

BEFORE THE HEARINGS PANEL SOUTHLAND REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by M & C Adams – Trustees of the Adams Family Trust to

- use land for farming,
- discharge agricultural effluent to land; and,
- to take and use groundwater for dairy shed operations and stock drinking water.

STATEMENT OF EVIDENCE BY STEVIE-RAE BLAIR
ON BEHALF OF TE RŪNANGA O ŌRAKA APARIMA

6 May 2019

1. Introduction

Ko wai ahau?

Ko Hananui tōku maunga

Ko Waikawa tōku awa

Ko Uruao, Ko Takitimu ōku waka

Ko Te Ākau Tai Toka tōku hau kainga

Ko Kati Kuri, Ngāti Makō, Ngāi te Ruahikihiki ōku hapu

Ko Kāi Tahu, Kati Mamoe me Waitaha ōku Iwi

Ko Stevie-Rae Blair tōku ingoa

- 1.1. My name is Stevie-Rae Blair.
- 1.2. I am an Iwi Environmental Advisor at Te Ao Marama Incorporated (TAMI). My role is to process the resource consents and help to look after various research projects within the office.

2. Qualifications and Experience

- 2.1. I hold a Bachelor of Environmental Management from the Southern Institute of Technology.
- 2.2. I have worked for TAMI for three years and prior to that worked for Kitson Consulting Ltd for one year.
- 2.3. I grew up at Waikawa in the Catlins with whānau who have very strong links to the environment. Because of my whānau, growing up around marae and now working for Ngā Rūnanga ki Murihiku I am aware of Ngāi Tahu history, culture, values and how these relate to the environment.
- 2.4. I have prepared this evidence on behalf of Te Rūnanga o Ōraka Aparima. I am presenting the cultural matters of Te Rūnanga o Ōraka Aparima on this not as a member of Te Rūnanga o Ōraka Aparima but as someone who worked closely with the representatives on this matter.

3. Scope of Evidence

- 3.1. I have been involved with this resource consent application by the MJ Adams Trust since it was publically notified by Environment Southland. I am familiar with the application. I am

aware of the cultural values associated with the Aparima River but my understanding of the specific relationship of Te Rūnanga o Ōraka Aparima with the Aparima River have come from my work with the Rūnanga and in particular Muriel Johnstone & Dr Jane Kitson with regard to this consent application.

3.2. In my evidence I:

- (a) Discuss Te Ao Marama Inc. and Te Rūnanga o Ōraka Aparima roles and responsibilities.
- (b) Summarise the submission prepared by TAMI for Te Rūnanga o Ōraka Aparima.
- (c) Discuss the Cultural significance of Ngāi Tahu to the area.
- (d) Summarise Ngāi Tahu values.
- (e) Summarise the application in regard to Iwi Policy including Ngāi Tahu Claims Settlement Act, 1998, Te Tangi a Tauria, 2008 and the Ngāi Tahu Freshwater Policy, 2002.
- (f) Conclusions

4. Te Ao Marama Inc. and Te Rūnanga o Ōraka Aparima roles and responsibilities.

4.1. Te Ao Marama Inc. (TAMI) represents Ngā Rūnanga ki Murihiku for resource management Iwi environmental issues. It is made up of the four Murihiku Rūnanga Papatipu – Ōraka Aparima, Waihopai, Awarua and Hokonui.

4.2. Te Rūnanga o Ōraka Aparima is based in Riverton/Aparima and Colac Bay/Ōraka and holds kaitiaki responsibilities over its region that extends from the Waimatuku to Tawhititarere sharing an interest in the lakes and mountains from Whakatipu-Waitai to Tawhititarere with other Murihiku Rūnanga and those located from Waihemo southwards. This area includes the Aparima River – from its source to the sea.

5. Summary of Submission

5.1. The submission by Te Rūnanga o Ōraka Aparima opposed the application on the following grounds:

- (a) Concerns regarding the current state of water quality in the catchment.
- (b) Risks to the environment and Ngāi Tahu values that the application poses.
- (c) Information regarding whether the risks will be mitigated or avoided.
- (d) Risk of further deterioration to the environment.

