy and the work around a joint protocol.

In 1998, members of Kaikōura Rūnanga, through the work of Barney Thomas (Kaupapa Atawhai Manager for the Nelson/Marlborough conservancy) became aware of the work of Tai Tokerau iwi, Ngātiwai, and their involvement in the management of beached whales in and around Whangarei. Kaikōura Rūnanga then requested the creation of a protocol, similar to the one Ngātiwai were acting under, between Ngāi Tahu and the Department of Conservation to clarify and better manage this kaupapa. To assist this, Kaupapa Taiao of the Office of Te Rūnanga o Ngāi Tahu began to work on the creation of a tribal protocol with the Department.

In July 1999, Kaupapa Taiao organised a hui to discuss the creation of the protocol. From this hui a skeleton was created that focussed on outlining to the Department, as the Crown agency with a legal responsibility for marine mammals, the customary right of Ngāi Tahu to whales secured by the Treaty of Waitangi and reinforced by the Ngāi Tahu Settlement. The skeleton included a provision for inclusion of Ngāi Tahu traditions, practices and values of beached whales and the need for on the ground processes and training for

Ngāi Tahu Whānui. The overall thrust of the protocol was for it to be iwi led, rather than Department led.

While the first Protocol was being drafted, Kaupapa Taiao became aware of the work of Ramari Stewart who was heavily involved in the customary recovery of whale taonga and resources. This led to collaboration and the commissioning of a report on the customary use of whales, the resources available and a 'how to do' guide. From this, Ramari, along with her colleague Hiria Apanui, also became centrally involved in several customary events with Ngāi Tahu rūnanga, passing on mātauranga and facilitating recoveries.

In June 2001, a further hui was held to discuss the draft protocol developed by Kaupapa Taiao. This hui was held at Moeraki following the beaching and customary recovery of Waiwherowhero, a large sperm whale. The major feedback from this hui, suggested that while there was still a need for a tribal protocol, the focus should be on the actual processes involved in beachings rather than a focus and detail on the explanation of Ngāi Tahu rights. The hui recommended the protocol be re-worked and simplified concentrating on the principles of management and the processes involved in management.

Shortly following this hui, four Ngāi Tahu representatives attended a hui organised by Ngāti Wai and Te Ohu Kai Moana on the customary recovery of whales. This hui further fuelled the creation of a process for iwi and hapū to be involved in the management of beached whales as well as the needs for training and upskilling of kaimahi.

During the time since the Moeraki hui, marine mammals have continued to beach around Te Waipounamu and more and more Ngāi Tahu Whānui have begun to play an active role in dealing with these. Some of these events have been extremely positive with Ngāi Tahu Whānui achieving a number of successful customary recoveries of marine mammal taonga as well as playing a key role in the allocation of materials to researchers. Every experience, however, has reinforced the need to get policy and process in place to allow Ngāi Tahu Whānui to be fully involved in managing beached marine mammals within their rohe.

Therefore, in 2002 Kaupapa Taiao continued to work with the Department to get agreement to a joint protocol for beached marine mammals. An updated draft protocol based on the comments from the Moeraki hui was sent to the Department and discussed at a hui with Department staff in January 2003. From this hui, agreement was gained to undertake a joint protocol for beached marine mammals under Section 281 of the Ngāi Tahu Claims

Settlement Act, update Marine Mammal Stranding Plans and hold joint training wānanga.

This document, based on the original draft protocol will guide the creation of the joint protocol due to be started in June 2003.

3 Paetae me te Mātāpono – *Objectives and principles*

3.1 Paetae Tumu Whakahaere – *Management Objectives*

The overall goal of this document is to increase the active involvement of Ngāi Tahu in all aspects of the management of beached marine mammals, in particular the access to, the recovery, and allocation of, marine mammal material and resources.

