KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL WAI 3582

CONCERNING the Treaty of Waitangi Act 1975

IN THE MATTER OF an application for an urgent hearing by Priscilla Rivers on behalf of Ngāti Aukiwa

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AFFIDAVIT OF LAREE KAY FURNISS

Affirmed on 25 September 2026

Te Tari Ture o te Karauna
Crown Law

Pouaka Poutāpeta Te Whanganui-a-Tara Waea
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RECEIVED
Waitangi Tribunal
28 Sep 26
Ministry of Justice
WELLINGTON

I, Laree Kay Furniss, of Ahipara, Acting Operations Manager at the Department of Conservation – Kaitaia, solemnly and sincerely affirm:

Introduction

1. I have been employed as Acting Operations Manager at the Department of Conservation (**DOC**) – Kaitaia since 8th June 2026. I have been employed by DOC in other roles including Senior Ranger and Operations Advisor since 2000. In particular I have held responsibility for Visitor and Heritage in my various roles.

2. The purpose of this affidavit is to:

   2.1 explain DOC's role in relation to kauri dieback on conservation land;

   2.2 set out DOC's findings of the PA pathogen within the Paekauri Conservation Area; and

   2.3 set out how DOC has managed the Paekauri Conservation Area subsequent to those findings.

3. I give this evidence on the basis of information I personally hold as well as from information I have obtained from DOC records and discussions with my colleagues at DOC. For events that pre-date my personal involvement, my evidence relies on documentation that I have reviewed and my general involvement with these matters since that time.

DOC's role in kauri protection

4. *Phytophthora agathidicida* (**PA**) is a soil-borne pathogen that infects kauri trees through their roots and causes the condition known as kauri dieback disease.

5. The National PA Pest Management Plan (**NPMP**) provides a consistent approach for managing the risk of the PA pathogen across Aotearoa New Zealand and brings together DOC, MPI, mana whenua, local authorities and communities to lead and work collaboratively on kauri protection.

6. DOC is responsible for managing conservation land, which includes many of New Zealand's most significant kauri forests. DOC works closely with mana whenua and other partners, including Tiakina Kauri Management

Agency, which is part of the Ministry for Primary Industries (**MPI**), to protect kauri on conservation land.

7. Our work can include soil sampling to test for PA (if a symptomatic kauri is observed; as part of targeted track mitigation; and when supporting others to undertake surveillance to meet objectives of the NPMP).

8. Depending on visitor numbers to the land, its conservation value and other factors, we might then upgrade any track surfaces that run through kauri hygiene zones,[1] install cleaning stations for the public to use, introduce behaviour change initiatives, or even partially or fully close tracks.

9. The conservation estate is 8.7 million hectares or 32% of land in New Zealand.[2] Many factors are considered when it comes to how DOC prioritises work on conservation land. This includes considering whether the area is promoted for public use, whether there are maintained tracks, and what the land classification is.

Paekauri Conservation Area management

Paekauri Conservation Area contextual information

10. The Paekauri Conservation Area is conservation land managed by DOC, with the exclusion of a road that runs through the conservation area – Stoney Creek Road – which is managed by the Far North District Council (**FNDC**).

11. Ngāti Kahu ki Whangāroa are the tangata whenua of Paekauri Conservation Area[3] and DOC has a relationship with Kahukuraariki Trust, the PSGE. We also have a relationship with the local hapū, Ngāti Aukiwa, which is one of the hapū named in the Ngāti Kahu ki Whangāroa settlement.

12. Paekauri Conservation Area is stewardship land, meaning it is unclassified: it has not yet had its natural and historic values assessed to determine an appropriate classification.

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1 Kauri hygiene zones mean three times the maximum radius of the canopy dripline of a kauri tree: Biosecurity (National PA Pest Management Plan) Order 2022 at cl 3.

2 See Wai 2200, #V5 and Wai 3325, #A124.

3 See the Ngātikahu ki Whangāroa Claims Settlement Act 2017.

13. The area is not promoted for public use and there are no maintained tracks across the land.

Kauri dieback management in Paekauri Conservation Area

14. In 2019, MPI did a fly over of kauri forests in Northland to look for ill thrift (decline or degradation) in forest canopy. Where ill thrift trees were identified on Public Conservation Land, GPS coordinates were passed through to DOC. Some ill thrift was identified in Paekauri Conservation Area.

15. DOC then trained staff to carry out soil sampling to confirm the presence of PA in the identified areas. On 16 and 17 June 2020 soil sampling was carried out by two DOC rangers in the Paekauri Conservation Area, following consultation with a Ngāti Aukiwa representative, Annwyn Buchanan. Three soil sample sites tested positive for PA. We informed Ms Buchanan of the results by email.

