

Reprint  
as at 12 November 2018



## Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355)

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 29th day of September 2008

Present:

His Excellency the Governor-General in Council

Pursuant to sections 163, 167, and 168 of the Climate Change Response Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry for the Environment.**

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## **Regulations**

### **1 Title**

These regulations are the Climate Change (Forestry Sector) Regulations 2008.

### **2 Commencement**

These regulations come into force on the day after the date of their notification in the *Gazette*.

### 3 Application

These regulations apply on and after 1 January 2008.

#### *General provisions*

### 4 Interpretation

(1) In these regulations, unless the context otherwise requires,—

**Act** means the Climate Change Response Act 2002

**area**, in relation to the measurement of land, means the area of that land as determined by planimetric measurement

**basal area** means the cross-sectional area of the stem of a tree measured over bark at a point that is 1.4 metres from ground level on the uphill side of the tree and expressed in square metres

**class** means a class defined in the International Code of Botanical Nomenclature (Vienna Code) 2006

**Douglas fir** means the forest species *Pseudotsuga menziesii*

**emissions return period** means the year or other period covered by an emissions return

**exotic hardwoods** means exotic forest species in the class *Magnoliopsida* (angiosperms)

**exotic softwoods** means exotic forest species in the class *Coniferopsida* (gymnosperms), other than *Pinus radiata* or Douglas fir

**FMA** means field measurement approach

**FMA information** means information collected in accordance with regulation 22B(1)(c)

**FMA participant**—

(a) means a post-1989 forest land participant who has 100 or more hectares of registered post-1989 forest land at any time during a mandatory emissions return period; but

(b) excludes any post-1989 forest land participant—

(i) who had 100 or more hectares of registered post-1989 forest land before this definition came into force; but

(ii) who otherwise has fewer than 100 hectares of registered post-1989 forest land from the date this definition comes into force until the end of the first commitment period

**forest type**, in relation to a hectare of forest land, means the forest type determined under—

(a) regulation 16(c), if the forest land is pre-1990 forest land; or

(b) regulation 22(c), if the forest land is post-1989 forest land

**mandatory emissions return period** has the same meaning as in section 189(9) of the Act

**non-FMA participant** means a post-1989 forest land participant who is not an FMA participant

**participant-specific forest carbon stock table** means a table that shows the carbon stock per hectare for an FMA participant's registered post-1989 forest land by forest type and age of trees

**participant-specific residual carbon stock table** means a table that shows the carbon stock per hectare for an FMA participant's registered post-1989 forest land from above ground residual wood and below ground roots immediately following clearing by forest type and age of trees at the time of clearing

**participant-specific table** means, as the case may require, 1 or both of the following produced by the EPA under regulation 22D:

- (a) a participant-specific forest carbon stock table:
- (b) a participant-specific residual carbon stock table

**post-1989 forest land participant** means a person who is a participant under section 54(1)(b) of the Act in relation to an activity listed in Part 1 of Schedule 4 of the Act

**pre-1990 forest land participant** means a person who is a participant under section 54(1)(a) of the Act in relation to an activity listed in Part 1 of Schedule 3 of the Act

**predominant forest species**, in relation to an area of forest land, means the particular forest species with the greatest total basal area

**regenerate** means the commencement of growth of seedlings that are present as a result of a process other than planting

**region** means a region specified in Schedule 1

**registered post-1989 forest land**, in relation to a post-1989 forest land participant, means all the post-1989 forest land in respect of which the participant, regardless of the activity listed in Part 1 of Schedule 4 of the Act to which the land relates,—

- (a) is recorded as a participant under section 188 of the Act; or
- (b) becomes a participant under section 192 of the Act

**Registrar** means a Registrar of the Maori Land Court, the Registrar-General of Land, or the Registrar of Deeds

**shrub species**—

- (a) means a perennial woody-stemmed species that is self-supporting and capable of reaching at least 0.3 metres in height at maturity in the place where it is located; but
- (b) does not include a forest species

**sub-area,—**

- (a) in relation to pre-1990 forest land, means any area of 1 or more hectares—
  - (i) that has the same forest type; and
  - (ii) that is in one region, if the forest type is *Pinus radiata*; and
  - (iii) where the trees of the forest type are the same age; and
  - (iv) that, in relation to determining an area of deforestation, comprises land that is cleared in a single year; and
- (b) in relation to post-1989 forest land, means any area of 1 or more hectares within a single carbon accounting area—
  - (i) that has the same forest type; and
  - (ii) that, if the forest type is *Pinus radiata*, and the carbon stock change of the sub-area is required to be calculated using the tables in Schedule 6, is in one region; and
  - (iii) where the trees of the forest type are the same age; and
  - (iv) where, if the area contains above ground residual wood and below ground roots from cleared trees that are to be treated as decaying under regulation 22(h), the trees that are decaying—
    - (A) are of the same forest type; and
    - (B) were the same age when cleared; and
    - (C) were cleared in the same year; and
    - (D) are, if the trees cleared were *Pinus radiata*, and the carbon stock change of the sub-area is required to be calculated using the tables in Schedule 6, in one region; and
- (c) in relation to offsetting forest land and pre-1990 offsetting forest land, means any area of 1 or more hectares—
  - (i) that has the same forest type; and
  - (ii) that, if the forest type is *Pinus radiata*, is in one region; and
  - (iii) where the trees of the forest type are of the same age

**timber** has the same meaning as in section 2(1) of the Forests Act 1949

**tree** means a tree of a forest species.

- (2) Examples used in these regulations have the following status:
  - (a) an example is only illustrative of the provision to which it relates and does not limit the provision; and
  - (b) if an example and the provision to which it relates are inconsistent, the provision prevails.
- (3) In a formula used in these regulations,  $\Sigma$  means the summation of the calculated amounts that follow  $\Sigma$ .

Regulation 4(1) **area**: inserted, on 19 June 2011, by regulation 4(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **basal area**: inserted, on 1 October 2010, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 4(1) **FMA**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **FMA information**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **FMA participant**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **forest type**: inserted, on 19 June 2011, by regulation 4(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **mandatory emissions return period**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **non-FMA participant**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **participant-specific forest carbon stock table**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **participant-specific residual carbon stock table**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **participant-specific table**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **participant-specific table**: amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 4(1) **predominant forest species**: inserted, on 1 October 2010, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 4(1) **regenerate**: substituted, on 1 October 2010, by regulation 4(2) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 4(1) **registered post-1989 forest land**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **shrub species**: inserted, on 1 September 2011, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **sub-area** paragraph (a)(iv): inserted, on 1 January 2017, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 4(1) **sub-area** paragraph (b): amended, on 19 June 2011, by regulation 4(5) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **sub-area** paragraph (b)(ii): substituted, on 1 September 2011, by regulation 4(2) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **sub-area** paragraph (b)(iv)(D): substituted, on 1 September 2011, by regulation 4(3) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(1) **sub-area** paragraph (b)(iv)(D): amended, on 1 January 2013, by regulation 4(1) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 4(1) **sub-area** paragraph (c): inserted, on 1 January 2013, by regulation 4(2) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 4(1) **tree**: added, on 19 June 2011, by regulation 4(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 4(3): added, on 8 December 2009, by section 88(2) of the Climate Change Response (Moderated Emissions Trading) Amendment Act 2009 (2009 No 57).

## 5 Rounding rules

- (1) If a participant is required under these regulations to collect information or calculate emissions or removals in relation to an area in hectares, the area must include any fraction of a hectare rounded to 1 decimal place by—
  - (a) expressing the area as a decimal number truncated to 2 decimal places; and
  - (b) if the number in the second decimal place—
    - (i) is 5 or more, increasing the number in the first decimal place by 1; or
    - (ii) is less than 5, leaving the number in the first decimal place unchanged.
- (2) For the purposes of calculating—
  - (a) total emissions for deforestation of pre-1990 forest land under regulation 15, the total emissions in tonnes of carbon dioxide must be rounded to the nearest whole tonne; or
  - (b) emissions or removals from a carbon accounting area under regulation 20(1), the emissions or removals must be rounded to the nearest whole tonne of carbon dioxide.
- (3) If the emissions or removals in tonnes of carbon dioxide consist of a whole number and half a tonne, the tonnage must be rounded up to the nearest whole tonne.

Regulation 5: substituted, on 1 October 2010, by regulation 5 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

## 6 Mapping information

If these regulations require an application, notice, or emissions return to be submitted with geospatial mapping information about an area of land referred to in that application, notice, or emissions return, the information must include the spatial extent of the area of land determined in accordance with the method and format specified by the EPA under regulation 7 and must be provided in the format prescribed by the EPA under section 90 of the Act.

Regulation 6: amended, on 1 January 2013, by regulation 5 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 6: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

## 7 EPA may issue guidelines or standards

- (1) The EPA may, by notice in the *Gazette*, issue guidelines or standards in relation to the data or other information to be collected under regulation 14, 19, 22B, or 22C.



- (1A) The EPA may, by notice in the *Gazette*, issue guidelines or standards that specify the method and format to be used for the purposes of determining, under regulation 6, the spatial extent of an area of forest land.
- (2) The EPA may, by notice in the *Gazette*, amend or revoke a guideline or standard.
- (3) A participant who complies with a guideline or standard that is issued under this regulation, and is in force, is to be treated as complying with the requirements of these regulations to which the guideline or standard relates.

Regulation 7 heading: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 7(1): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 7(1): amended, on 1 September 2011, by regulation 5 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 7(1A): inserted, on 1 January 2013, by regulation 6 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 7(2): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

## **8 Fees and charges**

- (1) The fees and charges set out in Schedule 2 are payable to the EPA in respect of the matters to which they relate.
- (2) The fees and charges are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.
- (3) Subject to subclause (4), the fees and charges payable under these regulations are payable to the EPA,—
  - (a) in the case of the fees for the following matters, at the time of making the application, notifying the EPA, or submitting the return:
    - (i) an application for—
      - (A) registration as a participant:
      - (B) the addition of a carbon accounting area:
      - (C) the removal of a carbon accounting area:
    - (ii) a notification of a transmission of interest:
    - (iii) a submission of an emissions return; and
  - (b) in the case of any other charge, upon an invoice issued by or on behalf of the EPA and within the time specified in the invoice.
- (4) The EPA may approve other arrangements for the payment of fees or charges by any person under this regulation.

Regulation 8(1): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 8(3): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 8(3)(a): substituted, on 19 June 2011, by regulation 6 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 8(3)(a): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 8(3)(b): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 8(4): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

## **8A Waivers and refunds for fees and charges**

- (1) The EPA may, in whole or in part, waive or refund the payment of any fee or charge payable under these regulations if the EPA is satisfied that—
  - (a) the services performed do not justify the payment or the payment in full; or
  - (b) the waiver or refund is reasonable in the circumstances.
- (2) The EPA's decision must—
  - (a) be in writing; and
  - (b) specify the reason for the waiver or refund.

Regulation 8A: inserted, on 19 June 2011, by regulation 7 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 8A(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 8A(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **9 Hourly rate costs**

- (1) Costs specified in these regulations as payable at an hourly rate must be calculated by—
  - (a) adding together the total number of 15-minute units spent by the person carrying out the function (including travel and waiting in respect of the function); and
  - (b) multiplying the total number of units by 25% of the applicable hourly rate.
- (2) To avoid doubt, a minimum charge of 25% of the hourly rate is payable if the time spent by the person carrying out the function is 15 minutes or less.
- (3) For the purposes of this regulation, **15-minute unit** means—
  - (a) a period of 15 minutes;
  - (b) any remainder produced by dividing the total time spent carrying out the function by 15 minutes.

## **10 Notification of status of forest land**

- (1) This regulation applies if the EPA—

- (a) is satisfied that any forest land is pre-1990 forest land; or
  - (b) records any post-1989 forest land as a carbon accounting area in respect of which there is a post-1989 forest land participant; or
  - (c) declares any pre-1990 forest land to be exempt land under section 183 of the Act; or
  - (d) notes on a register under section 186D(3) of the Act that the offsetting forest land is pre-1990 offsetting forest land.
- (2) If this regulation applies, the EPA must,—
- (a) if the forest land is Māori land, give notice to the Registrar of the Maori Land Court in whose jurisdiction the land is located that the land is—
    - (i) pre-1990 forest land; or
    - (ii) post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act; or
    - (iii) exempt land under section 183 of the Act; or
    - (iv) pre-1990 offsetting forest land; or
  - (b) if the forest land is registered under the Land Transfer Act 2017, give notice to the Registrar-General of Land that the land is—
    - (i) pre-1990 forest land; or
    - (ii) post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act; or
    - (iii) exempt land under section 183 of the Act; or
    - (iv) pre-1990 offsetting forest land; or
  - (c) if the forest land is registered under the Deeds Registration Act 1908, give notice to the Registrar of Deeds that the land is—
    - (i) pre-1990 forest land; or
    - (ii) post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act; or
    - (iii) exempt land under section 183 of the Act; or
    - (iv) pre-1990 offsetting forest land.
- (3) A notice under subclause (2)—
- (a) must be in form 1 of Schedule 3; and
  - (b) may contain any additional information that the EPA thinks fit; and
  - (c) must, if any pre-1990 forest land, post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act, pre-1990 offsetting forest land, or exempt land constitutes part of a greater area of land contained in a record of the Maori Land Court, record of title, or deeds index, indicate that only part of the land is—

- (i) pre-1990 forest land; or
- (ii) post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act; or
- (iii) exempt land under section 183 of the Act; or
- (iv) pre-1990 offsetting forest land.