In doing this, the protocol aims to ensure that Ngāi Tahu cultural values and practices become an inherent part of beached marine mammal management and that this will assist in upholding mana and mauri in all beached marine mammal operations in the Ngāi Tahu takiwā.

This document has been created to guide the Department of Conservation in understanding the appropriate way to include Ngāi Tahu in responding to beached marine mammals within the Ngāi Tahu takiwā.

Through the principles and processes outlined, this document aims to facilitate an excellent working relationship between Papatipu Rūnanga, Te Rūnanga o Ngāi Tahu and the Department of Conservation over all aspects of beached marine mammal management.

To achieve these objectives, this document outlines the principles of partnership and the preferred process to be followed in responding to beached marine mammals on the ground.

3.2 Mātāpono Pānga Tumu Whakahaere – *Partnership Management Principles*

The working relationship between Ngāi Tahu and the Department of Conservation in the management of beached marine mammals shall be guided by the following principles of partnership:

- That the Department of Conservation acknowledges the cultural, spiritual, historic, and traditional association of Ngāi Tahu Whānui with marine mammals and the rights to exercise its rangatiratanga and kaitiakitanga over marine mammals secured by the Treaty of Waitangi, confirmed by the Ngāi Tahu Claims Settlement Act 1998 and required to be given effect to by the Conservation Act 1987.

- That Te Rūnanga o Ngāi Tahu acknowledges the Department's statutory responsibility for marine mammals in the Ngāi Tahu rohe under the Marine Mammals Protection Act 1978 and the Conservation Act 1987.

- That Te Rūnanga o Ngāi Tahu, through Papatipu Rūnanga with the support of Kaupapa Taiao, and the Department agree to work together in partnership for the management of beached marine mammals under this protocol including processes and decision making relating to beached marine mammals.

- That this partnership will involve, but not be limited to:
 - early contact, information sharing and planning;
 - working together on the beach;
 - decision making on the involvement of third parties;
 - decision making on the rescuing, euthanasia, recovery, allocation and disposal of marine mammals and marine mammal resources; and
 - Post-operational support and monitoring.

4 Tūnga me te Kāwenga – *Roles and Responsibilities*

The management of beached marine mammals can involve a complexity of different organisations, values and processes. The principal groups involved, are Ngāi Tahu and the Department of Conservation who together hold customary and legal rights and responsibilities. Other groups such as universities and museums may become involved through a variety of interests in marine mammals, particularly research. Their involvement in any operation should be dependant on the agreement of the appropriate Papatipu Rūnanga and the Department.

The following section outlines the groups involved and their specific interests, roles and responsibilities in beached marine mammal management.

4.1 Ō Ngāi Tahu Whareama – *Ngāi Tahu roles and responsibilities*

Ngāi Tahu Whānui have customary rights and responsibilities relating to beached marine mammals which were secured by the Treaty of Waitangi. In a modern sense, these rights and responsibilities translate to being formally involved in planning and decision making processes with regards to beached marine mammals. Provision for such rights and responsibilities by the Department are reinforced by the Te Runanga o Ngai Tahu Act 1996 and Ngāi Tahu Claims Settlement Act 1998.

Marine mammals of particular importance to Ngāi Tahu Whānui are listed as taonga species in Schedule 97 of the Settlement Act and therefore the Department must consult with Te Rūnanga o Ngāi Tahu over plans, policies, documents, and decisions concerning the protection, management, or conservation of taonga species. The Settlement Act also makes provision for protocols for the management and use of cultural materials managed by the Department including those from marine mammals.

For the management of beached marine mammals, the 18 Papatipu Rūnanga of Te Rūnanga o Ngāi Tahu work on behalf of Ngāi Tahu Whānui within their individual takiwā as set out in the Te Runanga o Ngai Tahu Act 1996. Kaupapa Taiao of Te Rūnanga o Ngāi Tahu support Papatipu Rūnanga in this work as appropriate. The Department of Conservation work in the first instance with the appropriate Papatipu Rūnanga within their respective conservancies in regards to any beached marine mammal. Kaupapa Taiao should be notified of any events as a matter of course.

