



FOREST AND NATURE CONSERVATION RULES AND REGULATIONS OF BHUTAN, 2017

Fire Rooster Year



Royal Government of Bhutan
Ministry of Agriculture and Forests
Department of Forests and Park Services
Thimphu

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FOREWORD

ACKNOWLEDGEMENT

FOREST AND NATURE CONSERVATION RULES & REGULATIONS OF BHUTAN, 2017

In exercise of the powers and duties conferred under the Forest and Nature Conservation Act of Bhutan, 1995; Minister, Ministry of Agriculture and Forests, Royal Government of Bhutan, hereby promulgates the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017.

All government notifications, circulars, orders and earlier rules are hereby superseded by the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017 with effect from January 2017.

First Edition,	2000
Second Edition,	2003
Third Edition,	2006
Fourth Edition,	2017

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ACRONYMS

CF:	Community Forest
CFMG:	Community Forest Management Group
CFO:	Chief Forest Officer
CIC:	Community Information Centre
CID:	Citizenship Identity Card
COSDTMO:	Certificate of Origin cum Stump to Depot Timber Movement Order
CSO:	Civil Society Organization
DLRO:	Dzongkhag Land Record Officer
EIA:	Environment Impact Assessment
FMU:	Forest Management Unit
FNCRR:	Forest and Nature Conservation Rules and Regulations
FIMS:	Forest Information Management System
GPFMO:	General Forest Produce Movement Order
ITMO:	Internal Timber Movement Order
M&E:	Monitoring and Evaluation
MoEA:	Ministry of Economic Affairs
NMC:	National Mushroom Centre
NRPC:	National Resources Pricing Committee
NRDCL:	Natural Resources Development Corporation Limited
NWFP:	Non Wood Forest Produce
NWFMG:	Non Wood Forest Management Group
PA:	Protected Area
PF:	Private Forest
RA:	Recreational Area
RO:	Range Officer
SRFL:	State Reserved Forest Land
TAC:	Technical Advisory Committee
WS:	Working Scheme

FOREST AND NATURE CONSERVATION RULES AND REGULATIONS OF BHUTAN, 2017

Preamble

In exercise of authority conferred by Forest and Nature Conservation Act, 1995, the Minister, Ministry of Agriculture and Forests hereby formulate and adopt Forest and Nature Conservation Rules and Regulations of Bhutan, 2017 to facilitate the effective implementation of the provisions contained therein.

CHAPTER-I

INTRODUCTORY PROVISIONS

Title, Extent and Commencement

1. This Rules and Regulations shall:
 - (1) be called the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017;
 - (2) extend to the whole of the Kingdom of Bhutan unless otherwise stated that a provision specifically referred to or is limited to one or more specific regions of the country; and
 - (3) come into force on January 2017.

Revocation/Cancellation

2. The Forest and Nature Conservation Rules and Regulations of Bhutan, 2017, shall supersede the FNCRR2006, guidelines, notifications and circulars;

Rules of Construction

3. In this Rules, the singular shall include the plural and the masculine shall include the feminine and vice versa.

Official Procedure and Notification

4. The Department may issue official notification concerning procedures and administrative matter with prior approval from the Ministry for implementation of this Rules.

Schedule, Form and Annexure

5. Unless otherwise specified in this Rules, the Ministry may amend such schedule, form and annexure whenever considered necessary or appropriate in the implementation of this Rules.
6. Royalty rate in the Schedule prescribed under the Rules for forest produce shall be notified by the Ministry from time to time.
7. In addition to any form prescribed in this Rules, the Department may propose to the Ministry to adopt specific form for any permit, certificate or other authorization described, referred to or allowed in this Rules, as well as application form and other forms that are required, necessary or useful under this Rules. The Ministry may revise any form annexed to or adopted under this Rules, from time to time.