Regulation 10(1): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 10(1)(c): amended, on 1 January 2013, by regulation 7(1) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(1)(d): inserted, on 1 January 2013, by regulation 7(2) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(2): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 10(2)(a)(iv): inserted, on 1 January 2013, by regulation 7(3) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(2)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 10(2)(b)(iv): inserted, on 1 January 2013, by regulation 7(4) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(2)(c)(iii): amended, on 1 January 2013, by regulation 7(5) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(2)(c)(iv): inserted, on 1 January 2013, by regulation 7(6) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(3)(b): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 10(3)(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 10(3)(c): amended, on 1 January 2013, by regulation 7(7) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(3)(c)(iii): amended, on 1 January 2013, by regulation 7(8) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 10(3)(c)(iv): inserted, on 1 January 2013, by regulation 7(9) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

## **11 Registrar to record notices in relation to status of forest land**

A Registrar who receives notice under regulation 10 that land is pre-1990 forest land, post-1989 land that forms part of a carbon accounting area in respect of which a person is a participant under the Act, or exempt land under section 183 of the Act must record the notice in the appropriate record of the Maori Land Court, record of title, or deeds index relating to the land.

Regulation 11: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## **12 Cancellation of notices**

- (1) This regulation applies if—

- (a) the EPA has notified a Registrar under regulation 10 that any land is—
  - (i) pre-1990 forest land; or
  - (ii) post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Act; or
  - (iii) exempt land under section 183 of the Act; and
- (b) the EPA is satisfied that—
  - (i) any land, or part of any land, notified as—
    - (A) pre-1990 forest land is not, or has ceased to be, pre-1990 forest land; or
    - (B) post-1989 forest land is not, or has ceased to be, part of a carbon accounting area in respect of which a person is a participant under the Act; or
  - (ii) any land or part of the land notified as exempt land under section 183 of the Act is not or has ceased to be exempt land.
- (2) If this regulation applies, the EPA must, by notice to the appropriate Registrar, cancel or partially cancel the notice given under regulation 10.
- (3) If a Registrar receives a notice from the EPA under subclause (2), the Registrar—
  - (a) must amend the relevant Maori Land Court record, record of title, or deeds index relating to the land to reflect the cancellation or partial cancellation of the notice given under regulation 10; and
  - (b) may take any other action in respect of a Maori Land Court record, record of title, or deeds index for the land to ensure that the land is not noted as—
    - (i) pre-1990 forest land; or
    - (ii) post-1989 forest land that is part of a carbon accounting area in respect of which a person is a participant under the Act; or
    - (iii) exempt land under section 183 of the Act.
- (4) A notice under subclause (2) must be in form 2 of Schedule 3 and may contain such additional information as the EPA thinks fit.

Regulation 12(1)(a): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 12(1)(b): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 12(2): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 12(3): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Regulation 12(3)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 12(3)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 12(4): amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

### 13 Applications for exemptions for pre-1990 forest land under section 183

An application for a declaration that pre-1990 forest land is exempt land under section 183 of the Act must be accompanied by geospatial mapping information about the area of land in respect of which the exemption is sought.

#### *Pre-1990 forest land participants*

### 14 Collection of information by pre-1990 forest land participants

- (1) Subject to subclause (3), a pre-1990 forest land participant must collect the following information in relation to any pre-1990 forest land, other than exempt land, from which trees are cleared as part of deforestation by the participant in a year:
  - (a) the area, in hectares, of pre-1990 forest land from which trees are cleared; and
  - (b) in relation to each hectare of cleared land,—
    - (i) the forest type cleared; and
    - (ii) the age of the forest species cleared; and
    - (iii) if the forest species is *Pinus radiata*, the region or regions in which the pre-1990 forest land is located.
- (2) The rules specified in regulation 16 apply for the purposes of subclause (1)(b).
- (3) If a person becomes a pre-1990 forest land participant in a year due to the operation of—
  - (a) section 179 of the Act, the information that must be collected by the participant under subclause (1) must relate to the trees cleared from the land 4 years, 10 years, or 20 years earlier (as relevant), whether or not those trees were cleared by the pre-1990 forest land participant; and
  - (b) section 181(3) of the Act, the information that must be collected under subclause (1) must relate to the trees cleared from the pre-1990 forest land prior to the forest land being transferred to the pre-1990 forest land participant, or control of the forest land reverting to the pre-1990 forest land participant following the expiry or termination of the forestry right, Crown forest licence, lease, or other agreement that related to the land.

Regulation 14(3)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 14(3)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

**15 Method of calculating emissions for deforestation of pre-1990 forest land**

- (1) A pre-1990 forest land participant must calculate the emissions from each sub-area of pre-1990 forest land deforested by the participant in an emissions return period in accordance with the following formula:

$$E = A \times C$$

where—

A is the area, in hectares, of land in the sub-area

C is the figure for carbon stock per hectare from table 1 or 2 in Schedule 4 that reflects—

- (a) the forest type cleared from the sub-area; and
- (b) the age of the trees cleared; and
- (c) if the forest type is *Pinus radiata*, the region in which the sub-area is located

E is the emissions in tonnes of carbon dioxide from the deforestation of the sub-area.

- (2) Application of the tables in Schedule 4 is subject to—
- (a) the rules in regulation 16; and
  - (b) section 186 of the Act, which provides special rules where the trees cleared from pre-1990 forest land are 8 years old or younger.
- (3) An emissions return submitted by a pre-1990 forest land participant must record the participant's total emissions from deforestation for the emissions return period determined by adding together the emissions from each sub-area, as calculated under subclause (1).

Regulation 15(1) formula: replaced, on 1 January 2017, by regulation 5 of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

**15A Offsetting forest land applications**

- (1) A person applying to the EPA for offsetting under section 186A of the Act must calculate carbon equivalence in accordance with regulations 14, 15, and 16 and this regulation.
- (2) Regulations 14, 15, and 16 apply in relation to the calculation of the carbon stock for each sub-area of a forest type intended to be deforested and offset with offsetting forest land as if the applicant had already deforested and was a pre-1990 forest land participant.
- (3) The applicant must collect and provide information as to the proposed area in hectares, region (where relevant), and forest type for each sub-area that will be planted as part of the offsetting forest land.
- (4) The carbon stock of a sub-area that is intended to be deforested must be calculated by using the relevant table in Schedule 4.

- (5) The applicant must calculate the corresponding area of offsetting forest land required so that sub-areas and carbon stock of the offsetting forest land is equal to or greater than the total area and total carbon stock of the pre-1990 forest land that is intended to be deforested.
- (6) The following formula must be used to calculate the carbon stock of a sub-area of offsetting forest land:

$$T = A \times C$$

where—

A is the area, in hectares, of land in the sub-area

C is the figure for carbon stock per hectare from table 1 or 2 in Schedule 6 that reflects—

- (a) the forest type of the sub-area; and
- (b) if the forest type is *Pinus radiata*, the region in which the sub-area is located; and
- (c) the age of the trees equal to the usual rotation period of the forest type of the pre-1990 forest land that is intended to be deforested

T is the forest carbon stock of the sub-area in tonnes of carbon dioxide.

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### Example

A pre-1990 forest land owner with 100 hectares of 30-year-old radiata pine in Auckland decides to deforest that land and plant a radiata pine forest in Hawke's Bay as offsetting forest land.

#### Step 1

Calculate the emissions from clearing the 30-year-old radiata pine in Auckland using table 1 of Schedule 4: 860 tonnes CO<sub>2</sub>/hectare × 100 hectares = 86 000 tonnes. Step 1 is for calculating what the emissions would be if the pre-1990 forest land in Auckland had been deforested. At step 1, deforestation has not yet occurred.

#### Step 2

Obtain the usual rotation period for radiata pine from regulation 15B: 28 years.

#### Step 3

Calculate the area of offsetting forest land required to meet carbon equivalency by dividing the estimated emissions from the pre-1990 forest land that will be deforested by the amount of carbon stock listed in table 1 of Schedule 6 that a radiata pine forest in Hawke's Bay would store in the usual rotation period (28 years) of the deforested Auckland forest: 86 000/797 = 107.9 hectares.

This means that 107.9 hectares of radiata pine forest in Hawke's Bay is needed to meet carbon equivalency.

#### Step 4

Ensure that the offsetting forest land is at least equivalent in size to the area of pre-1990 forest land that is to be deforested. In this example, the area equivalency of 100 hectares is met.

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Regulation 15A: inserted, on 1 January 2013, by regulation 8 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 15A(6) formula: replaced, on 1 January 2017, by regulation 6 of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

### **15B Usual rotation periods for forest species**

The usual rotation periods for the purposes of section 186F(a) of the Act are as specified in the following table:

<b>Forest species</b>	<b>Description</b>	<b>Usual rotation period (years)</b>
Radiata pine	Where the predominant forest species is radiata pine	28
Douglas fir	Where the predominant forest species is Douglas fir	40
Exotic softwoods	Where the predominant forest species is an exotic softwood	45
Exotic hardwoods	Where the predominant forest species is an exotic hardwood grown on a short rotation for the purpose of producing pulp logs	15
Exotic hardwoods	Where the predominant forest species is an exotic hardwood grown primarily for the purpose of producing saw logs	30

Regulation 15B: inserted, on 1 January 2013, by regulation 8 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

### **16 Rules for application of tables in Schedule 4**

The following rules must be used when applying the tables in Schedule 4 for the purpose of calculating emissions under regulation 15:

- (a) the age of a tree is the number of years from the year of planting or regeneration of the tree in its final location to the year of clearing of the tree, no matter when in the relevant year the tree was planted, regenerated, or cleared:

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**Example**

A tree is planted at any time in 1985 and felled at any time during 2011. For the purposes of applying the tables in Schedule 4, the tree is 26 years old.

The tree spent a period in a nursery (starting in 1984) before being planted in its final location in 1985. The period in the nursery is not relevant to the calculation.

- 
- (b) if a tree regenerates on land on which a forest species was cleared immediately prior to the regeneration, the tree is to be treated for the purposes

of paragraph (a) as having regenerated in the year following the year in which the forest species was cleared:

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**Example**

An area of forest land contains regenerating Douglas fir. The Douglas fir was last harvested from the land in 2008. For the purposes of determining the age of the trees under paragraph (a), the current Douglas fir is treated as having regenerated in 2009.

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- (c) the forest type of a hectare of forest land is—
- (i) *Pinus radiata* if the predominant forest species on the land is *Pinus radiata*; or
  - (ii) Douglas fir if the predominant forest species on the land is Douglas fir; or
  - (iii) exotic softwoods if the predominant forest species on the land is an exotic softwood; or
  - (iv) exotic hardwoods if the predominant forest species on the land is an exotic hardwood;
  - (v) indigenous forest if the predominant forest species on the land is indigenous:
- (d) *[Revoked]*
- (e) if trees cleared from land are older than the last age on the table for that forest type, the age for those trees is the last age on the table:
- 

**Example**

An area of forest land is cleared of 58-year-old exotic softwoods. The figure for carbon stock per hectare for 50-year-old trees (the last age on table 2 in Schedule 4) is to be used.

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- (f) if a hectare of forest land contains trees of mixed ages, the age of the trees is to be calculated as a weighted average by—
- (i) determining—
    - (A) the total basal area of all the trees; and
    - (B) the total basal area of the trees of each age group; and
    - (C) the fraction of the total basal area of each age group with respect to the total basal area of all the trees (by dividing the value obtained under subparagraph (B) by the value obtained under subparagraph (A)); and
  - (ii) for the trees of each age group, multiplying the age of the age group by the value obtained in subparagraph (i)(C); and

- (iii) adding together the results for all the age groups:

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**Example**

A participant has a hectare of intermingled *Pinus radiata* of 2 ages: 30-year-old trees and 15-year-old trees. The 30-year-old trees comprise 70% of the total basal area and the 15-year-old trees comprise 30% of the total basal area. The age of the trees is their basal area-weighted average age of 25.5 years ( $(30 \text{ years} \times 0.7) + (15 \text{ years} \times 0.3) = 25.5 \text{ years}$ ), which is rounded to 26 years.

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- (fa) if a hectare of forest land contains regenerating indigenous forest species of mixed ages as the predominant forest species, the age of all of the trees in that hectare is calculated from the time since regeneration of the first of the indigenous forest species in that hectare began following the change in land management that initiated the conversion of the hectare to forest land from land that was not forest land:
- (g) if, under paragraph (f) or (fa),—
- (i) the age of the trees is not a whole number, the age must be rounded to the nearest whole number:
  - (ii) the age of the trees includes 0.5 of a year, the number must be rounded up to the nearest whole number:
- (h) if a hectare of forest land contains trees of both mixed species and mixed ages, the average age of the trees in that hectare—
- (i) is that of the predominant forest species; and
  - (ii) is determined—
    - (A) in the manner specified in paragraph (f) by using values of the basal area for the predominant forest species only; or
    - (B) in the case of regenerating indigenous forest species, in accordance with paragraph (fa).

Regulation 16(a): amended, on 1 January 2017, by regulation 7(1) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 16(a) example: replaced, on 1 January 2017, by regulation 7(2) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 16(c)(v): added, on 19 June 2011, by regulation 8(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 16(d): revoked, on 1 October 2010, by regulation 6(1) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 16(f): substituted, on 1 October 2010, by regulation 6(2) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 16(fa): inserted, on 19 June 2011, by regulation 8(2) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 16(fa): amended, on 1 January 2013, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 16(g): amended, on 19 June 2011, by regulation 8(3) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 16(h): added, on 1 October 2010, by regulation 6(3) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 16(h)(ii): substituted, on 19 June 2011, by regulation 8(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

### **17 Emissions returns in relation to deforestation of pre-1990 forest land**

An emissions return of a pre-1990 forest land participant must be accompanied by the following information in respect of each area of pre-1990 forest land, other than exempt land, deforested by the participant in the emissions return period:

- (a) its legal description; and
- (b) if relevant, the record of title reference or references or Maori Land Court records that pertain to the area; and
- (c) geospatial mapping information.