4.2 Te Papa Atawhai – *Department of Conservation*

The Department of Conservation has the statutory responsibility to protect, conserve, and manage marine mammals in New Zealand waters under the Marine Mammals Protection Act 1978. The Department also has the responsibility to work in such a way to give effect to the principles of the Treaty of Waitangi as set out in Section 4 of the Conservation Act 1987.

Under the Marine Mammals Protection Act, the Department has to report on all beached marine mammals and also has a role to collate information on beached whales on a national basis. This latter role is undertaken by Te Papa Tongarewa/The Museum of New Zealand on behalf of the Department.

The Department is also responsible for the disposal of beached marine mammals and/or their remains and for issuing marine mammal permits to those wishing to hold or use marine mammals and their resources. The taking of marine mammals, alive or dead, and their resources without a permit is prohibited under the Marine Mammals Protection Act. However, Ngāi Tahu can be provided with a permit for the recovery and holding of resources from dead marine mammals.

The Department of Conservation respond to beached marine mammals according to existing Marine Mammal Stranding Contingency Plans. These plans are included in strategic business planning and have associated resources allocated to them. The Department also have a national Marine Mammal Stranding Fund to cover the significant unexpected costs that arise from marine mammal events. Contingency plans acknowledge the involvement of iwi through protocols and are reviewed and amended to give effect to protocols as they are created.

4.3 Other agencies with an interest in beached marine mammals

There are a range of agencies, outside Ngāi Tahu and the Department, that may sometimes become involved, or have an interest, in beached marine mammals. Working with these agencies is important to make use of the expertise and resources they can bring to achieve better outcomes from beached marine mammal operations.

The involvement of third parties, however, needs to be managed so that their involvement does not adversely impact on the rights and/or responsibilities of either Ngāi Tahu or the Department. This means that any decisions relating to the involvement of third parties should come with the agreement of both Ngāi Tahu and the Department, with a focus on partnership and relationship building. Formal agreements for the involvement of third parties is advised.

4.3.1 Te Papa Tongarewa – The Museum of New Zealand

Te Papa have been mandated by the Department to collect, maintain and analyse scientific data from all beached whale events nationwide in the New Zealand Whale Stranding Database.

In doing this, Te Papa often seek the skeletons of rare whales or specific specimens and materials for inclusion in their national research collections.

Te Papa should gain access to these resources with the prior agreement of the appropriate Papatipu Rūnanga and with an appropriate marine mammal permit from the Department.

4.3.2 Universities/Research Institutes

A number of universities are interested in gaining information from beached marine mammals for particular research they undertake. This often involves the collection of specific samples and materials including flesh, skin samples, organs and stomachs from marine mammals. In particular:

- Massey University have a primary interest in research relating to marine mammal biology, ecology and behaviour and normally target internal organ samples from beached marine mammals.
- Auckland University have a primary interest in research relating to marine mammal genetics, identification and populations and normally target small skin samples for DNA.
- Otago University have a primary interest in research relating to marine mammal population, demographics and human impacts.

Scientific samples and materials for universities and other researchers should also be accessed with the prior agreement of the appropriate Papatipu Rūnanga and a marine mammal permit from the Department.

4.3.3 Marine Mammal Experts/Consultants

Individuals and organisations with particular experience and expertise in relation to marine mammals may sometimes become involved in beachings.

These can be at the request of the Papatipu Rūnanga or through established processes of the Department of Conservation. Examples include:

- Customary recovery teams such as Te Kauika Tangaroa who have worked alongside Ngāi Tahu rūnanga in the recovery of customary resources;
- Marine Watch, a private organisation contracted to assist with marine mammal beachings in the Canterbury Conservancy region; and/or

- Vets who may be used to assess the condition of, and/or euthanase marine mammals.