Permit, Certificate or other Authorization issued under this Rules

8. Unless otherwise provided in this Rules, the Department and the concerned Forest Office may issue permit, certificate or other authorization as categorized in this Rules.
9. The following provision shall apply to all permit, certificate, and other authorization issued under this Rules:
 - (1) any permit that is required under this Chapter shall be valid only if it is written or printed and registered with the Department. The form of such permit shall be as follows:
 - (a) wherever a permit form is specified or has otherwise been adopted in furtherance of this Rules, the permit shall be in the form specified;
 - (b) where no form has been specified as described above, or where it is not appropriate to use the prescribed form for some reason, the permit shall;
 - (i) specify all detail requirements contained in or adopted under this Rule, including the purpose, conditions, validity, possibility of extensions, location, issuing authority, name of the Permittee and other relevant matters.
 - (ii) not be effective until it has been reviewed, classified and approved by the Ministry.
 - (iii) be at least three copies of each permit unless otherwise provided in this Rule or in the permit.
 - (2) As per the provision under section 6 (d) of the Act, the fee shall be charged as prescribed under *Annexure I*.

Annexure I: Schedule of Fees

Sl.No.	Particulars	Rate (Nu.)
1.	Permit fee	20
2.	Marking Fee (Tree)	Rural – 10 Commercial – 15
3.	Marking Fee (Pole)	Rural – 5 Commercial – 10
4.	Service fee	
	Transmission line(Km)	250
	Road(Km)	250
	Tower(decimal)	20
	Land (decimal)	20
	Lease; plantation (acre)	50
	Surface collection(acre)	150
	Quarry and Mining (acre)	150
5.	Private Property Hammer (Registration)	1000
6.	Private Property Hammer (Renewal)	500
7.	Export fee	
	Timber (cft.)	2
	Non-wood (T/L)	1000
8.	Import	
	Timber (cft.)	1
	Non-wood (T/L)	500
	Sand and Stone (T/L)	100
9.	Registration fee	
	Power chain	1000
	Mobile sawmill	8000
10.	Renewal fee	
	Power chain	500
	Mobile sawmill	2000
	Forest clearance	100

CHAPTER II

STATE RESERVED FOREST LAND

Declaration of State Reserved Forest Land

10. All forests in Bhutan as defined in the Forest and Nature Conservation Act, 1995 are hereby declared as State Reserved Forest Land.

Area excluded or removed from the State Reserved Forest Land

11. Any forest area shall be excluded or removed from State Reserved Forest Land only by direction or Royal decree of His Majesty the King or by the notification of the National Land Commission Secretariat as per the prevailing Land Act of Bhutan.

Inclusion of area to the State Reserved Forest Land

12. Unless otherwise provided in this Rules or by proclamation or declaration by His Majesty the King; any land which meets the description of Sate Reserved Forest Land under this Rules shall be declared as Sate Reserved Forest Land from the date of following events;
 - (1) private registered land acquired by the Government for national interest shall be considered State Reserved Forest Land from the date of acquisition for conservation.
 - (2) non-utilization of land allotted to Government Institutions and *Gerab Dratshang* after three years of allotment.
 - (3) non-utilization of State Reserved Forest Land leased to any agency within the stipulated period.
 - (4) wilful surrendering of registered land to the Government.
 - (5) *Tsatong* land, annulled *Kidu*/rehabilitation land and excess land declared by National Land Commision Secretariat and handed over to the Department.

Payment for Environmental Services

13. The Ministry shall develop plough-back mechanisms including payment for environmental services wherever possible for various conservation activities to ensure sustainable protection of watershed areas.

General Procedure for allotment of State Reserved Forest Land

Criteria for Forestry Clearance

14. The following criteria shall be applied for allotment of State Reserved Forest Land for the purpose of *Kidu* land, Rehabilitation land, Substitute land, Government institutions, *Gerab Dratshang* and Lease.
 - (1) no allotment of land shall be allowed within the Protected Area except to the local residents and for public service facility;
 - (2) no allotment of land within declared critical watershed area, wetland or areas containing high forest;
 - (3) where possible, land allotment shall be made nearby the existing inhabited area;
 - (4) land allotment may be considered if the gradient is less than 45° or 100%;
 - (5) land allotment within 30 meters of the bank or edge of any river and 15 meters of stream, or water source shall not be considered. However, in cases where the proposed applied land is adjacent/surrounded by existing private registered land, such cases shall be reviewed by the Department;
 - (6) land allotment within 180 meters uphill or 90meters downhill of national highway shall not be considered;
 - (7) notwithstanding 14 (6) of this Rule, land allotment within Right of Way, of the roads maintained by the Department of Roads, shall be considered after obtaining clearance from Department of Roads;
 - (8) in the event, the area falls under leased SRF Land, no objection certificate from the lessee is required;
 - (9) in the event, the area falls under plantation, community forest, FMU or inside Protected Area, the approval from the Department is required for any developmental activity;
 - (10) approval of the Department shall be required, if the high-tension power transmission line and National Highway construction falls between two or more Dzongkhags;
 - (11) the construction of feeder road to transmission tower outside the Right of Way of transmission line shall not be considered if it is not within the EIA report;
 - (12) approval of the Department shall be sought for any mega project;
 - (13) forestry clearance for creation of Recreation Park within Dzongkhag shall be issued by the Department;

