



# PRE-1990 TREE WEED EXEMPTIONS UNDER THE EMISSIONS TRADING SCHEME

Owners of pre-1990 forest land are subject to obligations under the Emissions Trading Scheme (ETS) if they deforest. However, they can apply to be exempt from obligations if the forest on their land is predominantly comprised of naturally regenerating species classified as a tree weed.

A third party may also apply for a tree weed exemption when the right to deforest has been vested in the third party and the landowner has no control over the decision.

## TREE WEED EXEMPTION

Forest species classified as tree weeds are often deforested to protect the amenity, recreational, ecological and economical values of the surrounding landscape.

The Crown is able to grant exemptions for carbon emissions from tree weed deforestation in every five-year period. Tree weed exemptions are available during particular periods which are set out in public notices. An exemption is valid during specific five-year periods.<sup>1</sup> Applications are criteria and assessment based, and must be made to the Ministry for Primary Industries.

## DEADLINE FOR APPLICATIONS

The fourth round of tree weed exemption applications closed on 31 December 2013. This was for deforestation of tree weeds that has occurred, or will occur, between 1 January 2013 and 31 December 2017. Should you wish to apply for a tree weed exemption please contact MPI on **0800 CLIMATE** or [climatechange@mpi.govt.nz](mailto:climatechange@mpi.govt.nz).

No fees are charged for tree weed exemption applications made before 31 December 2013.

## EXEMPTIONS APPLY TO A SPECIFIC (MAPPED) AREA

Exempt land may be deforested at any time during the five-year period in which the tree weed exemption is issued. There are no obligations under the ETS for the carbon emitted from this deforestation. If conditions of exemption are met, further clearance may be completed in the future without the need to reapply. Exempt land is not affected by land ownership changes, i.e. the exemption travels with the land.

## CONDITIONS FOR TREE WEED EXEMPTIONS

Clearing must begin within 24 months of the date of the exemption. It must be completed by the end of the five-year period in which the exemption is granted.

If this clearing does not happen, the exemption lapses and the land loses its exempt status. Any deforestation that occurs before the land loses its exempt status will not incur ETS obligations. However, a new exemption must be applied for to deforest without ETS obligations in the future.

A landowner cannot receive a tree weed exemption if they have received either:

- an allocation of New Zealand Units under the Pre-1990 Forest Land Allocation Plan; or
- a less than 50 hectare exemption.

## APPLY FOR A TREE WEED EXEMPTION

Multiple **applications for tree weed exemptions** can be submitted. Where forest characteristics are significantly different applicants should consider how they group application areas, as areas submitted in the same application will have **average** values applied for each criterion.

## HOW ARE APPLICATIONS ASSESSED?

Once applications have been received, they are checked:

- for completeness;
- that the applicant is the legal owner or a legitimate third party;
- that the land is pre-1990 forest land;
- that the forest species is a tree weed species.

All applications for tree weed exemption are assessed against five criteria to ensure they are legitimate. These criteria are used to prioritise applications to ensure exemptions are granted to the highest priority cases. The criteria are:

- tree weed species spreading vigour;
- the risk of distant seed dispersal due to site features;
- surrounding land use, that is, the risk of new tree weeds establishing;
- surrounding areas of value – to protect areas of value within 2 km of the application site; and
- other factors that may contribute to how the tree weed area should be prioritised.

<sup>1</sup> These periods occur every five years beginning 1 January 2008.

### GRANTING OF EXEMPTIONS

All, part, or none of the area applied for **may** be granted an exemption. Exemptions for only part of an application area may be granted, depending on the number of applications received and the priority of those other applications.

The Ministry for Primary Industries aims to advise applicants of a decision within six weeks of their submitting a completed application.

Successful applicants will receive a notice declaring the area to be exempt. This should be kept for future reference.

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### DISCLAIMER

The information in this publication has no statutory or regulatory effect and is of a guidance nature only. The information should not be relied on as a substitute for the wording of the Climate Change Response Act 2002.

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**For help, call us on  
0800 CLIMATE (0800 25 46 28)  
[www.mpi.govt.nz](http://www.mpi.govt.nz)**

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