Operational work within the Paekauri Conservation Area

16. Given the lack of public walking tracks, we have not needed to consider installing cleaning stations, undertaking track maintenance or closing tracks. The area is not promoted for public use.

17. Hunting is permitted within the wider area, subject to obtaining the necessary landowner permissions and DOC hunting permit. DOC information concerning hunting permits refers hunters to information on the Tiakina Kauri website about kauri protection.[4]

18. DOC staff have undertaken predator control and trap line maintenance within the reserve alongside hapū representatives and Te Amohia a Taiao Trust. DOC staff are required to comply with NPMP rules on kauri land.

19. We have undertaken limited other work in the Paekauri Conservation Area, such as work on boundary fences.

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[4] Hunting permit: Permits and licences.

20. There is currently no operational work being undertaken by DOC in the area.

Community involvement regarding the Paekauri Conservation Area

21. Te Amohia a Taiao Charitable Trust (**Te Amohia Trust**) entered into two community agreements (**the Agreements**) with DOC, signed 28 May 2024 and 30 July 2025 respectively and attached as **Exhibits A-1** and **A-2**. These Agreements were entered into pursuant to 53(2)(i) of the Conversation Act 1987. The purpose of the Agreements was for Te Amohia Trust to lead a project which aims to restore taonga species and habitat within the Paekauri Conservation Area with a focus on kauri protection, via:

    21.1 Year 1 (agreement ended on 28th May 2025): monitoring programme (regarding predators), predator control, weed control and existing fence maintenance.

    21.2 Year 2 (agreement ended on 30 July 2026); as above, excluding weed control, due to Te Amohia Trust not having the capacity to continue to deliver weed control mahi.

22. DOC is open to further such agreements if approached to continue this work by Te Amohia Trust.

23. Prior to entering into the first agreement, DOC sought Kahukuraariki Trust's support for the work being undertaken with Te Amohia Trust. In an email dated 27 May 2024, attached as **Exhibit B**, Kahukuraariki Trust expressed support for the work of Te Amohia a Taiao Trust and a desire to discuss opportunities to support and resource that mahi.

Management plans relating to *Phytophthora agathidicida* (PA)

24. The statement of claim references a national pest management plan (NPMP) developed by hapū, which was funded by MPI, and which they allege was ignored by the Crown. I have searched our records and checked with staff, but have not been able to find any reference to a draft NPMP developed by hapū. I believe what may be being referred to here is a Kauri Dieback Management Plan for Paekauri Conservation Reserve, attached as

Exhibit C, which was prepared under Northland Regional Council's 'Regional Pest Management Plan' for PA.

25. DOC staff were given a copy of the plan by MPI. There is no record that we were asked to sign it off or contribute. I have been made aware that Ngāti Aukiwa requested that DOC create its own RPMP and DOC's view was this would have been duplicative, a view that was expressed to the claimant. We were supportive of kauri dieback efforts in Paekauri Conservation Area, as evidenced by our subsequent community agreements with Te Amokia Trust (referenced above).

26. In their claim the claimant also references an Earthworks Risk Management Plan (**ERMP**) drafted by Northland Regional Council and hapū, which was supported by MPI, but which they allege was blocked by DOC and FNDC. I have searched our records and checked with staff and have been unable to find any reference to the draft ERMP in question, nor any reference to DOC blocking any draft ERMP. I confirm, for completeness, that no earthworks have been, or are proposed to be, undertaken within the Paekauri Conservation Area.

27. However, we have found reference to a draft Stoney Creek Road PA Management Plan / Kauri Dieback Management Plan developed by the claimant and other parties with funding and support from NRC. Our records indicate that the draft plan was sent to FNDC, and related specifically to management of kauri dieback risks associated with Stoney Creek Road. A copy of the draft plan, attached as **Exhibit D**, was shared with DOC for information and context only. DOC did not receive a request to formally approve, review, endorse, or provide feedback on the plan. DOC has not found any records indicating it opposed, blocked, or rejected the plan.

28. Finally, I note that any decisions relating to Stoney Creek Road, including those relating to earthworks which might be undertaken on Stoney Creek Road, would be the responsibility of the FNDC.

AFFIRMED)
at Kaitaia this 25th day of)
September 2026)
before me:)

Laree Kay Furniss

L. J. PARKER
Registrar District
Court
KAITAIA

A Solicitor / ~~Deputy~~ Registrar of the High Court of New Zealand