- (14) the approval of the Ministry shall be required for any developmental activity such as township and industrial area falling within the vicinity or near monastery, monument and Dzong.

General Procedure for Forestry Clearance

15. the applicant shall apply for State Reserved Forest Land to the Dzongkhag Committee. The Dzongkhag Committee shall then seek forestry clearance from Chief Forestry Officer (CFO).
16. upon receiving the letter from the Chairman of the Dzongkhag Committee, CFO shall carry out feasibility study, as per the prescribed format given in ***Annexure II***.

Issuance/Rejection and Validity/Renewal of Forestry Clearance

17. The CFO shall issue/reject the forestry clearance or process for approval.
18. CFO shall issue forest clearance outside PA, FMU and other forest management regimes only for:
 - (1) Road construction up to 5 km;
 - (2) Transmission line within the Dzongkhag; and
 - (3) Land lease/*Kidu*/substitute/exchange/registration up to 5 acres.
19. Forestry clearance shall be valid for a period of one year for general activity and two years in case of mega projects.
20. In the event of failure to commence the project within the validity of forestry clearance, the proponent shall write an application for renewal to the CFO.
21. The renewal of forestry clearance may be accorded, subject to endorsement from the concerned agency upon payment of renewal fee.
22. The forestry clearance shall be issued as per the prescribed format in ***Annexure III, IV and V***.

Demarcation of State Reserved Forest Land

23. If the proposed SRF Land is approved by National Land Commission Secretariat Secretariat (NLCS) for allotment, the CFO and Dzongkhag Surveyor shall jointly and physically demarcate the approved area with the Government approved peg in presence of the applicant. The map of the demarcated area with GPS coordinates of the periphery shall be submitted to the Department.

Registration of State Reserved Forest Land

24. The team shall submit detailed report of the approved demarcated area to the Dzongkhag Administration for registration.

Procedure for release of State Reserved Forest Land

25. The CFO shall release the land to the applicant after the land is registered in the applicant's name.

Procedure for disposal of Forest Produce from allotted State Reserved Forest Land

26. The CFO shall dispose the forest produce from the allotted land within 60 days in one of the following ways:

- (1) by allotting such forest produce to the allottee for his domestic use in rural area as per rural entitlement; OR
- (2) by allotting such forest produce to the neighbouring household for domestic use in rural areas as per rural entitlement; OR
- (3) by handing over to Natural Resources Development Corporation Limited or any other agency authorized by the Ministry.

General Condition for Lease of State Reserved Forest Land

27. The following conditions shall be fulfilled for the lease of SRF Land:

- (1) the Lessee shall provide access to any official/implementing agency for the purpose of monitoring and inspection of the leased SRF Land.
- (2) the trade and transport of forest produce from the leased property, management, operation and payment of royalty; shall be dealt as per the provisions of this Rules.
- (3) the Department may charge a nominal fee for the technical assistance or for any services provided to the lessee.
- (4) the lessee shall develop the SRF Land immediately after entering into the lease agreement. In the event of failure to develop within two years, the forestry clearance shall be revoked.
- (5) on expiry of lease term/annulment of leasehold, an evaluation shall be carried out by CFO to assess the adherence by the lessee to the terms and conditions of the leasehold.

