



Spatial Intelligence Policy and Process Overview: Post-1989 Land Eligibility Assessments

Policy owner:	Director Forestry and Land Management
Policy manager:	Manager Spatial Intelligence
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Next review:	Two years from approval date

OVERVIEW

PURPOSE

1. This document outlines the policy that Te Uru Rākau follows in assessing and determining land eligibility of applications to:
 - register post-1989 forest land in the Emissions Trading Scheme (ETS); or
 - add one or more carbon accounting areas (CAA) to an ETS participant's registered post-1989 forest land.
2. This document also provides an overview of the land eligibility assessment process.

BACKGROUND

3. Section 57 of the Climate Change Response Act 2002 (the Act) sets out the requirements for an applicant¹ to be registered as a participant in respect of activities listed in Schedule 4.
4. Te Uru Rākau² must register an applicant if it is satisfied that the applicant:
 - is carrying out the activity specified in Part 1 of Schedule 4 of the Act in the year in which the application is received, or
 - will carry out the activity in the year in which the applicant's registration takes effect.
5. Te Uru Rākau assesses all applications submitted under section 57 of the Act to register in the ETS in respect of a post-1989 forestry activity as specified in Part 1 of Schedule 4 of the Act.
6. Te Uru Rākau also assesses all applications submitted under section 188(3) of the Act to add one or more CAA to an applicant's registered post-1989 forest land.

¹ For the purpose of this policy, an 'applicant' means a person or persons applying to register or add post-1989 forest land in the ETS. An 'application submitter' means the person who submitted an application, either the applicant or the applicant's approved authorised representative.

² Te Uru Rākau is a branch of the Ministry for Primary Industries (MPI). MPI has delegated authority from the Environmental Protection Authority to administer the ETS for forestry.

7. Land must meet the definition of post-1989 forest land in section 4 of the Act to be registered in the ETS in respect of a post-1989 forestry activity.
8. An application area must be mapped in accordance with the [Geospatial Mapping Information Standard](#).

KEY ACCOUNTABILITIES

9. The Environmental Protection Authority (EPA) has the principal authority under the Act to administer operational aspects of the ETS.
10. The Director-General of the Ministry for Primary Industries (MPI) has authority delegated from the EPA to administer all aspects of the ETS that relate to forestry. This authority has been formally sub-delegated within MPI to specified Te Uru Rākau staff (see *Ownership and Responsibilities* below), including authority to determine applications to be registered as a participant in respect of carrying out post-1989 forestry activity.
11. The Climate Change Operations Team within Te Uru Rākau is responsible for liaising between application submitters and the Spatial Intelligence Team.
12. The Spatial Intelligence Team within Te Uru Rākau is responsible for completing spatial assessments of land eligibility and providing the decision maker with a summary of any completed spatial assessment.
13. Te Uru Rākau staff are responsible for ensuring that all applications under sections 57 and 188(3) of the Act are processed and that all application submitters are notified of decisions in a timely manner³.
14. Those with a delegated authority are accountable for any decisions they make under delegated authority, and they must ensure that their decisions are made within the scope of the authority.

POLICY STATEMENT

15. Te Uru Rākau must determine whether an application area meets the conditions for registration, including the definition of post-1989 forest land under section 4 of the Act.
16. All applications submitted to Te Uru Rākau for registration or addition of land in respect of a post-1989 forestry activity in the ETS are assessed independently of any previous application(s) in respect of all or part of the application area. Former registration as post-1989 forest land in the ETS is not conclusive evidence that all or part of the application area is eligible for registration as post-1989 forest land.
17. In undertaking an eligibility assessment, Te Uru Rākau must consider all relevant information available to it at the time of the assessment and disregard any irrelevant

³ The Act does not specify a timeframe in which Te Uru Rākau must determine an application under section 57 or section 188(3) of the Act.

information. This includes any information supplied by the application submitter, and any other new information available to Te Uru Rākau.

SCOPE

18. This policy applies to all applications received by Te Uru Rākau to register post-1989 forest land in the ETS or to add a CAA or multiple CAA to an existing post-1989 registration.

LAND ELIGIBILITY ASSESSMENT PROCESS

Preliminary land eligibility assessment

- a. The purpose of a preliminary land eligibility assessment is to determine whether Te Uru Rākau is satisfied that all of an application area is eligible post-1989 forest land. If Te Uru Rākau is not satisfied all or part of an application area is eligible, the application submitter may provide additional information (see *Providing additional information*).
- b. The Spatial Intelligence Team assesses each post-1989 ETS application based on all relevant information available to Te Uru Rākau at the time of application assessment, including any information provided by the application submitter in support of the application. The assessment includes ensuring the application area does not overlap with any other forestry activity.
- c. A preliminary land eligibility assessment must be internally reviewed if the assessment finds that Te Uru Rākau is not satisfied that more than 20% of the application area is eligible post-1989 forest land.
- d. Internal review of a preliminary land eligibility assessment must be undertaken by GIS analyst(s) not directly involved in the preliminary land eligibility assessment. The purpose of internal review is to check the validity of the assessment and to ensure consistency across land eligibility assessments.

Preliminary land eligibility assessment document

- e. If the preliminary land eligibility assessment finds that all of the application area is eligible to be registered in the ETS as post-1989 forest land, Te Uru Rākau will not provide the application submitter with a preliminary land eligibility assessment document. Instead, Te Uru Rākau will provide the application submitter with a final decision document which includes the outcome of the assessment (proceed to *Final Decision*).
- f. If Te Uru Rākau is not satisfied that all areas of land within an application meet the eligibility criteria for post-1989 forest land within the ETS, Te Uru Rākau will send a preliminary assessment document to the application submitter. This document details the part(s) of the application area that Te Uru Rākau is not satisfied meets the criteria for post-1989 forest land in the ETS, and the reason(s) why.