Regulation 17(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

#### *Post-1989 forest land participants*

### **18 Mapping information for post-1989 forest land**

The geospatial mapping information specified in the second column of Schedule 5 must be submitted to the EPA with the document specified in the first column of Schedule 5.

Regulation 18: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

### **19 Collection of information by post-1989 forest land participants**

- (1) A post-1989 forest land participant must collect the following information in relation to each carbon accounting area in respect of which the participant is recorded as carrying out an activity listed in Part 1 of Schedule 4 of the Act in a year:
  - (a) the area, in hectares, of each forest type in the carbon accounting area and, in relation to each hectare of that forest type,—
    - (i) the name of the forest type; and
    - (ii) the age of the trees; and
    - (iii) if the forest species is *Pinus radiata*, the region or regions in which the post-1989 forest land is located; and
  - (b) the area, in hectares, of land cleared in the carbon accounting area and, in relation to each hectare of cleared land,—
    - (i) the forest type cleared; and
    - (ii) the age of the trees cleared; and

- (iii) if the forest species is *Pinus radiata*, the region or regions in which the post-1989 forest land is located.
- (2) The rules specified in regulation 22 apply for the purposes of subclause (1).

**20 Calculation of carbon stock changes by post-1989 forest land participants**

- (1) A post-1989 forest land participant must calculate the emissions or removals from each carbon accounting area covered by an emissions return for an emissions return period by determining the carbon stock change in the carbon accounting area in accordance with the following formula:

$$CS_{\text{change}} = \sum(CS_{\text{closing}}) - \sum(CS_{\text{opening}})$$

where—

$CS_{\text{change}}$  is the carbon stock change for the carbon accounting area in the emissions return period

$CS_{\text{closing}}$  is the carbon stock of each sub-area within the carbon accounting area at the end of the emissions return period, calculated in accordance with regulation 21

$CS_{\text{opening}}$  is, subject to regulation 20A, the carbon stock of each sub-area within the carbon accounting area at the beginning of the emissions return period, calculated in accordance with regulation 21.

- (2) If the carbon stock change for a carbon accounting area in an emissions return period is—
  - (a) positive, the change is a removal; or
  - (b) negative, the change is an emission.
- (3) This regulation is subject to regulation 20A.

Regulation 20: substituted, on 8 December 2009, by section 88(2) of the Climate Change Response (Moderated Emissions Trading) Amendment Act 2009 (2009 No 57).

**20A Calculation of carbon stock changes when new carbon accounting area is constituted from post-1989 forest land from another carbon accounting area**

- (1) This regulation applies if a carbon accounting area (**CAA2**) has been constituted from the whole or part of another carbon accounting area or areas under section 188(7)(b)(ii)(B) or 192(3)(b) of the Act.
- (2) For the purposes of calculating carbon stock change in CAA2 under regulation 20(1) in an emissions return period that commences on the date of constitution of CAA2,  $CS_{\text{opening}}$  is the figure determined using the following formula:

$$CS_{\text{opening}} = \sum(CSp_{\text{closing}})$$

where—

$CS_{\text{opening}}$  is the carbon stock for CAA2 at the beginning of the emissions return period

$CS_{p_{\text{closing}}}$  is the carbon stock at the beginning of the emissions return period for each part of CAA2 formed from another carbon accounting area, as calculated under subclause (3).

- (3) For the purposes of subclause (2),  $CS_{p_{\text{closing}}}$  must be calculated using the following formula:

$$CS_{p_{\text{closing}}} = CS_{CAA1} / H_{CAA1} \times Hp_{CAA1}$$

where—

$CS_{p_{\text{closing}}}$  is the carbon stock at the beginning of the emissions return period for the part of CAA2 that has been formed from CAA1

$CS_{CAA1}$  is the total carbon stock for CAA1 at the end of the period covered by the return submitted under section 191 or 193 of the Act for CAA1 (as calculated under regulation 21)

$H_{CAA1}$  is the number of hectares in CAA1 (immediately before constitution of CAA2)

$Hp_{CAA1}$  is the number of hectares of the part of CAA1 that forms part of CAA2.

- (4) For the purpose of subclause (3), CAA1 means the carbon accounting area from which CAA2 formed part.

Regulation 20A: inserted, on 8 December 2009, by section 88(2) of the Climate Change Response (Moderated Emissions Trading) Amendment Act 2009 (2009 No 57).

## 21 Calculation of carbon stock

- (1) For the purposes of regulation 20, the carbon stock of a sub-area must be calculated by—

(a) using—

(i) table 1 or 2 of Schedule 6 for non-FMA participants, or the table required under regulation 22E for FMA participants, to calculate the forest carbon stock of the sub-area other than from any above ground residual wood and below ground roots from previously cleared trees referred to in subparagraph (ii) ( $T_1$ ); and

(ii) if relevant, table 3 or 4 of Schedule 6 for non-FMA participants, or the table required under regulation 22E for FMA participants, to calculate the carbon stock of the sub-area from above ground residual wood and below ground roots from previously cleared trees that are to be treated as decaying on the land under regulation 22(h) ( $T_2$ ); and

(b) adding together each of the figures for carbon stock referred to in subclause (1)(a) ( $T_1 + T_2$ ).

- (2) The following formula must be used to calculate the carbon stock of a sub-area under subclause (1)(a)(i):

$$T_1 = A \times C$$

where—

- A is the area, in hectares, of land in the sub-area
- C is the figure for carbon stock per hectare from table 1 or 2 in Schedule 6 for non-FMA participants, or the table required under regulation 22E for FMA participants, that reflects—
- (a) the forest type of the sub-area; and
  - (b) the age of the trees; and
  - (c) if the forest type is *Pinus radiata* and a table in Schedule 6 is being used, the region in which the sub-area is located
- T<sub>1</sub> is the forest carbon stock of the sub-area, other than from any above ground residual wood and below ground roots from previously cleared trees, in tonnes of carbon dioxide.

- (3) The following formula must be used to calculate the carbon stock of a sub-area under subclause (1)(a)(ii):

$$T_2 = A \times C \times (10 - T_{SC})/10$$

where—

- A is the area, in hectares, of land in the sub-area
- C is the figure for carbon stock per hectare in the above ground residual wood and below ground roots from cleared trees from table 3 or 4 in Schedule 6 for non-FMA participants, or the table required under regulation 22E for FMA participants, that reflects—
- (a) the forest type of the residual wood decaying on the sub-area; and
  - (b) the age of the trees when cleared; and
  - (c) where the forest type cleared was *Pinus radiata* and a table in Schedule 6 is being used, the region in which the sub-area is located
- T<sub>SC</sub> is the number of years up to 10 since the trees were cleared and is equal to the difference between—
- (a) the year in which the end of the emissions return period falls (or, if the emissions return period ends on 31 December, the following year); and
  - (b) the year that the trees were cleared (no matter when in that year the trees were cleared)
- T<sub>2</sub> is the carbon stock of the sub-area from above ground residual wood and below ground roots from any cleared trees, in tonnes of carbon dioxide.

- (4) Application of the tables in Schedule 6 or any participant-specific table required under regulation 22E is subject to the rules in regulation 22.

Regulation 21(1)(a): substituted, on 1 September 2011, by regulation 9(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(2) formula: replaced, on 1 January 2017, by regulation 8(1) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 21(2) formula item C: amended, on 1 September 2011, by regulation 9(2) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(2) formula item C paragraph (c): amended, on 1 September 2011, by regulation 9(3) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(2) formula item T<sub>1</sub>: amended, on 1 September 2011, by regulation 9(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(3) formula: replaced, on 1 January 2017, by regulation 8(2) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 21(3) formula item C: amended, on 1 September 2011, by regulation 9(5) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(3) formula item C paragraph (c): amended, on 1 September 2011, by regulation 9(6) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 21(3) formula item Y: revoked, on 1 January 2017, by regulation 8(3) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 21(3) formula item T<sub>sc</sub>: inserted, on 1 January 2017, by regulation 8(3) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 21(4) : amended, on 1 September 2011, by regulation 9(7) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

## 22 Rules for application of tables in Schedule 6 or participant-specific tables

The following rules must be used when applying the tables in Schedule 6 or participant-specific tables for the purposes of calculating carbon stock under regulation 21:

- (a) the age of a tree is the number of years from the year of planting or regeneration of the tree in its final location, no matter when in the relevant year the tree was planted or regenerated, to (as the case may be)—
  - (i) the year of commencement of the emissions return period; or
  - (ii) the year of clearing of the tree, no matter when in that year the tree was cleared; or
  - (iii) the year in which the end of the emissions return period falls, unless the return ends on 31 December, in which case the age is to be calculated as at 1 January of the following year:

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### Example

A tree is planted at any time during 1995. An emissions return is submitted for the period 1 January 2008 to 31 December 2010. For the purposes of applying the tables in Schedule 6, the tree was 13 years old (2008–1995) at the start of the emissions return period and 16 years old (2011–1995) at the end of the period.

The tree had spent a period in a nursery (starting in 1994) before being planted in its final location in 1995. The period in the nursery is not relevant to the calculation.

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- (b) if a tree that is an exotic forest species regenerates on land from which a forest species has been cleared, and the regeneration occurs in the same calendar year as the clearing, the tree is to be treated for the purposes of paragraph (a) as having regenerated in the year following the year in which the forest species was cleared:

---

**Example**

An area of post-1989 forest land contains regenerating *Pinus radiata*. The *Pinus radiata* was last felled in 2008. For the purposes of determining the age of the trees under paragraph (a), the current *Pinus radiata* is treated as having regenerated in 2009.

---

- (c) the forest type of a hectare of forest land is—
- (i) *Pinus radiata* if the predominant forest species on the land is *Pinus radiata*; or
  - (ii) Douglas fir if the predominant forest species on the land is Douglas fir; or
  - (iii) exotic softwoods if the predominant forest species on the land is an exotic softwood; or
  - (iv) exotic hardwoods if the predominant forest species on the land is an exotic hardwood; or
  - (v) indigenous forest if the predominant forest species on the land is indigenous:
- (d) *[Revoked]*
- (e) if the age of a tree calculated under paragraph (a) is older than the last age on the table for that forest type, the age for that tree is the last age on the table:

---

**Example**

Exotic hardwoods in an area of post-1989 forest land are calculated to be 27 years old. The entry for 25-year-old trees (the last age on table 2 of Schedule 6) is to be used.

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- (f) if a hectare of forest land contains trees of mixed ages and paragraph (fa) does not apply, the age of the trees is to be calculated as a weighted average by—
- (i) determining—
    - (A) the total basal area of all the trees; and
    - (B) the total basal area of the trees of each age group; and
    - (C) the fraction of the total basal area of each age group with respect to the total basal area of all the trees (by dividing the value obtained under subparagraph (B) by the value obtained under subparagraph (A)); and

- (ii) for the trees of each age group, multiplying the age of the age group by the value obtained in subparagraph (i)(C); and
- (iii) adding together the results for all the age groups:

---

**Example**

A participant has a hectare of intermingled *Pinus radiata* of 2 ages: 30-year-old trees and 15-year-old trees. The 30-year-old trees comprise 70% of the total basal area and the 15-year-old trees comprise 30% of the total basal area. The age of the trees is their basal area-weighted average age of 25.5 years  $((30 \text{ years} \times 0.7) + (15 \text{ years} \times 0.3) = 25.5 \text{ years})$ , which is rounded to 26 years.

---

- (fa) if a hectare of forest land contains regenerating indigenous forest species of mixed ages as the predominant forest species, the age of all of the trees in that hectare is calculated from the time since regeneration of the first of the indigenous forest species in that hectare began following the change in land management that initiated the conversion of the hectare to forest land from land that was not forest land:
- (g) if, under paragraph (f) or (fa),—
  - (i) the age of the trees is not a whole number, the age must be rounded to the nearest whole number:
  - (ii) the age of the trees includes 0.5 of a year, the number must be rounded up to the nearest whole number:
- (h) if trees have been cleared but the land has not been deforested, the residual wood from above ground residual wood and below ground roots from the cleared trees is to be treated as decaying for a period of 10 years from the year of clearing:
- (i) if a hectare of forest land contains trees of both mixed species and mixed ages, the average age of the trees in that hectare—
  - (i) is that of the predominant forest species; and
  - (ii) is determined—
    - (A) in the manner specified in paragraph (f) by using values of the basal area for the predominant forest species only; or
    - (B) in the case of regenerating indigenous forest, in accordance with paragraph (fa).

Regulation 22 heading: amended, on 1 September 2011, by regulation 10(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22: amended, on 1 September 2011, by regulation 10(2) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22(a): amended, on 1 January 2017, by regulation 9(1) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 22(a) example: replaced, on 1 January 2017, by regulation 9(2) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 22(b): substituted, on 1 October 2010, by regulation 8(1) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 22(b): amended, on 1 September 2011, by regulation 10(3) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22(d): revoked, on 1 October 2010, by regulation 8(2) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 22(f): substituted, on 1 October 2010, by regulation 8(3) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 22(fa): inserted, on 1 October 2010, by regulation 8(3) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 22(fa): amended, on 1 January 2013, by regulation 10 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 22(g): amended, on 1 September 2011, by regulation 10(4) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22(h): amended, on 1 September 2011, by regulation 10(5) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22(i): added, on 1 October 2010, by regulation 8(4) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

### *FMA participants*

Heading: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

## **22A Assignment of forest class**

- (1) An FMA participant may, by giving notice to the EPA, assign—
  - (a) a forest class of exotic to any area of the FMA participant's registered post-1989 forest land on which 1 or more exotic forest species are growing or being managed with the intention that an exotic forest species will be the predominant forest species on each hectare of the land (or part thereof); and
  - (b) a forest class of indigenous to any area of the FMA participant's registered post-1989 forest land on which 1 or more indigenous forest species are growing or being managed with the intention that an indigenous forest species will be the predominant forest species on each hectare of the land (or part thereof).
- (2) An FMA participant who assigns a forest class by notice to the EPA under subclause (1) must assign a forest class of exotic or indigenous (as the case may be) to all areas of the FMA participant's registered post-1989 forest land.

