



RESTORING THE MANA OF THE NGARURORO

Most of the country’s Water Conservation Orders (WCOs) have been initiated and led by the superior funding of Fish & Game. Forest & Bird, with less cash to hand, usually provided supporting evidence at WCO hearings, bringing its special expertise in native wildlife and other in-stream values as well as landscapes to support the case for protection. The Ngaruroro River WCO was the first time the Society was an applicant in what became another long-running legal case, this time in Hawke’s Bay. The braided river flows 160km from the Kaweka Range via the Ruahine Ranges before emptying into Hawke’s Bay between Napier and Hastings. It has high cultural values and was traditionally used as a natural highway from the coast to the mountains. Mahinga kai species of significance in the Ngaruroro catchment include tuna eels, pātiki flounder, whitebait, kōura freshwater crayfish, kākahi freshwater mussels, and marine wanderers such as kahawai. The braided reaches provide a refuge for wildlife and also space for the river to flood.

Forest & Bird, Fish & Game, Operation Pātiki Ngāti Hori ki Kohupatiki, Whitewater New Zealand, and Jet Boating New Zealand first lodged the Ngaruroro River WCO application in 2015. Forest & Bird’s legal team took



LEFT: Ngaruroro braided lower river, 2019. TOM KAY ABOVE: Aki (Arconnehi) Paipper, who successfully campaigned to rename a section of the natural bed of the Ngaruroro River, known as Te Awa o Mokotūāra. IAIN MCGREGOR/STUFF

the lead in making a case for the lower (more modified) river with its plethora of interest groups and interested individuals, which created a challenging environment for conservationists. The Society was responsible for providing evidence on the water quality, as well as the native fish and bird values.

In August 2019, the Special Tribunal hearing the case recommended the government grant a WCO for its wilder upper reaches but not for the lower parts of the river. However, the lower river, and the estuary it flows into, are home to many threatened bird species, including kōtuku white heron, matuku-hūrepo Australasian bittern, pohowera banded dotterel, and tarāpuka black-billed gull, the world’s most endangered gull.

Forest & Bird immediately appealed that decision, arguing the lower river’s braided reaches, which the Tribunal said were ‘outstanding’ for birdlife, should be included in the WCO. The case was supported by the Department of Conservation. In November 2022, the Environment Court recommended a WCO for the entire Ngaruroro River that will ensure this important braided river is recognised and protected for future generations. This huge win for nature in Hawke’s Bay was made possible after thousands of New Zealanders donated a collective \$330,000 towards Forest & Bird’s legal costs. The Court’s WCO includes prohibitions on damming, limits on alteration to its flow and form, and measures to protect water quality. At the time of writing, gazetting of the WCO has been delayed by appeals from the Hawke’s Bay Regional Council and a mana whenua group. As of 2021, the regional council had spent more than \$1m fighting the proposal. In the wake of Cyclone Gabrielle in 2023, Forest & Bird hopes the WCO will spark a wider conversation about how we live with these rivers and their floodplains in the future.