The decision to involve such experts or consultants should take place with the agreement of the appropriate Papatipu Rūnanga and the Department during the course of a particular event or through prior agreed arrangements.

4.3.4 Local Authorities

Local authorities have statutory responsibilities under the Resource Management Act 1991 for activities that may disturb the coastal marine area.

Often the recovery and disposal of beached marine mammals may require the consent of the local authority to dig a hole for burial.

The Department of Conservation is responsible for making sure such legal responsibilities are taken care of and all decisions will be made with the agreement of the appropriate Papatipu Rūnanga.

4.3.5 Non Governmental Organisations and the Community

Non-governmental organisations such as Project Jonah can have an interest in the conservation and protection of marine mammals and may sometimes become involved in beachings. Likewise, the general public may become involved in a beached marine mammal event, as often they may be the first on the scene.

While non-governmental organisations have no established statutory role, their assistance, as with that of the community may be helpful in certain situations. Their involvement needs to be managed appropriately with adequate planning and resourcing by the appropriate Papatipu Rūnanga and the Department.

4.3.6 Te Ohu Kai Moana

Te Ohu Kai Moana have a mandate from iwi to monitor marine mammal policies that may affect customary and traditional rights relating to the management and sustainable use of marine mammals. While they do not play a direct role on the beach, their support for iwi in regards to policy, resourcing and upskilling is important and acknowledged.

From time to time, Te Ohu Kai Moana hold hui and wānanga in relation to beached marine mammals. Ngāi Tahu in conjunction with the Department can support these where capable and work together to ensure adequate iwi and staff representation attend such hui where practical.

5 Kauneke me te tikanga a Tumu Whakahaere – *Management processes and procedures*

The following processes are designed to provide guidance for Papatipu Rūnanga and the Department in relation to managing beached marine mammal events. It is important to acknowledge that many beachings are 'emergency' situations and may not follow the processes outlined completely. They are simply outlined to highlight the important considerations to be taken into account when dealing with a beached marine mammal.

The processes are divided into the three following areas:

- Pre-operation;
- Operation; and
- Post-operation.

5.1.1 Department of Conservation Marine Mammal Stranding Contingency Plans

In responding to beached marine mammals, the Department is guided by Marine Mammal Contingency Plans held at each conservancy. All plans make provision for iwi protocols through which the Department takes direction from in relation the involvement of iwi. The planned joint protocol will be a starting point for the this that will include the provision for the reviewing of contingency plans between the Department and local Papatipu Rūnanga.

Regular joint hui and wānanga and/or training workshops should also be part of the updating of contingency plans and building better working relationships as well as assisting in the implementation of better process.

5.2 Pre-operation

The pre-operation phase of any beaching is the most important part of the entire process. As a general principle, it is essential that Papatipu Rūnanga are involved as early as possible.

5.2.1 Initial contact

On the discovery that a marine mammal(s) has beached, or is likely to beach, the Department and/or Papatipu Rūnanga will contact each other directly (through the contact people listed in Appendix A and B). Map 1 shows the approximate locations of Papatipu Rūnanga to guide initial contact.

While timeframes can be very short, every effort should be made to ensure that the Rūnanga contact person and Department Staff member have actually spoken before any action is taken. Messages left do not constitute adequate notification or provide for good process.

The purpose of this initial notification and contact is to:

- ↪ Appraise each other of the situation;
- ↪ Determine (if possible) the level of interest in the marine mammal from a cultural, conservation and scientific point of view;
- ↪ Determine the cultural and statutory process requirements; and
- ↪ Decide on an agreed plan of action.

Depending on the level of cultural, conservation and scientific interest in the beached marine mammal(s) the plan of action may involve the rūnanga representative and the Department Staff member:

- ↪ Contacting and involving others (such as kaumātua, whānau, Te Rūnanga or Department staff and/or marine mammal experts shown in Appendix C);
- ↪ Meeting kanohi ki te kanohi (face to face);
- ↪ Going directly to the site; and/or
- ↪ Undertaking a joint pre-assessment of the beached marine mammal.