5.2. Te Rūnanga o Ōraka Aparima acknowledge the applicant for offering a site visit after the submission period to which the rūnanga declined, this was because the rūnanga could not envisage a change in position as the point of submission was cumulative effects.

6. Cultural Significance of the Aparima River

- 6.1. The rohe (area) involved within this application have been an important place for the collection of taonga species for tangata whenua. Our ability to collect mahinga kai has suffered as a result of the decline in species quantity and our ability to access harvesting sites.
- 6.2. This landscape is special to Iwi as a reminder of a frequented historical cultural landscape. As our tūpuna moved throughout Te Wai Pounamu their presence was preserved in the naming of places. In present times these names reinforces our connections to Ngāi Tahu traditions, tūpuna, incidents and mahinga kai resources.
- 6.3. The Aparima River is a significant catchment for mahinga kai; the river and estuary is renowned for its abundance of shellfish, tuaki (cockle), pātiki (flounders), kūtai (mussels), tuna (eels) and Inanga (whitebait).
- 6.4. There was a permanent kāika (settlement) situated at the river mouth with associated urupā nearby.
- 6.5. The Aparima Catchment was an important ara tawhito (traditional travel routes) for many generations of Ngāi Tahu ki Murihiku. The river provides access to valuable pounamu and mahinga kai resources in the Whakatipu Waimāori (Lake Wakatipu) region.
- 6.6. The mouth of the Aparima was a Tauranga waka, from which sea voyages were launched to and from a variety of locations in and around Te Ara a Kiwa (Foveaux Strait), Rakiura and the Titi islands.
- 6.7. The relationship of the Aparima to the Takitimu cultural landscape is an important part of the relationship of Ngāi Tahu to the river.
- 6.8. As a result of this pattern of occupation, there are a number of urupā, archaeological and wāhi tāpu located along the Aparima River. There are many archaeological, wāhi tapu and Urupā within this area. Urupā are the resting places of Ngāi Tahu tupuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.
- 6.9. The cultural significance of the Aparima River its streams, rivers and estuary is extremely important to mana whenua. The Aparima River has provided ongoing cultural use and Ngāi

Tahu ki Murihiku continue to have a relationship with the river that reflects on the early mātauranga (knowledge) that has been passed down through the generations.

7. Ngāi Tahu Values

Wai

- 7.1. To ask perhaps the most fundamental question “Who am I?” Māori say “Ko wai ahau?” When these same words are stated, not asked, they mean “I am water”. The physical value of good water and land to Ngāi Tahu can be seen within the patterns of settlement and occupation throughout.¹ Water is fundamental to the health and wellbeing of who we are as Māori. The health, wellbeing and Mauri of the water is directly linked to the health and wellbeing of the people.
- 7.2. The characteristics of the water body (smell, shape, fish passage, bed, flow, etc.) have a direct impact on its health and surrounding lands, what is harvested from it and when. Preferential sites for mahinga kai tend to be rivers, hāpua (estuaries, lagoons), repo (wetlands) and the riparian zones of rivers, streams and lakes.²
- 7.3. The Aparima is a good example of the ability to gather different mahinga kai species and resources throughout the catchment. The whānau have considerable knowledge of which ways to use the resources of the Aparima and when certain resources are suitable and safe to be utilized. The majority of the freshwater mahinga kai/taonga species have a life stage that migrates through, and/or resides for a period of time in, estuarine ecosystems. This requires a healthy estuary with good fish passage to and from the sea.³

Ki uta ki tai

- 7.4. Ki uta ki tai reflects the mātauranga that all environmental elements are connected and must be managed as such.⁴ Ngāi Tahu understands Ki Uta Ki Tai as:

a paradigm and an ethic. It's a way of understanding the natural environment, including how it functions, how people related to it and how it can be looked after appropriately...

Ki Uta Ki Tai gives reference to the Ngāi Tahu understanding of the natural world and the belief that all things are connected – a belief shared by many other iwi and indigenous people. It also highlights the central importance of mahinga kai, the traditional seasonal food gathering rituals of Ngāi Tahu and the role this played in the traditional understanding and management of natural resources.