Marking of Timber

28. Felling or removing of standing tree without having tree marking hammer impression at the base of the tree is an offence, even if there is a valid permit and the offender is liable for penalty under the provisions of this Rules.
29. In the event, the supply of timber is in standing form, for specific use, the time schedule for tree marking and timber operation shall be fixed as per this Rules.
30. The marking of trees/timber for felling /passing/sale/release/export and import shall be as per guidelines issued by Department from time to time.
31. The Department shall procure and provide timber marking hammer to the CFO.
32. The concerned CFO shall maintain the record of hammer issued to the field office. The field office shall maintain detailed marking lists of tree and pole marked for various purposes.

Design of Department Hammer

33. The design and details of the Department hammer shall be as per the following:
 - (1) it shall be made of metal and shaped as required for its specific use.
 - (2) the facsimile of hammers shall include the code number and serial number indicating the origin and purpose of the timber.
 - (3) the design of the hammer and its use shall be as provided in ***Annexure VI***.

Use of Department Hammer

34. The use of different types of hammer shall be as follows:
 - (1) marking hammer shall be used for marking the standing tree for harvesting. Different marking hammers shall be used for harvesting timber from private forest, community forest and for allotment of timber for rural purpose and commercial sales from the SRF;
 - (2) passing hammer shall be used for marking harvested timber for transportation from stump site to the depot/rural house construction site. Different passing hammers shall be used for passing timber from private forest, community forest and for allotment of timber for rural purpose and commercial sales from the SRF;
 - (3) sale hammer shall be used for marking the timber confirming its sale;
 - (4) seizure hammer shall be used for marking the seized timber;
 - (5) release hammer shall be used for the release or disposal of seized timber;

- (6) export hammer shall be used for marking the timber confirming its export; and (7) Import hammer shall be used for marking imported timber.

Possession of the Department Hammer

35. The Department hammer shall be issued to any authorized person and the person shall be solely responsible for its use and safe custody. In the event, the hammer is in the possession of/or misused by any unauthorized person due to the negligence, the authorized person shall be liable for action as per rule 406 and 433.

Sanitation Operation in SRF

36. The CFO shall assess the availability of wind fallen, uprooted, wind thrown, dead, dying, diseased trees and drift wood within their jurisdiction and submit report to the Department.
37. The Department shall authorize concerned agency for extraction and disposal of such timber. In the event, the concern agency is unable to extract the timber; the Department shall seek approval from the Ministry for allotment of such timber to the individual/agency

Grazing in State Reserved Forest

38. Grazing in the State Reserved Forests shall comply with the following requirements:
- (1) the Department, in accordance with section 30(b) of the Act, may regulate livestock grazing on a leased “*tsamdrol*” for a specified period and may in consultation with the appropriate authority, revoke or permit the use under specific condition, if there is prominent threat of land degradation.
 - (2) livestock grazing shall be restricted in the area fenced for natural regeneration for a specified period and in the plantation area whether fenced or not till the seedlings are well established.
 - (3) livestock trespassing in the SRF shall be an offence under section 30(c) of the Act. However, this Rule shall not affect the existing “*tsalam*” and “*chulam*”, traditionally used during the migration, provided, such routes are not lawfully closed by the Government.
 - (4) goat grazing by Bhutanese citizens shall be allowed only within a confined area and shall not be allowed to graze freely in SRF.
 - (5) Goat farming in SRF Land/private registered land shall subject to the policies and laws of the Ministry.

Annexure II: Inspection Report for Forestry Clearance

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

INSPECTION REPORT FOR FORESTRY CLEARANCE

Satshab Government Institutions Land Leasing Approach road
Kidu land Transmission line Bridge construction Archery Range
Farm road Irrigation channel Telephone line
Others (*Specify*)

This inspection report shall include the following;

Forest Range/Park Range:

1. Details of applicant:

(a) Name: (b) House No:.....
(c) *Thram* No.: (d) *Chiwog*:
(e) *Village*:..... (f) *Gewog*:.....
(g) *Dungkhag*:..... (h) *Dzongkhag*:.....

2. Reasons for applying for State Reserved Forest Land:

i.
ii.

3. Location of the proposed State forest land

Dzongkhag:.....*Gewog* :.....
Village:*Proposed Area*:..... Acre/Decimal/Meters
GPS Co-ordinates of the periphery (*Northing* and *Easting*):.....

