



Climate Change (Forestry Sector) Amendment Regulations 2016

Hon Sir William Young, Administrator of the Government

Order in Council

At Wellington this 26th day of September 2016

Present:

His Excellency the Administrator of the Government in Council

These regulations are made under sections 163 and 168 of the Climate Change Response Act 2002—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Climate Change Issues made after complying with the requirements of sections 3A(g), 163(5), and 166 of that Act.

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Regulations

1 Title

These regulations are the Climate Change (Forestry Sector) Amendment Regulations 2016.

2 Commencement

These regulations come into force on 1 January 2017.

3 Principal regulations

These regulations amend the Climate Change (Forestry Sector) Regulations 2008 (the **principal regulations**).

4 Regulation 4 amended (Interpretation)

In regulation 4(1), definition of **sub-area**, after paragraph (a)(iii), insert:

- (iv) that, in relation to determining an area of deforestation, comprises land that is cleared in a single year; and

5 Regulation 15 amended (Method of calculating emissions for deforestation of pre-1990 forest land)

In regulation 15(1), replace the formula with:

$$E = A \times C$$

6 Regulation 15A amended (Offsetting forest land applications)

In regulation 15A(6), replace the formula with:

$$T = A \times C$$

7 Regulation 16 amended (Rules for application of tables in Schedule 4)

- (1) In regulation 16(a), after “regeneration of the tree”, insert “in its final location”.

- (2) Replace the example in regulation 16(a) with:

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.

8 Regulation 21 amended (Calculation of carbon stock)

- (1) In regulation 21(2), replace the formula with:

$$T_1 = A \times C$$

- (2) In regulation 21(3), replace the formula with:

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

- (3) In regulation 21(3), replace the item relating to Y with:

T_{sc} 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)

9 Regulation 22 amended (Rules for application of tables in Schedule 6 or participant-specific tables)

- (1) In regulation 22(a), after “regeneration of the tree”, insert “in its final location”.
- (2) Replace the example in regulation 22(a) with:

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.

10 Regulation 22F amended (Application for allocation of new permanent sample plots)

- (1) Replace regulation 22F(1) with:
 - (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) After regulation 22F(3), insert:
 - (4) Subclause (3)(b) does not apply if the emissions return is submitted under section 189(3) of the Act.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 January 2017, amend the Climate Change (Forestry Sector) Regulations 2008.

The amendments—

- clarify the definition of sub-area:
- clarify how to calculate the age of a tree:
- clarify how to calculate carbon stocks:
- remove an unnecessary restriction relating to applications for the allocation of new permanent sample plots.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 September 2016.

These regulations are administered by the Ministry for the Environment.