Regulation 22A: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22A(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22A(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

**22B Field measurement-based assessment process**

- (1) An FMA participant must, in accordance with any relevant standard issued by the EPA,—
  - (a) apply to the EPA for the allocation of permanent sample plots to be located on the FMA participant's registered post-1989 forest land, which application must request—
    - (i) the minimum number of plots required under regulation 22C; or
    - (ii) a greater number of plots than the minimum number of plots required; and
  - (b) establish a permanent sample plot at each location allocated for a plot by the EPA under regulation 22C; and
  - (c) at least once in each mandatory emissions return period, collect the following information in relation to each permanent sample plot located on the FMA participant's registered post-1989 forest land:
    - (i) the identifier and location of the plot; and
    - (ii) the following information for the plot or each part of the plot:
      - (A) the shape, dimensions, and area; and
      - (B) the type and dimensions of any trees present; and
      - (C) if the FMA participant wishes, the type and dimensions of the shrub species present; and
      - (D) silvicultural information in relation to trees (if applicable), including (but not limited to) the actual or intended dates, intensity, and types of pruning and thinning up to the expected time of clearing; and
      - (E) information about any adverse event (for example, fire or windthrow) that has caused clearing of any trees, including (but not limited to) the date, intensity, and type of the adverse event; and
    - (iii) the date on which any information was collected for the purpose of subparagraph (ii); and
  - (d) submit the FMA information collected under paragraph (c) for each permanent sample plot to the EPA together with a written declaration that states that—
    - (i) the FMA information submitted—
      - (A) is true and correct; and
      - (B) has been collected from the plot to which the FMA information is attributed; and
    - (ii) the management and silvicultural regime of the FMA participant's registered post-1989 forest land within the plot is consistent with

the management and silvicultural regime of the FMA participant's registered post-1989 forest land of the same forest type and age in the locality of the plot.

- (1A) For the first mandatory emissions return period (1 January 2008 to 31 December 2012), an FMA participant may collect the information specified in subclause (1)(c)(i) and (ii) up until the close of 31 March 2013 if,—
- (a) before 31 December 2012, the participant commenced collecting the information or entered into a contract with a forestry inventory specialist to collect the information; and
  - (b) the participant provides a statutory declaration stating which of those steps the participant had taken.
- (2) Subject to any waiver granted under regulation 22K, an FMA participant who submits FMA information to the EPA under subclause (1)(d) must submit FMA information for all the permanent sample plots that, at the date of submission of the FMA information, have been allocated to the FMA participant's registered post-1989 forest land.
- (3) However, as long as the FMA participant complies with the requirements in subclauses (1)(c) and (d) to collect information from all the permanent sample plots on the FMA participant's registered post-1989 forest land at least once in each mandatory emissions return period and submit it to the EPA, FMA information submitted under subclause (1)(d) may be information that has already been provided to the EPA.

Regulation 22B: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22B(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22B(1)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22B(1)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22B(1)(d): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22B(1A): inserted, on 1 January 2013, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 22B(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22B(3): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22C Allocation of permanent sample plots**

- (1) The EPA must, on receipt of an application under regulation 22B, allocate plots to an FMA participant's registered post-1989 forest land in accordance with any standard issued by the EPA and in accordance with the following rules:

- (a) subject to paragraph (b), the minimum number of plots required for an FMA participant's registered post-1989 forest land is—
- (i) 30 plots for 100 hectares of forest land:
  - (ii) 200 plots for 10 000 or more hectares of forest land:
  - (iii) a number determined on a sliding scale between 30 and 200 plots for forest land between 100 and 10 000 hectares:
- (b) if an FMA participant has assigned a forest class or classes to its registered post-1989 forest land, the EPA must determine the minimum number of plots for each of the following areas in accordance with the formula in paragraph (c):
- (i) the area of the FMA participant's land to which a forest class of exotic has been assigned:
  - (ii) the area of the FMA participant's land to which a forest class of indigenous has been assigned:
- (c) the formula for determination of the minimum number of plots for an area of land in an assigned forest class is—

$$N_{P-FC} = A_{FC}/A_{TOTAL} \times N_{P-TOTAL} \times C_{FC}$$

where—

$N_{P-FC}$  is the minimum number of permanent sample plots for the area of the FMA participant's registered post-1989 forest land in the assigned forest class

$A_{FC}$  is the area in hectares of the FMA participant's registered post-1989 forest land in the assigned forest class

$A_{TOTAL}$  is the total area in hectares of the FMA participant's registered post-1989 forest land

$N_{P-TOTAL}$  is the minimum number of permanent sample plots required for the FMA participant's total registered post-1989 forest land under paragraph (a)

$C_{FC}$  is—

- (i) 1, if the assigned forest class for the area is exotic:
  - (ii) 0.5, if the assigned forest class for the area is indigenous:
- (d) the EPA must allocate plots to the FMA participant's post-1989 forest land as follows:
- (i) if the FMA participant has not assigned a forest class or classes to the land, the EPA must allocate—
    - (A) the minimum number of plots determined under paragraph (a) for the land; or
    - (B) any greater number of plots requested by the FMA participant:

- (ii) if the FMA participant has assigned a forest class or classes to the land, the EPA must allocate, in respect of the area of the FMA participant's land in each of the forest class of exotic and the forest class of indigenous,—
    - (A) the minimum number of plots determined under paragraph (c) for that area; or
    - (B) any greater number of plots requested by the FMA participant:
  - (e) if the number of plots required to be allocated to an area of land under paragraph (d) is—
    - (i) not a whole number, the EPA must round the number to the nearest whole number, with 0.5 being rounded up to the nearest whole number:
    - (ii) less than 2, the EPA must allocate 2 plots to the area:
  - (f) the required number of plots for an area of the FMA participant's registered post-1989 forest land must be allocated as uniformly as practicable within that area.
- (2) The EPA must give notice to the FMA participant of the identifier and location of the permanent sample plots allocated to the FMA participant's registered post-1989 forest land under subclause (1).
- (3) This regulation is subject to regulation 22J(3) and (4).

Regulation 22C: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22C(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(d): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(d)(i): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(d)(ii): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(e)(i): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(1)(e)(ii): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22C(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

**22D Production of participant-specific tables**

- (1) The EPA must, on receipt of any FMA information from an FMA participant (together with any declaration required) or when requested by an FMA participant under regulation 22G(6) or 22H(3),—
  - (a) use the FMA information that the FMA participant has provided and, as necessary, carbon stock expansion factors from related parameters, to model forest growth and carbon yield (including forecast growth and yield) for the FMA participant's registered post-1989 forest land with the same forest type by age of trees; and
  - (b) produce and provide to the relevant FMA participant the following tables for each forest type covered by the FMA information:
    - (i) a participant-specific forest carbon stock table expressed as tonnes of carbon dioxide per hectare; and
    - (ii) a participant-specific residual carbon stock table expressed as tonnes of carbon dioxide per hectare.
- (2) The participant-specific tables produced by the EPA under subclause (1) must be based on national or international industry standard approaches for determination and forecasting of forest carbon stocks (for example, industry standard models or allometric equations) that have been peer reviewed by a person or persons that the EPA considers to be expert in the fields of forest inventory, forest growth modelling, or forest carbon stock estimation.
- (3) The participant-specific tables may be produced automatically by a computer or other electronic means as a result of information entered or held in the computer or other electronic means, and tables produced by these means—
  - (a) must be treated as tables produced by the EPA; and
  - (b) are not invalid by virtue of being produced automatically.
- (4) The EPA may, if any FMA information provided by an FMA participant appears to be incomplete or abnormal, seek further information or confirmation of the information from the FMA participant before producing participant-specific tables based on the information.
- (5) A participant-specific table produced by the EPA under subclause (1) must be provided to the relevant FMA participant in accordance with section 147 of the Act as if the participant-specific table were a notice given under that section.

Regulation 22D: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22D(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22D(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22D(3)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).



Regulation 22D(4): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22D(5): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22E Use of participant-specific tables**

- (1) A post-1989 forest land participant who is an FMA participant in the first commitment period must,—
  - (a) if the FMA participant is required to submit an emissions return within 6 months of the end of that period under section 189(4) of the Act, use the following participant-specific tables to calculate carbon stock for the purposes of the emissions return:
    - (i) a participant-specific forest carbon stock table generated from FMA information collected during the first commitment period to calculate carbon stock under regulation 21(1)(a)(i);
    - (ii) a participant-specific residual carbon stock table generated from FMA information collected during the first commitment period to calculate carbon stock under regulation 21(1)(a)(ii); and
  - (b) use the tables required to be used by a non-FMA participant under regulation 21 to calculate carbon stock for the purposes of any emissions return submitted in respect of any part of the first commitment period other than the emissions return referred to in paragraph (a).
- (2) A post-1989 forest land participant who is an FMA participant in any mandatory emissions period other than the first commitment period must,—
  - (a) if the FMA participant has participant-specific tables provided by the EPA, use for any emissions return (other than the emissions return referred to in paragraph (c)) the FMA participant's most recent—
    - (i) participant-specific forest carbon stock table to calculate carbon stock under regulation 21(1)(a)(i);
    - (ii) participant-specific residual carbon stock table to calculate carbon stock under regulation 21(1)(a)(ii); and
  - (b) if the FMA participant does not yet have participant-specific tables provided by the EPA, use the tables required to be used by a non-FMA participant under regulation 21 to calculate carbon stock for the purposes of any emissions return submitted in respect of any part of the mandatory emissions return period other than the emissions return referred to in paragraph (c); and
  - (c) if the FMA participant is required to submit an emissions return within 6 months of the end of the mandatory emissions return period under section 189(4) of the Act, use the following participant-specific tables to calculate carbon stock for the purposes of the emissions return:

- (i) a participant-specific forest carbon stock table generated from FMA information collected during the mandatory emissions return period to calculate carbon stock under regulation 21(1)(a)(i):
  - (ii) a participant-specific residual carbon stock table generated from FMA information collected during the mandatory emissions return period to calculate carbon stock under regulation 21(1)(a)(ii).
- (3) If an FMA participant is required by these regulations to calculate carbon stock for a forest type using participant-specific tables and those participant-specific tables do not include the forest type, the FMA participant must use the tables set out in Schedule 6 to calculate the carbon stock as if the FMA participant were a non-FMA participant.
- (4) If, when calculating carbon stock for the purpose of an emissions return, an FMA participant is aware that any of the silvicultural or adverse event information on which the FMA participant's most recent participant-specific tables are based is incomplete or no longer valid for the period covered by the emissions return (for example, because of a change in silvicultural intentions, or an intervening adverse event), the FMA participant—
  - (a) may not use the FMA participant's most recent participant-specific tables to calculate carbon stock; but
  - (b) must submit FMA information that includes updated silvicultural or adverse event information to the EPA under regulation 22B(1)(d), together with the declaration required by that regulation; and
  - (c) must request the EPA to produce, and provide to the FMA participant, updated participant-specific tables that take into account the new information; and
  - (d) must use the updated participant-specific tables provided by the EPA for the purposes of the emissions return.
- (5) An FMA participant must, when submitting an emissions return that shows emissions or removals calculated using a participant-specific table, also submit a declaration that states that the silvicultural and adverse event information provided for all the permanent sample plots on the FMA participant's registered post-1989 forest land and on which the participant-specific table used for the purposes of the emissions return was based, remains valid and complete.
- (6) Subclauses (1) and (2) are subject to—
  - (a) subclause (4); and
  - (b) regulations 22F to 22J and 22L.
- (7) Subclauses (4) and (5) do not apply if the emissions return is submitted under section 189(3) of the Act.

Regulation 22E: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22E(1)(a): amended, on 1 January 2013, by regulation 12(1) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 22E(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22E(2)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22E(2)(c): amended, on 1 January 2013, by regulation 12(2) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

Regulation 22E(4)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22E(4)(c): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22E(4)(d): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22F Application for allocation of new permanent sample plots**

- (1) An FMA participant who has permanent sample plots on the FMA participant's registered post-1989 forest land may apply for the allocation of new plots to the land if the FMA participant has not previously applied for the allocation of plots to the land in the mandatory emissions return period in which the application is made (other than applying for additional plots as provided in regulation 22G or 22J).
- (2) Before making an application under subclause (1), the FMA participant—
  - (a) may, in accordance with regulation 22A,—
    - (i) assign a forest class or classes to the FMA participant's registered post-1989 forest land; or
    - (ii) notify any change to the forest class or classes assigned to the FMA participant's registered post-1989 forest land; or
  - (b) may, by notice to the EPA, advise that the FMA participant no longer wishes a forest class or classes to be assigned to the FMA participant's registered post-1989 forest land.
- (3) An FMA participant who is allocated new permanent sample plots following an application made under this regulation must—
  - (a) establish those plots at the locations allocated by the EPA; and
  - (b) use, for any emissions return submitted after the date of allocation of the plots that is in respect of the mandatory emissions return period in which the application was made, participant-specific tables produced by the EPA based on FMA information collected from the plots allocated to the land.
- (4) Subclause (3)(b) does not apply if the emissions return is submitted under section 189(3) of the Act.

Regulation 22F: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22F(1): replaced, on 1 January 2017, by regulation 10(1) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

Regulation 22F(2)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22F(3)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22F(3)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22F(4): inserted, on 1 January 2017, by regulation 10(2) of the Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216).