4. Reference to:

(a) *Kasho* (attach copy)
(b) Letter from relevant organization (attach copy)
(c) Any other relevant document (attach copy)

5. Suitability of the land (Yes or No)

6. The details of the proposed State Reserved Forest Land (Yes/No):

- a) Within 200 meters of existing settlement.....
- b) Outside 500 meters from monastery, Dzong
- c) Outside Right of Way of roads maintained by DoR.....
- d) Inside Biological Corridor:.....
- e) Inside Community Forest:
- f) Inside FMU:.....
- g) Declared Wetland areas
- h) Within 180m uphill or 90mdownhill.....
- i) Within 30m from the edge of the river bank and 15m from the edge of the stream/water source.....
- j) Inside forest plantation.....
- k) Inside Recreation Park:.....
- l) Slope with more than 45° (100 %):
- m) Inside Research Plot :
- n) Declared wildlife habitat.....
- o) Water Sources
- p) Critical Watershed:

Note: For **a,b** and **c** (If yes, CFO will issue clearance. If NO, clearance will be rejected)
d to j (If Yes, Refer to the Department; If NO, clearance will be issued)
k to p (if yes, Reject from the field office)

7. Details of Forest Produce in the proposed State Reserved Forests Land:

Sl.No.	Species	Trees (3' girth and above)	Poles (Above 6' height and less than 3' girth)	Other Forest Produce (Cover %)	Remarks
1.					
2.					
3.					
4.					
Total:					

8. Map attached.

9. Recommendation of the Inspection team:

.....
.....
.....
.....

Signature of the Team Leader

(Office Seal)

Name..... Place.....

Annexure III: Forestry Clearance Template

Ref No.....Date:.....

Sub: Forestry Clearance for *Kidu/ Swapping/ Lease Land*

The Forestry Clearance is issued from State Reserved Forest Land for.....measuringAcres, at.....GewogDzongkhag in favor of

The proposed activity does not fall in any prohibited/protected/restricted areas.

The proposed area contain.....trees.....poles as per enumeration list attached.

This clearance is accorded as per the letter of recommendation and field report of the Range Officer,vide letter no:datedon the following conditions:

1. This clearance is limited to forestry perspective as per the detailed field report.
2. This clearance is not transferable;
3. The validation of this clearance shall be subject to obtaining other relevant clearances.
4. Additional clearance should be sought prior to any deviation in location/size of the area.
5. This Clearance shall not be liable for any dispute arising during the implementation of activity.
6. Any damage caused to public/private property shall be borne by the holder of this clearance.
7. Any waste generated from the activity should be properly disposed as per Waste Prevention & Management Regulation 2012.
8. The existing forest produces shall be disposed/ removed only after land registration in *thram* & demarcation as per the existing rules & regulations.
9. This clearance shall not restrict easement.
10. This clearance will not replace/substitute any other clearance required by any other laws.
11. The SRF Land shall be released only after the proper handing taking note signed by both the entities.
12. Others.....
13. The clearance shall be revoked without any liability on part of the Government if the holder of this clearance violated any of the above terms & conditions.
14. This clearance is valid up to from the date of issue.
15. Date of issue.....

Chief Forestry Officer

Copy to:

1. The Dasho Dzungdag,.....Dzongkhag for kind information
2. The Director, DoFPS for kind information
3. The Gup,.....Gewog for information
4. The Range Officer,.....Range for necessary action
5. The applicant for information and necessary follow-up

Annexure IV: Forestry Clearance Template

Ref No.....

Date.....

Sub: Forestry clearance for Transmission/Road/Water pipeline/Irrigation channel/Cable crane line

The Forestry Clearance forTransmission line/road/Water pipeline/Irrigation channel/Cable crane line measuring m xm, from.....tois hereby accorded, in favor of

The proposed activity does not pass through any prohibited/protected/restricted areas.