¹ Te Marino Lenihan, 2013

² Cain, A & Whaanga D, 2017.

³ Kitson, J. 2017.

⁴ Cain, A & Whaanga D, 2017.

While being founded on traditional values and understanding, Ki Uta Ki Tai is also a modern management framework that involves the creation of a number of tools, such as natural resource management plans, monitoring and reporting processes and resource inventories and their associated strategies to address the continuing challenges and threats faced by all aspects of the natural environment from the mountains to the sea – ki uta, ki tai.

...Ki Uta Ki Tai, as a concept, comes from the traditions, customs and values of Ngāi Tahu Whānui in relation to the natural environment, and in particular the custom of mahinga kai and transferred between generations through purakau, whakatauki, waiata, korero and on-going practices is the foundation upon which this modern Ngāi Tahu natural resource management framework is built.⁵

- 7.5. The sources and knowing where they come from are extremely important because of the effect they have on the downstream sites. This is important for Iwi to understand what effects are contributing to the health of the environments, Ki Uta ki Tai is about standing on the land and knowing the effects, both positive and negative, in every direction⁶.
- 7.6. The Aparima River and all of its tributaries has always provided a link from inland to the sea. Te Rūnanga o Ōraka Aparima have been concerned for some time with the intensifying of land and what effect this is having on receiving environments.
- 7.7. When the characteristics and health of the waterbodies are modified and soils put under increasing stress, the cumulative effects become more obvious and consequential.⁷ As Muriel Johnstone noted in her evidence ‘there is no use having pristine beautiful mountains where we have made a mess of the whenua that the rivers and the waters have to run over to actually come down to the sea.’⁸ Whānau are increasingly concerned about the changes in the smell of the water, colour and shape of the edges of the waterbodies, and their health when wading or submerged in the water.⁹

Mauri

- 7.8. Mauri is the essential life-force, the power and distinctiveness which enables each thing to exist itself. Everything in the natural world – people, fish, birds, forests, rivers, water, land, and even created things such as a house or wharenuī – has their own mauri. In essence mauri is a force or power which is used to express the relative health and vitality of any place or being¹⁰.

⁵ Kaupapa Taiao (2003) *Ki Uta Ki Tai: Mountains to the Sea Natural Resources Management*, pp. 9-10

⁶ Cain, A & Whaanga D, 2017.

⁷ Cain, A & Whaanga D, 2017.

⁸ Quote from Muriel Johnstone cited in the Video Evidence for the proposed Southland Water and Land Plan (2017)

⁹ Cain, A & Whaanga D, 2017.

¹⁰ Te Marino Lenihan, 2013

- 7.9. It is important for mana whenua while practising kaitiakitanga that the mauri of the river and our water bodies are maintained for us and our future generations.

Mahinga kai

- 7.10. Mahinga kai is broadly explained in Te Tangi a Taurira (2008) as being about

*places, ways of doing things, and resources that sustain the people. It includes the work that is done (and the fuel that is used) in the gathering of all natural resources (plants, animals, water, sea life, pounamu) to sustain well-being. This includes the ability to clothe, feed and provide shelter.*¹¹

- 7.11. Mahinga kai is central to the Ngāi Tahu way of life and cultural wellbeing. It represents the ninth component of the 'Nine Tall Trees' that comprised the Ngai Tahu Claim; an intrinsic part of the tribe's identity, or the "DNA of Ngāi Tahu".¹²
- 7.12. Mahinga kai is central to our relationships with places, waterways, species and resources, and to the cultural, spiritual, social and economic well-being of Ngai Tahu. It is a vehicle for the intergenerational transfer of Mātauranga (knowledge).¹³
- 7.13. The river, its surrounding waterways and the land have provided continuous use over many generations and are extremely important for Ngāi Tahu ki Murihiku for mahinga kai. Through years of development the opportunities for gathering kai have substantially decreased, it is important for us to halt the decline.
- 7.14. Environment dependencies of mahinga kai include: water (quality and quantity) attributes such as sediment, nutrients, dissolved oxygen, water temperature, habitat condition and habitat condition of prey/associated species, toxicants and flow regime.¹⁴
- 7.15. The activity of mahinga kai use relies on the harvested species being present, abundant, in good condition, physically accessible and desirable to harvest. Species must also be safe to consume and gather, and physical and legal conditions must enable access and the ability to use preferred sites and methods.¹⁵
- 7.16. Impacts on mahinga kai activities include high pathogen load in the waterways and/or toxic algae (which makes it unsafe for harvesters), bank stability and excess sediment (which can

¹¹ Te Tangi a Taurira, 2008.