## **22G Rules to apply if FMA participant's registered post-1989 forest land is reduced but remains 100 or more hectares**

- (1) This regulation applies if—
  - (a) an FMA participant's registered post-1989 forest land is reduced by—
    - (i) the FMA participant removing a carbon accounting area or removing land from a carbon accounting area; or
    - (ii) the operation of section 192 of the Act; and
  - (b) despite the reduction, the FMA participant retains 100 hectares or more of registered post-1989 forest land.
- (2) If the number of permanent sample plots on the FMA participant's remaining registered post-1989 forest land does not meet the minimum requirements in regulation 22C, the FMA participant must—
  - (a) apply to the EPA for allocation of—
    - (i) additional plots that will bring the number of plots on the FMA participant's registered post-1989 forest land up to the minimum required for the land; or
    - (ii) any greater number of additional plots than the number required to bring the number of plots up to the minimum required for the land, that the FMA participant would like to establish; and
  - (b) establish the additional plots in the locations allocated by the EPA.
- (3) If the FMA participant is unable to determine whether the number of permanent sample plots on the FMA participant's remaining post-1989 forest land meets the minimum requirements specified in regulation 22C,—
  - (a) the FMA participant may request the EPA to determine the minimum required number of plots; and
  - (b) the EPA must, if requested to do so by an FMA participant, determine the minimum number of plots required for the FMA participant's registered post-1989 forest land (taking into account any forest class or

- classes assigned to the land) and advise the FMA participant of that number.
- (4) If the number of permanent sample plots on the FMA participant's remaining registered post-1989 forest land meets the minimum requirements specified in regulation 22C, the FMA participant—
    - (a) may apply to the EPA for allocation of any additional plots that the FMA participant would like to establish; and
    - (b) must, if allocated additional plots in accordance with paragraph (a), establish the additional plots in the locations allocated by the EPA.
  - (5) Subject to subclause (6), the FMA participant must use, for any emissions return submitted in respect of the FMA participant's remaining registered post-1989 forest land, participant-specific tables produced by the EPA based on FMA information collected from all the permanent sample plots allocated to the land (that is, the previously allocated plots and any additional plots) if the FMA participant—
    - (a) is required by regulation 22E to use participant-specific tables for the purposes of calculating carbon stock for any emissions return; and
    - (b) is required to have or has elected to apply for additional permanent sample plots under subclause (2)(a) or (4)(a).
  - (6) If the FMA participant wishes to submit an emissions return under section 189(3) of the Act before the FMA participant has been provided with participant-specific tables based on FMA information collected from all the permanent sample plots allocated to the land, the FMA participant must—
    - (a) request the EPA to produce interim participant-specific tables based on FMA information previously provided in respect of the plots on the FMA participant's remaining registered post-1989 forest land; and
    - (b) use the interim tables produced as a result of the request to calculate carbon stock under regulation 21 for the emissions return.
  - (7) For the purposes of subclause (6), the FMA participant must request the production of interim participant-specific tables under subclause (6)(a) when the FMA participant—
    - (a) applies to remove the carbon accounting area or to remove land from the carbon accounting area; or
    - (b) gives notice of transmission of the interest under section 192 of the Act.

Regulation 22G: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22G(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(2)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(3)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(3)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(4)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(4)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(5): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22G(6)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22H Rules to apply if FMA participant's registered post-1989 forest land is reduced below 100 hectares**

- (1) This regulation applies if—
  - (a) an FMA participant's registered post-1989 forest land is reduced by—
    - (i) the FMA participant removing a carbon accounting area or removing land from a carbon accounting area; or
    - (ii) the operation of section 192 of the Act; and
  - (b) the FMA participant has, as a result of the reduction, less than 100 hectares of registered post-1989 forest land.
- (2) The FMA participant must use to calculate carbon stock for the purposes of any emissions return submitted in respect of the FMA participant's remaining registered post-1989 forest land, in respect of which the FMA participant is required by regulation 22E to use participant-specific tables,—
  - (a) participant-specific tables produced by the EPA based on FMA information collected from the permanent sample plots on the FMA participant's remaining registered post-1989 forest land if at least 2 permanent sample plots are on that land:
  - (b) the tables required to be used by a non-FMA participant to calculate carbon stock, if fewer than 2 permanent sample plots are on the FMA participant's remaining registered post-1989 forest land.
- (3) For the purposes of complying with subclause (2)(a), the FMA participant may request the EPA to produce participant-specific tables based on the FMA information that was previously submitted in respect of the permanent sample plots on the FMA participant's remaining registered post-1989 forest land.
- (4) However, if the tables are to be used to calculate carbon stock for the purposes of an emissions return other than a return under section 189(3) of the Act, and the FMA participant is aware that any of the silvicultural or adverse event information previously submitted is incomplete or no longer valid (for example, because of a change in silvicultural intentions, or any intervening adverse event), the FMA participant—
  - (a) may not use participant-specific tables produced by the EPA based on the previously submitted FMA information; but

- (b) must—
  - (i) submit FMA information for the permanent sample plots on the FMA participant's remaining registered post-1989 forest land that includes updated silvicultural or adverse event information to the EPA under regulation 22B(1)(d), together with the declaration required by that regulation; and
  - (ii) use the participant-specific tables produced by the EPA based on the information referred to in subparagraph (i) for the purposes of calculating carbon stock for the emissions return.
- (5) To avoid doubt, subclauses (2), (3), and (4) do not override regulation 22E(1)(a) or (2)(c).
- (6) The FMA participant must make any request for participant-specific tables under subclause (3) when the FMA participant—
  - (a) applies to remove a carbon accounting area or remove land from a carbon accounting area; or
  - (b) gives notice of transmission of an interest under section 192 of the Act.
- (7) An FMA participant who has 2 or more permanent sample plots on the FMA participant's remaining registered post-1989 forest land, and who subsequently adds further post-1989 forest land but still has less than 100 hectares of registered post-1989 forest land, must, if required by regulation 22E to use participant-specific tables for the purposes of calculating carbon stock for any emissions return,—
  - (a) use, for the FMA participant's remaining registered post-1989 forest land, participant-specific tables based on FMA information from the plots on that land as referred to in subclauses (2) to (4); and
  - (b) use, for the added land, the tables that a non-FMA participant would be required to use under regulation 21 to calculate carbon stock.
- (8) An FMA participant who has reduced the FMA participant's remaining registered post-1989 forest land to less than 100 hectares and who subsequently adds further post-1989 forest land so that the FMA participant's total registered post-1989 forest land is 100 hectares or more,—
  - (a) must, at the time the FMA participant adds the land that takes the FMA participant up to or over the 100-hectare threshold, apply to the EPA for an allocation of new permanent sample plots for the FMA participant's registered post-1989 forest land; and
  - (b) may at the same time as complying with paragraph (a) comply with regulation 22F(2)(a) or (b); and
  - (c) must establish those plots at the locations allocated by the EPA; and
  - (d) must, if required by regulation 22E to use participant-specific tables, use participant-specific tables produced by the EPA based on FMA informa-

tion collected from the plots allocated to the land for any emissions return submitted after the date of allocation of the plots and in respect of the FMA participant's registered post-1989 forest land after the increase in the area of land.

Regulation 22H: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22H(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(3): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(4)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(4)(b)(i): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(4)(b)(ii): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(8)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(8)(c): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22H(8)(d): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22I Reconfiguration of registered post-1989 forest land**

- (1) This regulation applies if—
  - (a) an FMA participant—
    - (i) applies to remove a carbon accounting area from the FMA participant's registered post-1989 forest land; or
    - (ii) is removed from the register in respect of all the land in respect of which the FMA participant is recorded as carrying out an activity listed in Part 1 of Schedule 4 of the Act; and
  - (b) within 20 working days of the matter in paragraph (a), the FMA participant applies to—
    - (i) add a carbon accounting area or areas consisting of all the post-1989 forest land that was in the carbon accounting area removed from the FMA participant's registered post-1989 forest land; or
    - (ii) register as a participant under section 57 of the Act in relation to all the post-1989 forest land in respect of which the FMA participant has ceased to be registered as a participant.
- (2) If this regulation applies,—
  - (a) the FMA participant is not required to comply with regulation 22G or 22H; and



- (b) regulations 22B to 22F and 22K to 22M continue to apply to the FMA participant as if there has been no change in—
  - (i) the post-1989 forest land in respect of which the FMA participant was recorded as a participant; or
  - (ii) the FMA participant's registration under the Act.

Regulation 22I: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

**22J Rules to apply if FMA participant's registered post-1989 forest land is 100 hectares or more and is increased**

- (1) This regulation applies if an FMA participant's registered post-1989 forest land is 100 hectares or more and is increased by—
  - (a) the FMA participant adding 1 or more carbon accounting areas to the FMA participant's registered post-1989 land; or
  - (b) the operation of section 192 of the Act.
- (2) Subject to subclause (9), the FMA participant must—
  - (a) apply to the EPA for allocation of—
    - (i) the minimum number of permanent sample plots required for the FMA participant's registered post-1989 forest land under regulation 22C(1)(a) or (b), as applicable; or
    - (ii) any greater number of plots than the minimum required for the land under those provisions that the FMA participant would like; and
  - (b) establish the plots allocated by the EPA in accordance with subclause (3).
- (3) Subclause (4) applies to an application made under subclause (2)(a) if—
  - (a) the FMA participant has not assigned a forest class or classes to the FMA participant's registered post-1989 forest land, in respect of all the FMA participant's registered post-1989 forest land;
  - (b) the FMA participant has assigned a forest class or classes to the FMA participant's registered post-1989 forest land in the required locations, in respect of—
    - (i) the area of the FMA participant's registered post-1989 forest land to which a class of exotic has been assigned;
    - (ii) the area of the FMA participant's registered post-1989 forest land to which a class of indigenous has been assigned.
- (4) If this subclause applies, the EPA must, when allocating permanent sample plots in respect of an area of registered post-1989 forest land,—

- (a) determine the number of plots per hectare on the FMA participant's registered post-1989 forest land (or registered post-1989 forest land in that forest class) prior to the new land being added ( $D_{\text{EXIST}}$ ); and
  - (b) determine, if the number of new plots applied for under subclause (2)(a) were to be allocated as uniformly as practicable across both the prior land and the added land (or the prior land in that forest class and the added land in that forest class, as applicable),—
    - (i) the number of new plots that would, if allocated, be located on the prior land or the prior land in that forest class ( $N_{\text{NEW-PRIOR}}$ ); and
    - (ii) the number of new plots that would, if allocated, be located on the added land or the added land in that forest class ( $N_{\text{NEW-ADDED}}$ ); and
    - (iii) the number of new plots per hectare that would, if allocated, be located on the added land or the added land in that forest class ( $D_{\text{NEW-ADDED}}$ ); and
  - (c) if  $D_{\text{NEW-ADDED}}$  is greater than  $D_{\text{EXIST}}$ , determine the number of new plots that would be allocated to the added land if  $D_{\text{NEW-ADDED}}$  were equal to  $D_{\text{EXIST}}$ ; and
  - (d) allocate new plots to the FMA participant's registered post-1989 forest land (or the FMA participant's registered post-1989 forest land in that forest class, as applicable) as follows:
    - (i) unless paragraph (c) applies, allocate to the added land the number of new plots that is equal to  $N_{\text{NEW-ADDED}}$ ;
    - (ii) if paragraph (c) applies, allocate to the added land the number of new plots that is equal to the number determined under paragraph (c);
    - (iii) retain from the existing plots on the prior land and treat as newly allocated plots the number of plots equal to  $N_{\text{NEW-PRIOR}}$ .
- (5) The EPA must give notice to the FMA participant of the identifier and location of the permanent sample plots allocated to the FMA participant's registered post-1989 forest land under subclause (4).
- (6) To avoid doubt, any permanent sample plots that are not retained on the prior land, or that existed on the added land before it was added to the FMA participant's registered post-1989 forest land, are not to be treated as allocated to the FMA participant's registered post-1989 forest land.
- (7) Subject to subclause (8), the FMA participant must, if required by regulation 22E to use participant-specific tables for the purposes of calculating carbon stock for any emissions return, use participant-specific tables produced by the EPA based on FMA information collected from all the permanent sample plots allocated to the land under subclause (4) for any emissions return submitted in respect of the FMA participant's registered post-1989 forest land after the increase in the area of land.

- (8) If the FMA participant wishes to submit an emissions return under section 189(3) of the Act before the participant-specific tables based on FMA information collected from all the permanent sample plots allocated to the land under subclause (4) are produced, the FMA participant may use,—
- (a) for calculating the carbon stock of the prior land, the FMA participant's most recent participant-specific tables generated before the addition of the land; and
  - (b) for calculating the carbon stock of the added land, the tables from the following list that lead to the lesser amount of removals or the greater amount of emissions:
    - (i) the participant-specific tables used for the prior land under paragraph (a);
    - (ii) the tables that a non-FMA participant would be required to use under regulation 21 to calculate carbon stock.
- (9) If the FMA participant would be entitled to apply for allocation of new permanent sample plots to the FMA participant's registered post-1989 forest land under regulation 22F(1), the FMA participant may, instead of complying with this regulation, comply with regulation 22F.