Providing additional information

- g. An application submitter who has received a preliminary land eligibility assessment document may provide additional information to Te Uru Rākau within 20 working days of Te Uru Rākau issuing the preliminary assessment document. The exact date is specified in the preliminary assessment document.

- h. If the application submitter supplies additional information to Te Uru Rākau, it should relate to the part(s) of the application area in respect of which Te Uru Rākau is not satisfied that the land meets the criteria for post-1989 forest land. Te Uru Rākau will not consider additional information that does not relate to the area in question.
- i. If the application submitter does not provide additional information within 20 working days of Te Uru Rākau issuing the preliminary land eligibility assessment document, Te Uru Rākau will issue a final decision document to the application submitter (proceed to *Final Decision*).
- j. Relevant additional information may include, but is not limited to, the following:
- aerial imagery, including the date of capture;
 - planting records showing the stand establishment year;
 - current ground or oblique photographs with an indication of the location and direction of the photographs provided;
 - stand records or land management reports, such as burning permits, scrub cutting, weed spraying;
 - inventory data reports;
 - Te Uru Rākau destructive sampling;
 - Te Uru Rākau site visit reports;
 - evidence of land management practises;
 - forestry consultant reports;
 - council documentation;
 - real estate reports;
 - farm records;
 - ecological reports; and
 - publications about the application area.
- k. Submission of further information does not guarantee that the information supplied will be sufficient to satisfy Te Uru Rākau that those areas of land outlined in the preliminary assessment document are eligible post-1989 forest land.

Final land eligibility assessment

- l. If an application submitter submits further information within 20 working days of Te Uru Rākau issuing a preliminary land eligibility assessment document (or within a further period agreed to by Te Uru Rākau), Te Uru Rākau will complete a final land eligibility assessment and send the participant a final decision document (see *Final decision* below).
- m. If a final land eligibility assessment is to be undertaken, Spatial Intelligence re-assesses the application area with all relevant information available to Te Uru Rākau.
- n. If further information is provided by the application submitter but this information does not satisfy Spatial Intelligence that all of the application area is eligible post-1989 forest land, an internal review of the assessment is undertaken to check the validity of the assessment and to ensure consistency across land eligibility assessments.
- o. Upon completion of an eligibility assessment, Spatial Intelligence provides the decision maker with a summary of the final assessment and recommendation(s) to approve or decline all or parts of the application area.

Final decision

- p. The decision maker determines what areas in the application are to be approved or declined based on the summary and recommendation(s) provided by Spatial Intelligence. This decision is summarised in the final decision document.
- q. Te Uru Rākau sends the final decision document to the application submitter.

OWNERSHIP AND RESPONSIBILITIES

Role	Responsibilities	Delegation
Director Forestry and Land Management	Approve applications under delegated authority.	Yes
Manager Climate Change Operations	Approve applications under delegated authority.	Yes
Manager Spatial Intelligence	Oversee the application assessment process.	No
Team Leader Climate Change Operations	Approve applications under delegated authority.	Yes
Team Leader Spatial Intelligence	Oversee the application assessment process. Provide feedback and guidance. Undertake reviews where required.	No
Climate Change Operations Analysts	Liaise between application submitters and Spatial Intelligence.	No
GIS Analyst Spatial Intelligence	Carry out eligibility assessments based on all relevant information available at the time. Undertake internal reviews where required.	No
Te Uru Rākau Regional Staff	Carry out site visits and provide recommendations of eligibility where appropriate.	No
ETS Forestry Contact Centre	Communicate outcomes of assessments to application submitters.	No

DEFINITIONS AND ACRONYMS

Term/Acronym	Meaning
destructive sampling	Destructive sampling is a method of determining the likely age of a tree by counting rings on cross-section discs taken from trees in different sample sites. Together with photographic evidence, this can be used to determine the date of forest establishment.
site visit	Te Uru Rākau field staff may visit a property to collect information to assist a review. A GIS analyst may recommend to the Team Leader Climate Change Operations that a site visit takes place. If a site visit is to be carried out, the GIS analyst will outline the issues that need to be clarified by the site visit.
application area	The area of land that is the subject of an application for registration as post-1989 forest land in the Emissions Trading Scheme.

FURTHER GUIDANCE AND INFORMATION

- Climate Change Response Act 2002
<http://www.legislation.govt.nz/act/public/2002/0040/latest/DLM158584.html>
- Climate Change (Forestry Sector) Regulations 2008
<http://legislation.govt.nz/regulation/public/2008/0355/74.0/DLM1633759.html>
- A Guide to Mapping Forest Land for the Emissions Trading Scheme
<https://www.teururakau.govt.nz/dmsdocument/4765-a-guide-to-mapping-forest-land-for-the-emissions-trading-scheme>
- Geospatial Mapping Information Standard
<https://www.teururakau.govt.nz/dmsdocument/4756-geospatial-mapping-information-standard-emissions-trading-scheme-forestry>
- Operational Policy: Section 144 Requests for Review
<https://www.mpi.govt.nz/dmsdocument/34824>
- Spatial Intelligence Policy and Process Overview: Section 144 Reviews (Post-1989 Eligibility)
<https://www.mpi.govt.nz/dmsdocument/34827>