The proposed alignment containtrees... ..poles as per enumeration list
This clearance is issued as per the letter of recommendation and field report of the Range Officer,vide letter no:datedon the following conditions:

1. this clearance is limited to forestry perspective as per the detailed field report;
2. this clearance is not transferable;
3. the validation of this clearance shall be subject to obtaining other relevant clearances;
4. additional clearance should be sought prior to any deviation in location/size the alignment;
5. this Clearance shall not be liable for any dispute arising during the implementation of activity;
6. any damage caused to public/private property shall be borne by the holder of this clearance;
7. disposal of any forest produce shall be as per existing rules and regulations
8. only those trees/poles which are marked shall be removed;
9. any waste generated from the activity should be properly disposed as per Waste Prevention & Management Regulation 2012;
10. the legal status of the land shall remain unchanged & on any occasion the land shall not be converted to private ownership;
11. this clearance shall not restrict easement;
12. this clearance will not replace/substitute any other clearance required by any other laws;
13. Others
14. The clearance shall be revoked without any liability on part of the Government if the holder of this clearance violated any of the above terms & conditions;
15. This clearance is valid for up to six months from the date of issue;
16. Date of issue:

Chief Forestry Officer

Copy to:

1. The Dasho Dzongdag,.....Dzongkhag for kind information
2. The Director, DoFPS for kind information
3. The Gup,.....Gewog for information
4. The Range Officer,.....Range for necessary action
5. The applicant for information and necessary follow-up

Annexure V: Forestry Clearance Template

Ref. No:.....

Date:.....

Sub: Forest Clearance for *Thram* Registration

In pursuant to the letter No..... dated.....of the Dzongkhag Administration..... Dzongkhag, this forest clearance is issued for regularization/*Thram* registration from SRF Land measuring acres atunderGeog in favor of Dasho/Mr/Ms/.....

This Forest clearance is accorded based on field verification of the Range Officer..... Range Office vide letter No.....dated.....on the following conditions.

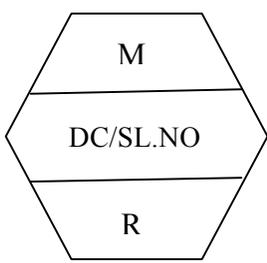
1. this clearance is limited to forestry perspective as per the detailed field report;
2. this clearance is not transferable;
3. the validation of this clearance shall subject to obtaining other relevant clearances.
4. this Clearance shall not be liable for any dispute arising during the implementation of activity.
5. this clearance is limited within the proposed area for specific one time activity.
6. others.....
7. date of issue.....

Chief Forestry Officer

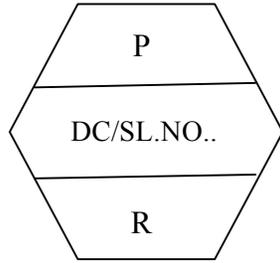
Copy to:

1. The DashoDzongdag,.....Dzongkhag for kind information
2. The Director, DoFPS for kind information
3. The Gup,.....Gewog for information
4. The Range Officer,.....Range for necessary action
5. The applicant for information and necessary follow-up

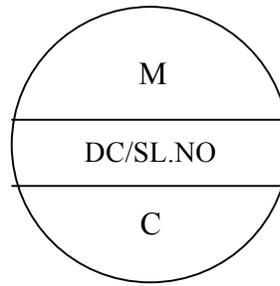
Annexure VI: Design of Government Forestry Hammer