Regulation 22J: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22J(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22J(2)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22J(4): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22J(5): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22J(7): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

**22K Permanent waivers in relation to requirement to establish permanent sample plots**

- (1) Despite regulation 22B, 22G, 22H, or 22J, if an FMA participant determines that establishing, or collecting FMA information from, a permanent sample plot in a location specified by the EPA is, or has become, impractical or dangerous, the FMA participant may submit an application to the EPA for a permanent waiver of the requirement to establish, or collect FMA information from, the plot in that location.
- (2) An application made under subclause (1)—
- (a) may be made at any time before FMA information from the specified permanent sample plot is required to be submitted to the EPA for the generation of participant-specific tables; and

- (b) must specify—
  - (i) why establishing, or collecting FMA information from, the plot is impractical or dangerous; and
  - (ii) if an estimate of the FMA information that would otherwise be required to be collected from the plot is possible, how the estimate is to be made, including, if the FMA participant proposes to establish an alternative plot, the proposed location of that plot.
- (3) The EPA may grant a permanent waiver under this regulation if the EPA is satisfied that establishing, or collecting FMA information from, a permanent sample plot in the allocated location is impractical or dangerous.
- (4) An FMA participant who is granted a permanent waiver under this regulation is not required to establish the permanent sample plot in the location allocated for the plot, but must, if required by the EPA, and in accordance with any conditions prescribed by the EPA,—
  - (a) provide estimates of the FMA information that would have been collected from a plot in the location allocated for the plot when required to submit FMA information from the plot under these regulations; or
  - (b) establish a plot in an alternative location specified by the EPA and comply with these regulations as if that plot were a plot allocated to the FMA participant's registered post-1989 forest land.
- (5) If the EPA grants a permanent waiver to an FMA participant under this regulation and does not require the FMA participant to provide estimated or actual FMA information for a permanent sample plot under subclause (4),—
  - (a) the FMA participant is not required to comply with these regulations in respect of the submission of FMA information from the allocated plot; and
  - (b) these regulations apply with any necessary modifications as if the FMA participant had not been allocated a sample plot in that location.

Regulation 22K: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22K(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22K(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22K(3): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22K(4): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22K(4)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22K(5): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

**22L Waivers in relation to use of participant-specific tables**

- (1) An FMA participant may apply to the EPA for a waiver of—
  - (a) any requirement under regulation 22G(5) or 22J(7) to use participant-specific tables generated from FMA information that includes information from additional permanent sample plots required to be established under regulation 22G or from new plots to be allocated or added under regulation 22J, when calculating carbon stock under regulation 21, on the basis that—
    - (i) insufficient time exists before an emissions return is required to be submitted under the Act to establish the plots, or collect the required FMA information from the plots and provide it to the EPA to enable the required participant-specific tables to be produced; or
    - (ii) owing to circumstances beyond the FMA participant's control, the FMA participant is unable to establish the plots, or collect the required FMA information from the plots and provide it to the EPA to enable the required participant-specific tables to be produced; or
  - (b) the requirement for the FMA participant to use any particular participant-specific tables when calculating carbon stock under regulation 21, on the basis that owing to circumstances beyond the FMA participant's control, the FMA participant is unable to establish permanent sample plots, or collect the required FMA information and provide it to the EPA to enable participant-specific tables to be produced, before an emissions return is required to be submitted under the Act.
- (2) If the EPA grants a waiver under—
  - (a) subclause (1)(a), the FMA participant must,—
    - (i) if the FMA participant's registered post-1989 forest land has reduced,—
      - (A) submit FMA information for the permanent sample plots already established on the FMA participant's remaining registered post-1989 forest land (that includes updated silvicultural or adverse event information) to the EPA under regulation 22B(1)(d), together with the declaration required by that regulation; and
      - (B) use the participant-specific tables produced by the EPA based on the information referred to in subparagraph (A) for the purposes of calculating carbon stock for the emissions return; or
    - (ii) if the FMA participant's registered post-1989 forest land has increased, subject to regulation 22E(4), use the tables that would

- be required to be used under regulation 22J(8) to calculate carbon stock for the purposes of the emissions return; or
- (b) subclause (1)(b), the FMA participant must,—
    - (i) subject to regulation 22E(4), use the most recent participant-specific tables that apply to the FMA participant's registered post-1989 forest land to determine carbon stock under regulation 21; or
    - (ii) in the absence of an applicable participant-specific table, use the tables that a non-FMA participant would be required to use under regulation 21 to calculate carbon stock.
- (3) An application for a waiver under—
- (a) subclause (1)(a) must—
    - (i) be made—
      - (A) at the same time as any application or notification that relates to an addition to or a removal from the FMA participant's registered post-1989 forest land; or
      - (B) if the FMA participant is unable to meet the requirement of subsubparagraph (A), as soon as practicable after the circumstances requiring the waiver become apparent, but before the date by which the relevant emissions return is required to be submitted; and
    - (ii) describe the actions that the FMA participant has taken to attempt to comply with the requirements in the regulations and state the reasons why the FMA participant has been unable to comply; and
    - (iii) be accompanied by evidence that corroborates the information provided under subparagraph (ii):
  - (b) subclause (1)(b) must—
    - (i) be made as soon as practicable after the circumstances requiring the waiver become apparent, but before the date by which the relevant emissions return is required to be submitted; and
    - (ii) describe the actions that the FMA participant has taken to attempt to comply with the requirements in the regulations and state the reasons why the FMA participant has been unable to comply; and
    - (iii) be accompanied by evidence that corroborates the information provided under subparagraph (ii).

Regulation 22L: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22L(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(1)(a)(i): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(1)(a)(ii): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(1)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(2): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(2)(a)(i)(A): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22L(2)(a)(i)(B): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22M Cost recovery for assessment under section 121 of Act**

- (1) An FMA participant is liable to pay for any actual and reasonable costs incurred by the EPA in making an assessment under section 121 of the Act in respect of any matters required to be in the FMA participant's emissions return, including (but not limited to) the costs associated with—
  - (a) establishing permanent sample plots at locations specified by the EPA:
  - (b) collecting the FMA information required for each permanent sample plot:
  - (c) obtaining forest sub-area information:
  - (d) using participant-specific tables produced by the EPA in reliance on the information collected to determine the emissions or removals from the FMA participant's carbon accounting areas.
- (2) An FMA participant is liable to pay for—
  - (a) any services carried out by the EPA:
  - (b) the actual and reasonable costs of services carried out by third parties on behalf of the EPA for the purposes of making the assessment (including any time spent travelling to carry out field-based services) plus the disbursements of the third parties at actual cost.
- (3) An FMA participant is liable to pay for any services carried out by the EPA for the purposes of making the assessment (including any time spent travelling to carry out field-based services) at the rate of \$132.88 per hour plus disbursements at actual cost.
- (4) Any costs payable under subclause (1), (2), or (3) must be paid to the EPA upon an invoice issued by or on behalf of the EPA and within the time specified in the invoice.
- (5) Despite subclause (4), the EPA may approve other arrangements for the payment of costs payable under subclause (1), (2), or (3).
- (6) The rate specified in subclause (3) is inclusive of goods and services tax under the Goods and Services Tax Act 1985.

Regulation 22M: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22M(1): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(1)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(1)(d): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(2)(a): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(2)(b): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(3): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(4): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

Regulation 22M(5): amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22N Form of certain documents**

To avoid doubt, any application, request, or notice under regulations 22A to 22M must be submitted, made, or given in the manner and be in the form and format, if any, prescribed by the EPA under section 90 of the Act.

Regulation 22N: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22N: amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

## **22O Transitional provision**

Despite anything in regulations 22A to 22N, an FMA participant may not submit any FMA information to the EPA before 1 September 2012 without the consent of the EPA.

Regulation 22O: inserted, on 1 September 2011, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Regulation 22O: amended, on 22 November 2012, by regulation 4 of the Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321).

### *Tree weed exemptions*

Heading: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

## **23 Designation of certain trees as tree weeds**

For the purposes of section 184(9)(b) of the Act, the trees listed in Schedule 7 are tree weeds.

Regulation 23: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).



## 24 Applications for declarations of exempt land

An application under section 184(3) of the Act for a declaration that pre-1990 forest land specified in the application is exempt land must be accompanied by the following information, in addition to the information required by section 184(4) of the Act:

- (a) the name and contact details of the applicant; and
- (b) documentation to establish the legal interest of the applicant in the pre-1990 forest land, including,—
  - (i) if the applicant is the landowner,—
    - (A) a copy of the record of title for the pre-1990 forest land; or
    - (B) if there is no record of title for the pre-1990 forest land, documentation that gives evidence of the applicant's interest in that land, such as the relevant Maori Land Court records; or
  - (ii) if the applicant is a third party for the purpose of section 180 of the Act, further documentation to verify the applicant's status as an eligible third party; and
- (c) the name and contact details of a person who is able to grant access to the pre-1990 forest land for the purpose of determining any matter relevant to the application; and
- (d) a declaration that, in relation to the pre-1990 forest land, the applicant—
  - (i) has not applied for, or been granted, an allocation of units under section 77 of the Act; and
  - (ii) has not applied for, or been granted, a declaration that the pre-1990 forest land is exempt land under section 183 of the Act; and
- (e) a declaration that all the information provided with the application is true and accurate to the best of the applicant's knowledge and belief.

Regulation 24: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 24(b)(i)(A): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Regulation 24(b)(i)(B): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## 25 Further information required in relation to application

- (1) An application made under section 184(3) of the Act must, in relation to the pre-1990 forest land specified in the application, include the following information:
  - (a) the tree weed species to which the application relates; and

- (b) the legal description of the pre-1990 forest land where the applicant proposes to undertake deforestation of tree weeds; and
  - (c) the total area in hectares of the pre-1990 forest land for which the applicant seeks a declaration that the land is exempt land; and
  - (d) the geospatial mapping information about the pre-1990 forest land; and
  - (e) any relevant characteristics in relation to the risk of seed dispersal, including (but not limited to)—
    - (i) the topography and slope of the pre-1990 forest land;
    - (ii) the direction of the prevailing wind and the exposure of the pre-1990 forest land to wind;
    - (iii) the use of any other land within 2 kilometres of the boundary of the pre-1990 forest land specified in the application.
- (2) An applicant may include any other relevant information that the applicant considers ought to be taken into account in determining the application.

Regulation 25: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

## **26 Information required in relation to land under statutory protection or control**

- (1) This regulation applies if any part of the pre-1990 forest land specified in the application is within an area for which there is—
- (a) a pest management plan, as defined in section 2(1) of the Biosecurity Act 1993; or
  - (b) a plan, policy, standard, or other document relating to the management of tree weeds prepared under any other enactment.
- (2) The application must include the name of the plan, policy, standard, or other document referred to in subclause (1).

Regulation 26: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Regulation 26(1)(a): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Regulation 26(2): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

## **27 Information required in relation to land within or near legally protected area**

- (1) This regulation applies if an applicant knows that any part of the pre-1990 forest land specified in the application—
- (a) is within a protected area; or
  - (b) is within 2 kilometres of a protected area.

- (2) The application must include the name of the protected area and the statutory basis for its protection.
- (3) In this section, **protected area** means an area where the natural, cultural, or historic values of the area are protected under an enactment.

Regulation 27: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

## **28 Other documentation to be included with application**

If a notice of any kind has been issued, or any other action taken, under any enactment against the applicant or any other person to require clearance of tree weeds on the pre-1990 forest land specified in the application, a copy of the notice or other documentation must be included with the application.

Regulation 28: added, on 2 July 2010, by regulation 9 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

## Schedule 1

### Regions

r 4

**Auckland** means the region encompassing—

- (a) the areas of land constituted by the Local Government (Auckland Region) Reorganisation Order 1989, *Gazette* 1989, p 2247 (as in force immediately before 1 January 1990) as—
  - (i) Auckland City; and
  - (ii) Franklin District; and
  - (iii) North Shore City; and
  - (iv) Manukau City; and
  - (v) Papakura District; and
  - (vi) Rodney District; and
  - (vii) Waitakare City; and
- (b) the areas of land constituted by the Local Government (Northland Region) Reorganisation Order 1989, *Gazette* 1989, p 2391 (as in force immediately before 1 January 1990) as—
  - (i) Far North District; and
  - (ii) Kaipara District; and
  - (iii) Whangarei District; and
- (c) the areas of land constituted by the Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460 (as in force immediately before 1 January 1990) as—
  - (i) Hauraki District; and
  - (ii) Thames–Coromandel District

**Bay of Plenty** means the region encompassing the areas of land constituted by the Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275 (as in force immediately before 1 January 1990) as—

- (a) Kawerau District; and
- (b) Opotiki District; and
- (c) Rotorua District; and
- (d) Tauranga District; and
- (e) Western Bay of Plenty District; and
- (f) Whakatane District

**Canterbury/West Coast** means the region encompassing—

- (a) the areas of land constituted by the Local Government (Canterbury Region) Reorganisation Order 1989, *Gazette* 1989, p 2296 (as in force immediately before 1 January 1990) as—
  - (i) Ashburton District; and
  - (ii) Banks Peninsula District; and
  - (iii) Christchurch City; and
  - (iv) Hurunui District; and
  - (v) Mackenzie District; and
  - (vi) Selwyn District; and
  - (vii) Timaru District; and
  - (viii) Waimakariri District; and
  - (ix) Waimate District; and
- (b) the areas of land constituted by the Local Government (West Coast Region) Reorganisation Order 1989, *Gazette* 1989, p 2517 (as in force immediately before 1 January 1990) as—
  - (i) Buller District; and
  - (ii) Grey District; and
  - (iii) Westland District; and
- (c) the area of land constituted by the Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375 (as in force immediately before 1 January 1990) as Kaikoura District; and
- (d) the area of land comprising the Chatham Islands Territory, as defined by section 5 of the Chatham Islands Council Act 1995 (as in force immediately before 1 January 1996)

**Gisborne** means the area of land constituted by the Local Government (Gisborne Region) Reorganisation Order 1989, *Gazette* 1989, p 2328 (as in force immediately before 1 January 1990) as Gisborne District

**Hawke’s Bay/Southern North Island** means the region encompassing—

- (a) the areas of land constituted by the Local Government (Hawke’s Bay Region) Reorganisation Order 1989, *Gazette* 1989, p 2334 (as in force immediately before 1 January 1990) as—
  - (i) Central Hawke’s Bay District; and
  - (ii) Hastings District; and
  - (iii) Napier City; and
  - (iv) Wairoa District; and
- (b) the areas of land constituted by the Local Government (Manawatu–Wanganui Region) Reorganisation Order 1989, *Gazette* 1989, p 2351 (as in force immediately before 1 January 1990) as—