Depending on the circumstance, the Rūnanga involved may agree that the Department can take full responsibility for the beaching and simply keep the rūnanga informed of developments.

In all cases a clear process for action should be decided and agreed upon between the rūnanga contact(s) and Department staff. If time allows, this can be confirmed in writing via an email or facsimile.

5.2.2 Pre-assessment, identification and protection

Providing the Papatipu Rūnanga wish to be involved, the Department shall work with the rūnanga to involve them in the pre-assessment of beached marine mammals.

This will allow the Rūnanga to carry out any cultural requirements and better assess its interest in the marine mammal(s), as well as allowing the Department to fulfill conservation requirements and raise any scientific interest in the marine mammal(s). It also allows the Rūnanga and the Department to identify, and agree on what to do with, the beached marine mammal(s), including making a decision on securing the site.

It should be noted that in the case of live beachings there will be particular cultural and ethical issues to be worked through. These will revolve around the decisions to rescue, euthanase and/or leave the marine mammal(s). The Department and Papatipu Rūnanga should work through these issues on a case by case basis and ensure an agreed course of action is decided upon before any action is taken.

5.2.3 Planning – briefing/hui, permits, resourcing and equipment

Once a pre-assessment has been undertaken and the Rūnanga have decided they have an interest in the recovery, allocation and/or disposal of the marine mammal(s) a briefing/hui should be held to plan the operation. The briefing should involve those who the Rūnanga and the Department agree should be there.

Depending on circumstances, briefings may take place on site, particularly if the marine mammal(s) is alive or if perishable material is being recovered.

The purpose of this briefing is to:

- ✦ Agree on who will be involved in the operation and what roles they will play including the involvement of third parties.
- ✦ If the marine mammal(s) is alive:
 - ↳ agree on the need, and process, for rescue and/or euthanasia.
- ✦ If the marine mammal(s) is dead:
 - ↳ agree on the targets for, and processes to extract cultural material and scientific samples and/or decide on the disposal of any material.
- ✦ Raise issues regarding marine mammal permits that may be required.
- ✦ Work through logistical issues, such as:
 - ↳ Health and safety;
 - ↳ Resourcing, equipment and funding;
 - ↳ Weather, tides and environmental factors/hazards of the site;
 - ↳ Dealing with the media and the public; and
 - ↳ Accommodation, meals, toilets, showers.

5.3 The Operation

Once planning has been undertaken the operation can commence following the agreed process. The commencement of work may begin with karakia and/or mihi as appropriate.

The Department and Papatipu Rūnanga members should act together as partners on the beach. The process, roles and responsibilities decided upon at the planning hui should be followed as far as is practical. Any issues that arise in the course of the operation should be dealt with on a case by case basis. Again, all decisions should be made with the agreement of both parties.

To assist in the operation, particular work zones may be created at the site around the marine mammal. These can include the operational, support and public zones. A particular emphasis should be placed on the health and safety of those involved and in keeping an eye on the particular hazards at the site.

As highlighted above, the issues and processes surrounding the rescuing and/or euthanasia of beached marine mammals are of particular cultural importance and should be dealt with through appropriate planning, discussion and agreement.

Likewise the processes involved in the taking of scientific samples requires appropriate planning, discussion and agreement.

As part of the disposal process, burial sites will be discussed and, where practical, agreed upon in advance by both parties in order to meet all health and safety requirements and to avoid the possible violation of wāhi tapu.

Finally, the disposal of all access material and the withdrawal of operations from the site maybe accompanied by karakia and/or poroporoakī as appropriate.

5.4 Post-operation

The post-operation activities are an important part of the entire process to allow appropriate closure.