¹² Te Karaka. July 2015. http://ngaitahu.iwi.nz/our_stories/the-ninth-tree/

¹³ Kitson, J. 2017.

¹⁴ Kitson, J. 2017.

¹⁵ Kitson, J. 2017.

impact the ability to use a preferred harvest method safely, e.g. netting or spearing), and excessive pest plants and algae (e.g., fouls nets, makes rocks slippery, decreases visibility).¹⁶

- 7.17. For almost 50 years whānau from Ōraka Aparima have noted a decline in quality and quantity particularly at the bottom of the catchment. Whānau have witnessed the speed of deterioration increasing over recent years.
- 7.18. Kaumātua Muriel Johnstone notes that for mahinga kai ‘you can’t just isolate a little part and say “oh, that is good for growing whatever”, it’s on the way there that is just as important.’¹⁷ Ngāi Tahu are very aware of the resources within Southland and their state, condition and location.¹⁸

Kaitiakitanga

- 7.19. Te Tangi a Taurira, 2008 describes kaitiakitanga as ‘the exercise of guardianship/stewardship by the tangata whenua of an area and resources in accordance with tikanga Māori.’¹⁹
- 7.20. As defined within the Proposed Southland Water and Land Plan kaitiakitanga is defined as:

Kaitiakitanga is central to Ngāi Tahu and is key to their mana whenua. By exercising kaitiakitanga, Ngāi Tahu ki Murihiku actively work to ensure that spiritual, cultural and Mahinga kai values are upheld and sustained for future generations.

*Kaitiakitanga in this context includes ensuring the protection, restoration and enhancement of the productivity and life-supporting capacity of mahinga kai, indigenous biodiversity, air, water, land, natural habitats and ecosystems, and all other natural resources valued by Ngāi Tahu ki Murihiku.*²⁰

- 7.21. Being a kaitiaki is a responsibility, it is something that is inherently passed down through the generations as it goes hand in hand with identifying with your ancestral river. Those responsibilities rely on the influence that kaitiaki have over making decisions regarding protecting the mauri of the river, taonga species and mahinga kai . Although mana whenua have retained their connection to the river and its resources there is a disconnect regarding decision making.

¹⁶ Kitson, J. 2017.

¹⁷ Quote from Muriel Johnstone cited in the Video Evidence for the proposed Southland Water and Land Plan (2017)

¹⁸ Cain, A & Whaanga D, 2017.

¹⁹ Te Tangi a Taurira, 2008. Pg. 48.

²⁰ Environment Southland, 2016, pg. 8.

Interconnectedness

7.22. The health and wellbeing of Iwi is dependent on the four cornerstones of Māori wellbeing including wairua (spiritual), hinengaro (mind), tinana (body) and whānau (family). It is important to note the value of whānautanga (family) and the need to engage and use the land and water to support their health and wellbeing.

8. Iwi Policy

8.1. Ngāi Tahu Claims Settlement Act, 1998

8.2. The Ngāi Tahu Claims Settlement Act 1998 gives effect to the provisions of the Deed of Settlement, entered into between Ngāi Tahu and the Crown in 1997. The Cultural Redress elements of the Crown's Settlement Offer were aimed at restoring the ability of Ngāi Tahu to give practical effect to its kaitiaki responsibilities.

8.3. Statutory acknowledgement is an acknowledgement by the Crown of the special relationship of Ngāi Tahu with identifiable areas. Namely the particular cultural, spiritual, historical and traditional association of Ngāi Tahu within those areas (known as statutory areas).²¹

8.4. The Aparima River Statutory Acknowledgement gives effect to our relationship with the Crown and supports our Tupuna in recognising the importance of the Aparima River.