- (i) Horowhenua District; and
  - (ii) Manawatu District; and
  - (iii) Palmerston North City; and
  - (iv) Rangitikei District; and
  - (v) Ruapehu District; and
  - (vi) Tararua District; and
  - (vii) Wanganui District; and
- (c) the areas of land constituted by the Local Government (Taranaki Region) Reorganisation Order 1989, *Gazette* 1989, p 2445 (as in force immediately before 1 January 1990) as—
- (i) New Plymouth District; and
  - (ii) South Taranaki District; and
  - (iii) Stratford District; and
- (d) the areas of land constituted by the Local Government (Wellington Region) Reorganisation Order 1989, *Gazette* 1989, p 2491 (as in force immediately before 1 January 1990) as—
- (i) Carterton District; and
  - (ii) Kapiti Coast District; and
  - (iii) Lower Hutt City; and
  - (iv) Masterton District; and
  - (v) Porirua City; and
  - (vi) South Wairarapa District; and
  - (vii) Upper Hutt City; and
  - (viii) Wellington City

**Nelson/Marlborough** means the region encompassing the areas of land constituted by the Local Government (Nelson–Marlborough Region) Reorganisation Order 1989, *Gazette* 1989, p 2375 (as in force immediately before 1 January 1990) as—

- (a) Marlborough District; and
- (b) Nelson City; and
- (c) Tasman District

**Otago** means the region encompassing the areas of land constituted by the Local Government (Otago Region) Reorganisation Order 1989, *Gazette* 1989, p 2408 (as in force immediately before 1 January 1990) as—

- (a) Central Otago District; and
- (b) Clutha District; and
- (c) Dunedin City; and

- (d) Queenstown–Lakes District; and
- (e) Waitaki District

**Southland** means the region encompassing the areas of land constituted by the Local Government (Southland Region) Reorganisation Order 1989, *Gazette* 1989, p 2430 (as in force immediately before 1 January 1990) as—

- (a) Gore District; and
- (b) Invercargill District; and
- (c) Southland District

**Waikato/Taupo** means the region encompassing the areas of land constituted by the Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* 1989, p 2460 (as in force immediately before 1 January 1990) as—

- (a) Hamilton City; and
- (b) Matamata–Piako District; and
- (c) Otorohanga District; and
- (d) South Waikato District; and
- (e) Taupo District; and
- (f) Waikato District; and
- (g) Waipa District; and
- (h) Waitomo District.

## Schedule 2

### Fees and charges payable for applications and other matters relating to post-1989 forest land

r 8

Schedule 2: substituted, on 19 June 2011, by regulation 12 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Matter for which fee or charge is payable	Fee or charge payable	Fee or charge payable by
1 Except where item 7 applies, application for registration as participant in respect of activity listed in Part 1 of Schedule 4 of Act	\$562.22 plus \$132.88 per hour in excess of 4.25 hours for checking and processing application	Applicant
2 Except where item 7 applies, submitting emissions return under section 189, 191, or 193 of Act	\$102.22 plus \$132.88 per hour in excess of 45 minutes for processing emissions return	Participant
3 Travel for purpose of checking that land is post-1989 forest land	\$132.88 per hour plus disbursements at actual cost	Applicant or participant
4 Except where item 7 applies, an application to add 1 or more carbon accounting areas	\$102.22 plus \$132.88 per hour in excess of 45 minutes for processing application	Participant
5 Application to remove 1 or more carbon accounting areas	No charge	—
6 Notification of transmission of interest	\$102.22 plus \$132.88 per hour in excess of 45 minutes for processing notification	Transferor
7 Application to be removed from the register as participant in respect of all carbon accounting areas for which participant is recorded as participant for activity in Part 1 of Schedule 4 of Act, combined with—	\$562.22 plus \$132.88 per hour in excess of 4.25 hours for processing applications and emissions returns	Participant
(a) submission of emissions return under section 191 of Act for those carbon accounting areas:		
(b) application to be registered as participant in relation to all the post-1989 forest land covered by return referred to in paragraph (a):		
(c) submission of emissions return under section 189(4A) of Act for all land referred to in paragraph (b)		



## Schedule 3

### Forms

rr 10(3)(a), 12(4)

#### Form 1

#### Notice of status of forest land

r 10(3)(a)

*Section 195, Climate Change Response Act 2002*

**To** the Registrar of the Maori Land Court at [*specify location of court*]/Registrar-General of Land/Registrar of Deeds\*

The following land/Part of the following land\* is—

- †pre-1990 forest land under the Climate Change Response Act 2002
- †post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Climate Change Response Act 2002
- †pre-1990 forest land that is exempt land under section 183 of the Climate Change Response Act 2002.

\*Select one.

†Select the paragraph that applies.

#### Description of land

[*Insert legal description of land that is pre-1990 forest land, post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Climate Change Response Act 2002, or exempt land under section 183 of the Climate Change Response Act 2002, or contains such land, including the record of title reference (if relevant).*]

Date:

Signature:

(authorised signatory)

Schedule 3 form 1: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 3 form 1: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

Form 2  
Cancellation or partial cancellation of notice

r 12(4)

*Section 195, Climate Change Response Act 2002*

**To** the Registrar of the Maori Land Court at [*specify location of court*]/Registrar-General of Land/Registrar of Deeds\*

Notice [*specify LTA or other reference number*] of [*date*] gave notice that the land/part of the land\* in Part A of the Schedule of this notice was—

- †pre-1990 forest land under the Climate Change Response Act 2002
- †post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Climate Change Response Act 2002
- †pre-1990 forest land that is exempt land under section 183 of the Climate Change Response Act 2002.

Please—

- †cancel that notice
- †cancel that notice in relation to the land in Part B of the Schedule of this notice.

\*Select one.

†Select the paragraph that applies.

Date:

Signature:

(authorised signatory)

***Schedule***

***Part A Description of land in regulation 10 notice***

[*Insert legal description of land from the previous notice under regulation 10.*]

***Part B Description of land that is not pre-1990 forest land, post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant, or exempt land***

*[Insert legal description of land that is not pre-1990 forest land, post-1989 forest land that forms part of a carbon accounting area in respect of which a person is a participant under the Climate Change Response Act 2002, or exempt land under section 183 of the Climate Change Response Act 2002, including the record of title reference (if relevant).]*

Schedule 3 form 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 3 form 2: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

**Schedule 4**  
**Tables of carbon stock per hectare for pre-1990 forest land**

rr 15(1), (2), 16

**Table 1**  
**Carbon stock per hectare for *Pinus radiata* by region**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
9	255	225	233	290	285	187	159	191	237
10	265	235	237	296	286	193	174	200	240
11	283	251	247	308	299	196	182	197	239
12	306	272	263	328	317	206	187	200	248
13	333	296	283	352	341	221	190	210	262
14	363	324	307	380	368	240	198	225	281
15	395	354	334	410	399	262	211	243	304
16	429	385	362	443	431	286	226	265	330
17	463	418	392	476	464	313	244	290	358
18	498	451	423	510	498	341	265	317	389
19	533	485	454	544	532	370	288	346	420
20	568	518	485	578	566	401	312	375	452
21	601	551	515	611	599	431	337	406	484
22	634	584	545	643	631	462	362	437	517
23	666	615	575	674	662	492	388	468	549
24	696	646	603	703	692	522	415	498	581
25	725	676	631	732	721	551	441	529	612
26	753	704	657	760	749	580	467	559	643
27	781	733	683	787	777	609	493	588	673
28	807	761	709	814	804	637	519	618	704
29	834	788	735	840	830	666	546	648	734
30	860	816	760	866	857	694	572	677	764
31	885	842	784	891	882	721	598	706	794
32	909	868	808	916	907	748	623	735	823
33	933	894	831	940	932	775	649	763	852
34	956	919	854	964	956	801	674	791	880
35	979	943	876	988	980	827	699	819	908
36	1 002	968	898	1 011	1 004	852	723	846	936
37	1 024	991	919	1 034	1 028	877	747	873	963
38	1 046	1 015	940	1 057	1 051	901	771	900	991
39	1 068	1 038	961	1 080	1 075	925	794	926	1 018
40	1 090	1 061	981	1 103	1 098	948	817	952	1 044
41	1 111	1 085	1 002	1 126	1 122	972	840	978	1 071
42	1 133	1 107	1 022	1 150	1 145	994	862	1 004	1 097
43	1 155	1 130	1 042	1 173	1 169	1 017	884	1 030	1 124
44	1 176	1 153	1 063	1 197	1 193	1 039	905	1 055	1 150
45	1 198	1 177	1 083	1 221	1 218	1 061	926	1 080	1 176

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
46	1 221	1 200	1 103	1 245	1 242	1 083	947	1 105	1 203
47	1 243	1 224	1 124	1 270	1 267	1 105	968	1 130	1 229
48	1 266	1 248	1 144	1 295	1 293	1 127	988	1 156	1 256
49	1 289	1 272	1 166	1 321	1 319	1 149	1 008	1 181	1 282
50	1 313	1 297	1 187	1 348	1 346	1 170	1 028	1 206	1 309

**Key**

**Ak** means Auckland

**BOP** means Bay of Plenty

**C/W** means Canterbury/West Coast

**Gis** means Gisborne

**H/SNI** means Hawke's Bay/Southern North Island

**N/M** means Nelson/Marlborough

**O** means Otago

**S** means Southland

**W/T** means Waikato/Taupo

**Table 2**  
**Carbon stock per hectare for Douglas fir, exotic softwoods, exotic hardwoods, and indigenous forest**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Douglas fir	Exotic softwoods	Exotic hardwoods	Indigenous forest
9	131	137	282	109
10	135	139	310	107
11	143	144	337	108
12	155	151	364	111
13	170	161	390	115
14	187	172	414	121
15	208	185	438	129
16	230	199	460	137
17	254	214	481	146
18	281	229	502	155
19	293	245	522	165
20	308	260	541	175
21	326	276	559	185
22	347	291	576	195
23	370	307	594	205
24	394	321	610	214
25	420	335	626	223

<b>Age (yrs)</b>	<b>Douglas fir</b>	<b>Exotic softwoods</b>	<b>Exotic hardwoods</b>	<b>Indigenous forest</b>
26	446	349	641	232
27	454	363	655	240
28	475	377	668	248
29	500	390	681	255
30	524	403	693	262
31	550	416	705	268
32	576	429	716	274
33	601	442	726	279
34	629	454	735	284
35	654	466	744	289
36	682	478		293
37	706	490		297
38	732	502		300
39	732	513		303
40	753	525		306
41	774	536		309
42	795	548		311
43	816	559		313
44	837	571		315
45	858	582		317
46	878	594		319
47	899	606		320
48	919	617		322
49	938	629		323
50	957	642		324
51	976			
52	995			
53	1 013			
54	1 032			
55	1 050			
56	1 068			
57	1 086			
58	1 103			
59	1 121			
60	1 138			
61	1 155			
62	1 171			
63	1 188			
64	1 204			
65	1 220			
66	1 235			
67	1 251			
68	1 266			
69	1 281			

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<b>Age (yrs)</b>	<b>Douglas fir</b>	<b>Exotic softwoods</b>	<b>Exotic hardwoods</b>	<b>Indigenous forest</b>
70	1 296			
71	1 310			
72	1 324			
73	1 338			
74	1 352			
75	1 366			
76	1 379			
77	1 392			
78	1 405			
79	1 417			
80	1 430			

Schedule 4 table 2: substituted, on 19 June 2011, by regulation 13 of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Schedule 4 table 2: amended, on 1 January 2016, by regulation 5 of the Climate Change (Forestry Sector) Amendment Regulations 2015 (LI 2015/217).

## Schedule 5

### Geospatial mapping information that must be submitted to EPA with specified documents

r 18

Schedule 5 heading: amended, on 5 December 2011, by section 53(2) of the Environmental Protection Authority Act 2011 (2011 No 14).

**Document**

Application to be registered as a participant under section 57 of the Act in respect of an activity listed in Part 1 of Schedule 4 of the Act

Application to add a carbon accounting area under section 188(3) of the Act

Application to remove land from a carbon accounting area under section 188(3) of the Act

Notice under section 188(3) of the Act that a person has ceased to carry out an activity listed in Part 1 of Schedule 4 of the Act in respect of part of a carbon accounting area

Notice under section 192(3) of the Act of—

- (a) transfer of post-1989 forest land, a registered forestry right, registered lease, or Crown conservation contract in relation to post-1989 forest land, if the transfer relates to part of a carbon accounting area; or
- (b) registration of a forestry right or lease over post-1989 forest land, or entry into a Crown conservation contract in relation to post-1989 forest land, if the forestry right or lease or Crown conservation contract relates to part of a carbon accounting area

**Geospatial mapping information**

Geospatial mapping information about each carbon accounting area in respect of which the applicant applies to be recorded as a participant

Geospatial mapping information about each carbon accounting area the participant is applying to add

Geospatial mapping information about the remaining carbon accounting area

Geospatial mapping information about each of—

- (a) the part of the carbon accounting area in respect of which the person has ceased to carry out the activity; and
- (b) the remainder of the carbon accounting area

Geospatial mapping information about each of—

- (a) the part of the carbon accounting area transferred, or covered by the transferred forestry right, lease, or Crown conservation contract; or in respect of which a forestry right or lease is registered, or Crown conservation contract is entered into; and
- (b) the remainder of the carbon accounting area



**Document**

Notice under section 192(3) of the Act of expiry or termination of a registered forestry right, registered lease, or Crown conservation contract that relates to part of a carbon accounting area

**Geospatial mapping information**

Geospatial mapping information about each of—

- (a) the part of the carbon accounting area in respect of which the registered forestry right, lease, or Crown conservation contract expired or was terminated; and
- (b) the remainder of the carbon accounting area

Schedule 5: amended, on 1 October 2010, by regulation 10(1) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Schedule 5: amended, on 1 October 2010, by regulation 10(2) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Schedule 5: amended, on 1 October 2010, by regulation 10(3) of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