5.4.1 Debriefing/poroporoakī

A debriefing/hui should be held after the operations.

The purpose of this debriefing is to:

- ↳ assess how the operation went;
- ↳ clarify any ideas for future operations and management;
- ↳ assist in completing reports, permitting issues and cost recovery; and
- ↳ discuss the future of cultural and scientific materials recovered, including marine mammal permits and the conditions to be set on allocated materials.

5.4.2 Permits, storage and distribution of taonga and materials

The future of taonga and materials from the marine mammal(s) should be agreed to, such as, where these will be stored and distributed to.

The Department should work with the appropriate rūnanga to ensure the proper permits are gained for the taonga extracted and assist in the storage of these (A standard permit is included in Appendix D).

The rūnanga involved and the Department should also make decisions on the distribution of materials to external research agencies and ensure appropriate conditions are attached to protect the interests of Ngāi Tahu Whānui. (A list of standard conditions is included in Appendix E).

All materials may be considered a koha or as being 'gifted' to external research agencies, being on long term loan. In the case of scientific or research material, the particular Papatipu Rūnanga involved should remain the kaitiaki of the materials.

A potential condition of all gifted material may be that any research undertaken on the material is reported back to the Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu.

Other materials being distributed to individuals and groups, such as artists and carvers, or as taonga and customary koha will need to be permitted under the Marine Mammals Protection Act. The particular rūnanga involved should work with the Department to ensure the proper approvals are gained to do so. This should follow the cultural materials allocation processes of the particular rūnanga and conservancy where appropriate.

5.4.3 Reporting and research results

An important part of the operation is recording information about the event.

The Department is required to complete a report following every event. This report should include feedback from the debrief hui and a copy should be provided to the Papatipu Rūnanga and Kaupapa Taiao of Te Rūnanga o Ngāi Tahu.

The Rūnanga may also undertake to complete its own report on the event and/or contribute to the Departments report.

The Department should ensure that all reports are included in annual New Zealand National Progress Reports and Cetacean research in New Zealand Reports.

The Department should also monitor the conditions placed on material gifted to external agencies.

5.4.4 Cost recovery

Because the time spent and resources used in recovering material and of the value placed on marine mammals, the idea of cost recovery should be considered for materials provided to external agencies. Therefore all persons, organisations, and/or institutions should be aware that a fee may be charged based on the costs involved in recovering and transporting any materials provided to them.

The Department may also consider that where disposal is carried out or assisted by a Papatipu Rūnanga, the reasonable costs incurred, up to the estimated cost that would have otherwise been incurred by the Department to carry out the disposal, may be paid to the rūnanga.

6 Monitoring and other issues

6.1 Consultation, Hui and Wānanga

Because of the nature of beached marine mammal issues, Te Rūnanga o Ngāi Tahu and Department of Conservation staff should meet annually to discuss the management of marine mammals within the Ngāi Tahu takiwā.

The purpose of this hui should be to assess how beached marine mammal operations have gone, to discuss any issues that arose and to make recommendations on any required changes to this Protocol and/or the Department's Standard Operating Procedure and Contingency Plans.

Ideas for ongoing training and wānanga should also be discussed.

Papatipu Rūnanga should meet on a regular basis with their local Department of Conservation conservator or representative to discuss these issues and processes at a local level. In particular this should involve consultation over the reviewing of Contingency Plans as well as ongoing training and wānanga opportunities.

6.1.1 Change of Contact Details

Papatipu Rūnanga and the Department shall notify each other and Kaupapa Taiao of any changes to the contact details listed in Appendices A and B.