8.5. The Taonga Species List was agreed between Ngāi Tahu and the Crown and is formalised in the NTCSA. The rivers, streams and estuary serve as a breeding ground and habitat for many species included in this list and some that are not included such as kanakana, tuna, inanga and wai kōura.

9. Tangi a Tauira, 2008 and consent duration

9.1. Te Tangi a Tauira is a culturally based natural resource framework developed by and for Ngāi Tahu whānui and assists Ngāi Tahu to achieve rangatiratanga and kaitiakitanga in natural resource management. The main kaupapa of the plan is ki uta ki tai (described above). Various plans and policies within this framework have been integrated by local tangata whenua (people of the land) to document the issues within our takiwā (area).

9.2. Te Tangi a Tauira outlines specific resource management issues within the Aparima catchment as being impacts of intensive land use activities, particularly run off of contaminants from land to water and identifies a need to improve water quality.

10. Te Rūnanga o Ngāi Tahu Freshwater Policy Statement, 2002

²¹ Te Tangi a Tauira Pg 47

10.1. The purpose of this Freshwater Policy Statement is to provide a foundation for resource management agencies and Papatipu Rūnanga planning for freshwater. It sets out in broad terms our policies with respect to freshwater. The policy statement was completed due to Ngāi Tahu documenting numerous examples of waterways changing states and becoming degraded particularly due to discharges, reworking of hydrological regimes, erosion, sedimentation, low flows and damage to rich mahinga kai habitats on riparian margins.

11. Conclusions

11.1. Ngāi Tahu whānui look at the world holistically, everything is interconnected, this is shown through the value 'ki uta ki tai'. Te Rūnanga o Ōraka Aparima is concerned about the current state of the river and estuary which impacts on their cultural health, wellbeing and cultural practices.

11.2. Intensive farming has been identified as the main contributor to the deterioration of waterways²² and Te Rūnanga o Ōraka Aparima believe enabling further intensification impacts on their kaitiaki responsibilities.

11.3. Te Rūnanga o Ōraka Aparima support the section 42 report and its recommendations to decline the application for reasons being that the water quality in the catchment is already degraded and the planning frameworks seek to maintain or improve water quality.

11.4. We wish for the application to be declined as it currently stands.

Stevie-Rae Blair

6 May 2019

²² Snelder and Legard. 2014, Ewans 2018, Robertson et al. 2019,

12. References

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<https://www.youtube.com/watch?v=AepG5Tb4ujM&feature=youtu.be>

13. Schedule 42

STATUTORY ACKNOWLEDGEMENT FOR APARIMA RIVER

Statutory Area

The statutory area to which this statutory acknowledgement applies is the river known as Aparima, the location of which is shown on Allocation Plan MD 126 (S.O. 12265).

Preamble

Under section 206, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to the Aparima River, as set out below.

Ngai Tahu Association with the Aparima River

The mouth of the Aparima was the site of a permanent settlement, with associated urupa nearby. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

The river was an important source of mahinga kai, with shellfish, mussels, paua, tuna (eels) and inaka (whitebait) all being taken from the river and its estuary. An eel weir was constructed at the narrows where the Pourakino River enters the Aparima, and was an important source of tuna.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka (landing places), places for gathering kai and other taonga, ways in which to use the resources of the Aparima, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

The mouth of the Aparima was a tauranga waka, from which sea voyages were launched to and from a variety of locations in and around Te Ara a Kiwa (Foveaux Strait), Rakiura and the titi islands. A carved tauihu (canoe prow) found in the estuary of the river attests to this.

The tupuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the Aparima. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated

locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The mauri of the Aparima represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the river.

Purposes of Statutory Acknowledgement

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Aparima River, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) To empower the Minister responsible for management of the Aparima River or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- (d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to the Aparima River as provided in section 211 (clause 12.2.5 of the deed of settlement).

Limitations on Effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to the Aparima River (as described in this statutory

acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Aparima River.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Aparima River.