**Schedule 6**  
**Tables of carbon stock per hectare for post-1989 forest land**

rr 21, 22

**Table 1**  
**Carbon stock per hectare for *Pinus radiata* by region**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1	0.5	0.4	0.4	0.6	0.5	0.2	0.2	0.3	0.2
2	3	3	2	4	3	1	1	2	1
3	8	7	6	10	9	3	2	5	3
4	29	25	24	37	34	12	5	9	14
5	59	50	51	77	71	28	15	26	35
6	98	84	84	121	113	48	31	49	65
7	131	111	118	162	155	73	53	72	99
8	153	130	143	190	185	100	76	94	134
9	166	142	155	201	197	117	101	124	160
10	188	163	169	219	210	132	125	141	174
11	217	188	188	242	233	144	139	146	181
12	249	218	212	270	260	161	150	156	198
13	283	249	239	302	291	182	158	172	219
14	320	283	269	336	325	206	170	192	244
15	357	318	300	372	361	232	186	214	272
16	396	354	333	410	398	260	205	240	302
17	435	391	367	447	436	290	226	268	334
18	473	428	401	485	473	322	249	298	367
19	511	464	435	522	510	353	274	329	401
20	549	500	468	558	547	386	300	361	435
21	585	536	501	594	582	418	326	394	470
22	620	570	533	628	617	450	353	426	504
23	653	603	564	661	650	482	380	458	538
24	685	636	593	692	681	513	408	490	571
25	715	666	622	722	712	543	435	521	604
26	745	696	650	751	741	573	461	552	635
27	773	726	677	779	769	603	488	583	667
28	801	755	704	807	797	632	515	613	698
29	828	783	730	834	825	661	542	644	729
30	855	811	755	861	852	690	569	674	760
31	880	838	780	886	878	718	595	703	790
32	905	865	804	912	903	745	621	732	820
33	930	891	828	937	929	772	647	761	849

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
34	954	916	851	961	953	799	672	789	878
35	977	941	873	985	978	825	697	817	906
36	1 000	965	896	1 009	1 002	850	722	845	934
37	1 022	990	917	1 032	1 026	875	746	872	962
38	1 044	1 013	938	1 055	1 050	900	770	899	989
39	1 066	1 037	959	1 079	1 073	924	793	925	1 016
40	1 088	1 060	980	1 102	1 097	947	816	951	1 043
41	1 110	1 083	1 001	1 125	1 121	971	839	978	1 070
42	1 132	1 106	1 021	1 148	1 144	994	861	1 003	1 097
43	1 154	1 130	1 042	1 172	1 168	1 016	883	1 029	1 123
44	1 176	1 153	1 062	1 196	1 192	1 039	905	1 054	1 149
45	1 198	1 176	1 082	1 220	1 217	1 061	926	1 080	1 176
46	1 220	1 199	1 103	1 244	1 242	1 083	947	1 105	1 202
47	1 243	1 223	1 123	1 269	1 267	1 105	967	1 130	1 229
48	1 266	1 247	1 144	1 295	1 292	1 126	988	1 155	1 255
49	1 289	1 272	1 165	1 321	1 319	1 148	1 008	1 181	1 282
50	1 313	1 296	1 187	1 347	1 345	1 170	1 028	1 206	1 309

**Key**

**Ak** means Auckland

**BOP** means Bay of Plenty

**C/W** means Canterbury/West Coast

**Gis** means Gisborne

**H/SNI** means Hawke's Bay/Southern North Island

**N/M** means Nelson/Marlborough

**O** means Otago

**S** means Southland

**W/T** means Waikato/Taupo

Schedule 6 table 1: amended, on 19 June 2011, by regulation 14(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

**Table 2**

**Carbon stock per hectare for Douglas fir, exotic softwoods, exotic hardwoods, and indigenous forest**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Douglas fir	Exotic softwoods	Exotic hardwoods	Indigenous forest
0	0.0	0.0	0.0	0.0
1	0.1	0.2	0.1	0.6
2	0.1	1	3	1.2

<b>Age (yrs)</b>	<b>Douglas fir</b>	<b>Exotic softwoods</b>	<b>Exotic hardwoods</b>	<b>Indigenous forest</b>
3	0.4	3	13	2.5
4	1	12	34	4.6
5	2	26	63	7.8
6	4	45	98	12.1
7	7	63	137	17.5
8	20	77	176	24.0
9	33	87	214	31.6
10	50	95	251	40.2
11	69	106	286	49.8
12	90	118	320	60.3
13	113	132	351	71.5
14	138	147	381	83.3
15	165	163	409	95.5
16	193	180	435	108.1
17	222	197	459	120.8
18	253	214	483	133.6
19	268	232	505	146.3
20	286	249	526	158.7
21	307	266	546	170.9
22	331	283	565	182.6
23	355	299	584	193.9
24	382	315	601	204.7
25	409	330	618	215.0
26	436	344	633	224.6
27	445	359	648	233.7
28	468	373	661	242.2
29	493	387	674	250.1
30	518	400	685	257.5
31	545	414	696	264.3
32	572	427	706	270.6
33	597	440	714	276.3
34	625	452	722	281.6
35	650	465	729	286.5
36	679	477		290.9
37	704	489		295.0
38	730	501		298.7
39	730	512		302.0
40	751	524		305.1
41	772	536		307.8
42	794	547		310.4
43	815	559		312.6
44	836	570		314.7
45	857	582		316.5
46	878	593		318.2

Age (yrs)	Douglas fir	Exotic softwoods	Exotic hardwoods	Indigenous forest
47	898	605		319.7
48	918	617		321.1
49	938	629		322.3
50	957	641		323.4

Schedule 6 table 2: amended, on 1 January 2016, by regulation 6(1) of the Climate Change (Forestry Sector) Amendment Regulations 2015 (LI 2015/217).

Schedule 6 table 2: amended, on 19 June 2011, by regulation 14(1) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Schedule 6 table 2: amended, on 1 October 2010, by regulation 11 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

**Table 3**  
**Carbon stock per hectare in above ground residual wood and below ground roots from cleared *Pinus radiata* by region**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1	0.5	0.4	0.4	0.6	0.5	0.2	0.2	0.3	0.2
2	3	3	2	4	3	1	1	2	1
3	8	7	6	10	9	3	2	5	3
4	29	25	24	37	34	12	5	9	14
5	48	44	43	55	52	28	15	26	35
6	69	61	61	81	77	43	31	43	50
7	92	82	82	108	104	57	44	57	68
8	113	99	103	134	130	71	56	72	88
9	128	112	121	155	150	89	71	84	111
10	133	117	131	165	160	100	85	105	130
11	140	124	134	167	163	112	101	119	141
12	150	133	139	173	168	115	112	124	142
13	161	143	146	180	175	120	123	124	145
14	173	155	155	190	185	126	122	128	151
15	186	167	164	201	195	134	125	133	158
16	199	180	175	212	207	143	128	141	167
17	213	193	186	224	219	153	134	149	177
18	227	206	198	237	232	164	140	159	187
19	241	220	210	249	244	175	147	169	199
20	254	233	222	262	257	187	156	180	211
21	268	246	233	274	269	199	164	191	223
22	281	259	245	287	282	210	174	202	235
23	293	272	257	298	293	222	183	214	248
24	305	284	268	310	305	234	193	226	260
25	317	296	278	321	316	245	203	237	272

Age (yrs)	Ak	W/T	BOP	Gis	H/SNI	N/M	C/W	O	S
26	328	308	289	331	327	257	213	249	284
27	339	319	299	342	337	268	223	260	296
28	350	331	310	352	348	280	233	272	308
29	360	342	320	363	358	291	243	283	319
30	371	353	330	373	369	302	253	295	331
31	382	365	340	384	379	314	264	307	344
32	392	376	351	394	390	326	276	319	356
33	403	387	361	405	401	338	287	332	369
34	413	398	371	415	411	349	298	343	381
35	423	409	380	425	421	361	308	355	393
36	433	420	390	435	431	372	319	367	405
37	443	430	399	445	441	383	330	379	417
38	452	441	409	455	452	393	340	390	429
39	462	451	418	465	462	404	351	402	440
40	471	461	427	475	472	414	361	413	452
41	481	472	436	485	482	425	371	424	464
42	491	482	445	495	492	435	381	436	475
43	500	492	454	505	503	445	391	447	487
44	510	502	463	516	513	455	401	458	498
45	520	513	472	526	524	465	410	469	510
46	530	523	481	537	535	475	420	480	521
47	540	534	491	548	546	485	429	491	533
48	550	545	500	559	557	495	438	502	545
49	561	556	510	571	568	504	447	513	557
50	571	567	519	583	580	514	457	525	569

**Key****Ak** means Auckland**BOP** means Bay of Plenty**C/W** means Canterbury/West Coast**Gis** means Gisborne**H/SNI** means Hawke's Bay/Southern North Island**N/M** means Nelson/Marlborough**O** means Otago**S** means Southland**W/T** means Waikato/Taupo

Schedule 6 table 3: amended, on 1 January 2013, by regulation 13(1) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).

**Table 4**  
**Carbon stock per hectare in above ground residual wood and below ground roots from cleared Douglas fir, exotic softwoods, exotic hardwoods, and indigenous forest**

*(expressed as tonnes of carbon dioxide per hectare)*

Age (yrs)	Douglas fir	Exotic softwoods	Exotic hardwoods	Indigenous forest
0	0	0.0	0.0	0
1	0.1	0.2	0.1	0.6
2	0.1	1	3	1.2
3	0.4	3	13	2.5
4	1.1	12	34	4.6
5	2.2	26	48	7.8
6	4.0	41	64	12
7	6.5	52	83	18
8	20	64	101	24
9	33	73	119	32
10	41	80	136	33
11	50	83	152	36
12	59	86	166	39
13	69	90	178	43
14	79	94	190	48
15	90	99	200	52
16	102	104	210	57
17	114	110	219	62
18	126	116	227	67
19	161	122	234	88
20	164	128	242	91
21	169	134	248	94
22	176	140	255	97
23	183	146	262	100
24	192	152	268	103
25	202	157	274	106
26	211	163	280	109
27	223	168	285	117
28	229	174	290	119
29	238	179	295	121
30	247	184	299	123
31	257	190	303	124
32	267	196	307	126
33	276	202	311	128
34	287	208	314	129
35	297	213	317	131
36	309	219		132

<b>Age (yrs)</b>	<b>Douglas fir</b>	<b>Exotic softwoods</b>	<b>Exotic hardwoods</b>	<b>Indigenous forest</b>
37	318	224		133
38	329	230		135
39	338	235		140
40	346	240		140
41	353	246		141
42	361	251		141
43	369	256		142
44	377	262		142
45	386	267		142
46	394	273		143
47	402	278		143
48	410	284		143
49	418	289		144
50	426	295		144

Schedule 6 table 4: substituted, on 19 June 2011, by regulation 14(2) of the Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138).

Schedule 6 table 4: amended, on 1 January 2016, by regulation 6(2) of the Climate Change (Forestry Sector) Amendment Regulations 2015 (LI 2015/217).

Schedule 6 table 4: amended, on 1 January 2013, by regulation 13(2) of the Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398).



## Schedule 7

### Forest species that are tree weeds

r 23

Schedule 7: added, on 2 July 2010, by regulation 12 of the Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183).

Alder species (*Alnus* spp)

Ash (*Fraxinus excelsior*)

Birch species (*Betula* spp):

Hairy/White birch (*B. pubescens*)

Silver birch (*B. pendula*)

Cedar species (*Cedrus* spp):

Atlas cedar (*C. atlantica*)

Deodar cedar (*C. deodara*)

Douglas fir (*Pseudotsuga menziesii*)

Larch species (*Larix* spp):

European larch (*L. decidua*)

Japanese larch (*L. kaempferi*)

Lawson's cypress (*Chamaecyparis lawsoniana*)

Leyland cypress (*Cupressocyparis leylandii*)

Pine species (*Pinus* spp):

Big cone pine (*P. coulteri*)

Bishop pine (*P. muricata*)

Contorta or lodgepole pine (*P. contorta*)

Corsican pine (*P. nigra*)

Dwarf mountain pine (*P. mugo*)

Maritime pine (*P. pinaster*)

Mexican weeping pine (*P. patula*)

Mountain pine (*P. uncinata*)

Ponderosa pine (*P. ponderosa*)

Radiata pine (*P. radiata*)

Scots pine (*P. sylvestris*)

Western white pine (*P. monticola*)

Poplar species (*Populus* spp)

Redwood (*Sequoia sempervirens*)

Rowan (*Sorbus aucuparia*)

Sierra redwood (*Sequoiadendron giganteum*)

Sycamore (*Acer pseudoplatanus*)

Western hemlock (*Tsuga heterophylla*)

Western red cedar (*Thuja plicata*)

Wild cherry or gean (*Prunus avium*)

Willow species (*Salix* spp):

Crack willow (*S. fragilis*)

Grey willow (*S. cinerea*)

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 2 October 2008.

## **Reprints notes**

### **1    *General***

This is a reprint of the Climate Change (Forestry Sector) Regulations 2008 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Land Transfer Act 2017 (2017 No 30): section 250

Climate Change (Forestry Sector) Amendment Regulations 2016 (LI 2016/216)

Climate Change (Forestry Sector) Amendment Regulations 2015 (LI 2015/217)

Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012 (SR 2012/398)

Climate Change (Forestry Sector) Amendment Regulations 2012 (SR 2012/321)

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Environmental Protection Authority Act 2011 (2011 No 14): section 53(2)

Climate Change (Forestry Sector) Amendment Regulations 2011 (SR 2011/138)

Climate Change (Forestry Sector) Amendment Regulations 2010 (SR 2010/183)

Climate Change Response (Moderated Emissions Trading) Amendment Act 2009 (2009 No 57): section 88(2)