7 Tāpiritanga – Appendix

Appendix A – Papatipu Rūnanga Contacts

DoC Conservancy	Papatipu Rūnanga	Contact person 1	Contact person 2
Nelson / Marlborough	Kaikōura Rūnanga Takahanga Terrace, Kaikoura Ph: 03 319 6523 Fax: 03 319 6934 Email: takahanga.marae@clear.net.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
West Coast	Te Rūnaka o Kāti Waewae 49 Trancred Street, Hokitika Ph/fax: 03 755 5337 Email: admin@katiwaewae.org.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
	Te Rūnanga o Makaawhio 99 Revell Street, Hokitika Ph: 03 755 7885 Fax: 03 755 6885 Email: makawhio1@xtra.co.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
Canterbury	Te Ngāi Tūāhuriri Rūnanga 219 Tuahiwi Road, Tuahiwi Ph: 03 313 5543 Fax: 03 313 5542 Email: tuahuriri@xtra.co.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
	Te Hapū o Ngāti Wheke (Rapaki) PO Box 107, Lyttelton Ph: 03 328 9415 Fax: 03 328 9416 Email: rapaki@xtra.co.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
	Te Taumutu Rūnanga 127 Armagh Street, Christchurch Ph: 03 371 2660 Fax: 03 365 4920 Email: rose.nutria@ngaitahu.iwi.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
	Te Rūnanga o Koukourarata 127 Armagh Street, Christchurch Ph: 03 365 3281 Fax: 03 365 4920 Email: koukourarata@ngaitahu.iwi.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:
	Wairewa Rūnanga 127 Armagh Street, Christchurch Ph: 03 377 1510 Fax: 03 365 4920 Email: wairewa@ngaitahu.iwi.nz	Name:	Name:
		Ph: Fax: Email:	Ph: Fax: Email:

	Ōnuku Rūnanga 127 Armagh Street, Christchurch Ph: 03 366 4379 Fax: 03 365 4920 Email: onuku@ngaitahu.iwi.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Te Rūnanga o Arowhenua Huirapa Street, Temuka Ph: 03 615 9646 Fax: 03 615 6263 Email: arowhenua@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Te Rūnanga o Waihao Maori Road, Morven Ph: 03 689 4726 Fax: 03 689 4729 Email: waihao@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
Otago	Te Rūnanga o Moeraki Tenby Street, Moeraki Ph: 03 439 4816 Fax: 03 439 4400 Email: moeraki.runanga@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Kāti Huirapa Rūnaka ki Puketeraki Mclauchlan Road, Puketeraki Ph: 03 465 7300 Fax: 03 465 7318 Email: puketeraki@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Te Rūnanga o Ōtākou RD 2 Otakou, Dunedin Ph: 03 478 0352 Fax: 03 478 0354 Email: otakou@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
Southland	Hokonui Rūnanga PO Box 114, Gore Ph: 03 208 7954 Fax: 03 208 7964 Email: hokonui@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Waihōpai Rūnanga 408 Tramway Road, Invercargill Ph: 03 216 9916 Fax: 03 216 9917 Email: carol@waihopai.org.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Ōraka Aparima Rūnaka 115 Palmerston Street, Riverton Ph/Fax: 03 234 8192 Email: orakaaparima@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:
	Awarua Rūnanga Cnr Henderson & Bradshaw St, Bluff Ph: 03 212 8652 Fax: 03 212 8653 Email: awarua@xtra.co.nz	Name:	Name:
		Ph: Fax:	Ph: Fax:
		Email:	Email:

Appendix B – Department of Conservation Contacts

DoC Conservancy	Contact 1	Contact 2
Head Office	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
Southern Regional Office	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
Nelson Marlborough	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
West Coast	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
Canterbury	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
Otago	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:
Southland	Name:	Name:
	Ph: Fax:	Ph: Fax:
	Email:	Email:

Appendix C – Other Important Contacts

Te Rūnanga o Ngāi Tahu

Level 7, Te Waipounamu House
158 Hereford Street
PO Box 13-046
ŌTAUTAHI/CHRISTCHURCH

Phone: (03) 366 4344

Fax: (03) 365 4424

Web: www.ngaitahu.iwi.nz

DoC Liason Officer

Kaitakawaenga ki Te Papa Atawhai
Kaupapa Taiao
Level 1, Te Waipounamu House
158 Hereford Street
PO Box 13-046
ŌTAUTAHI/CHRISTCHURCH

Phone: (03) 371 2619

Fax: (03) 366 4267

Email: rachel.puentener@ngaitahu.iwi.nz

Policy/Research Officer

Āpiha Kaupapa Here/Kairangahau
Kaupapa Taiao
Level 1, Te Waipounamu House
158 Hereford Street
PO Box 13-046
ŌTAUTAHI/CHRISTCHURCH

Phone: (03) 371 0188

Fax: (03) 366 4267

Email: Craig.Pauling@ngaitahu.iwi.nz

Te Kauika Tangaroa - Ramari Stewart

Marine Watch – Jim Lilley

Te Papa Tongarewa/Museum of New Zealand – Anton Van Heldon

University of Auckland - ?

Massey University - ?

University of Otago - ?

Te Ohu Kai Moana – Jack Morris

Appendix D – Standard Marine Mammal Permit

PERMIT TO TAKE AND HOLD

A MARINE MAMMAL OR MARINE MAMMAL RESOURCE

Marine Mammals Protection Act 1978

Permit No. [????]

PURSUANT to Marine Mammals Protection Act 1978

[Rūnanga Name] or [Individual Name] or [Institution Name]

Is hereby authorised to take and hold the following marine mammal resources:

- Whalebone (including ivory/teeth etc);
- Tissue;
- Oil; and
- *[other?]*.

from *[type of marine mammal(s)] [named(optional)]* beach cast *[location]* on *[day]* of *[month]* *[year]*.

Signed

Signed

Date

Date

[Conservator name]

[Rūnanga representative]

Conservator

[Position]

[Conservancy]

[Rūnanga Name]

Conditions of the permit

1. *[Attach as appropriate]*

Appendix E – Conditions for Marine Mammal Permits

1. That the taonga/material is being gifted and is on “permanent loan” to the Permit Holder/said institution;
2. That the ownership of the taonga/material remains that of the Papatipu Rūnanga;
3. That the taonga/material are archived with the appropriate information relative to the ownership-name of the Papatipu Rūnanga;
4. That the name given to the marine mammal by the Papatipu Rūnanga is included in the specimen details;
5. That appropriate acknowledgement of the Papatipu Rūnanga is included in any publication or presentations relating to the taonga/material;
6. That if requested the Permit Holder shall keep the Papatipu Rūnanga informed of the progress of the research by reports when practicable;
7. That directly after its completion, the permit holder shall send a copy of any research findings, reports and publications resulting from the research to the Papatipu Rūnanga and Kaupapa Taiao of Te Rūnanga o Ngāi Tahu;
8. That consent from the Papatipu Rūnanga must be sought before any future unscheduled distribution and/or research is to take place;
9. That no taonga/materials are to be sent overseas without the written consent of the Papatipu Rūnanga;
10. That the Permit Holder shall not donate, sell or otherwise transfer to any third party any taonga/material, including any genetic material, or any material propagated or cloned from such taonga/material, collected under this permit without the written permission of the Papatipu Rūnanga.
11. That no taonga/material collected pursuant to this permit may be sold, used for any commercial purposes or patenting or registration of intellectual property rights on any derivatives;
12. That the taonga/material collected, and any DNA isolated from them, may only be used for the purposes outlined in the permit application to the Department of Conservation;
13. That the Permit Holder must comply with any reasonable request from Ngāi Tahu for access to any of the collected taonga/material.

Specific conditions for teeth

14. That the taonga are to be stored in an appropriate manner being in a dry place;
15. That the taonga are not to be exposed to any chemicals;
16. That a standard protocol with the Papatipu Rūnanga is established prior to investigation that identifies the laboratory methods to be used and which tooth is required for aging.