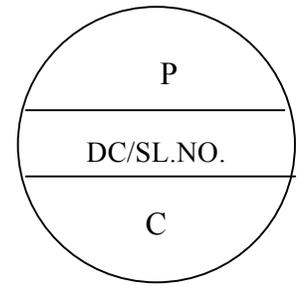
RURAL MARKING



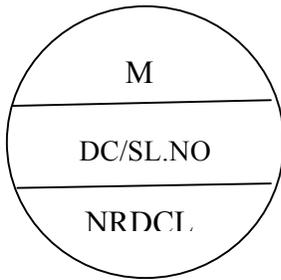
RURAL PASSING



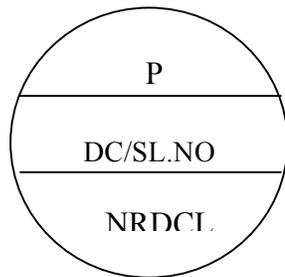
COMMERCIAL MARKING



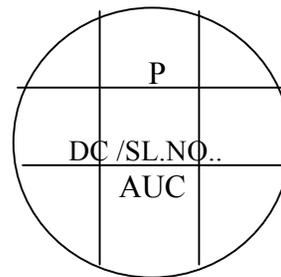
COMMERCIAL PASSING



NRDCL MARKING



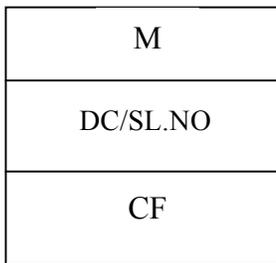
NRDCL PASSING



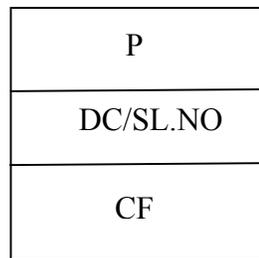
AUCTION PASSING



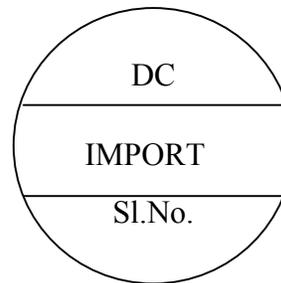
RELEASE



CF MARKING



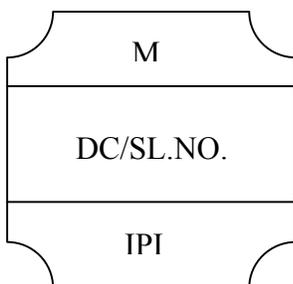
CF PASSING



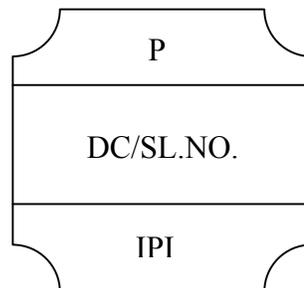
IMPORT PASSING



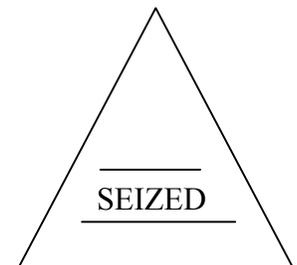
EXPORT PASSING



INDUSTRIAL/PRIVATE/INSTITUTIONAL MARKING



INDUSTRIAL/PRIVATE/INSTITUTIONAL PASSING



SEIZED

CHAPTER III

FOREST MANAGEMENT PLANNING AND PLAN IMPLEMENTATION

Preparation and Adoption of Management Plans

39. The Department shall prepare and adopt management plan for different forest management regimes for effective and efficient management of the forests as per the forest management code.

Declaration of Protected Area System

40. As per Article 5(5) of the Constitution of Bhutan, the Parliament may, declare any part of the country to be a National Park, Wildlife Sanctuary, Nature Reserve, Protected Forest, Biological Corridor, Biosphere Reserve, Critical Watershed, Heritage Forest and any other categories meriting protection.

Protected Area Management

Designation

41. The Department may initiate the process of declaring a protected area, in accordance with the regulations, by presenting a proposal and preliminary report to the Ministry. An area may be designated as a PA if the Department determines that;

- (1) any area is of biological significance to the country, or the world at large;
- (2) a specific habitat area is under threat, and its protection is of national interest; or
- (3) an area is necessary for protection or conservation for hydrological or watershed reasons;
- (4) an area is of cultural or natural heritage significance.

42. For each such area, the Ministry shall prepare and adopt necessary procedures for designation of PA with specification of core, multiple use and buffer zones as per PA zonation guidelines.

43. The Management Plan shall be prepared in accordance with the Technical Regulations specified in the forest management code for Protected Area issued by the Department. The Department shall have the administrative responsibility and technical oversight for the preparation and adoption of Management Plans for Protected Areas.

44. The Department shall prepare Management Plan in consultation with:

- (1) local community, local authority and other member of the public who are affected by the Protected Area;
- (2) other relevant stakeholder or recognized Civil Society Organization (CSO).

Review, Recommendation and Approval of Management Plan

45. The Department shall review the technical details and recommend the Management Plan to the Ministry for approval. The Management Plan shall come into effect upon the approval by the Ministry.
46. The concerned PA Management shall be responsible for the preparation of the Operational Plan based on management plan and submit to the Head of the Department for approval.

Monitoring and Evaluation of Management Plan

47. The Monitoring and Evaluation shall be carried out as per the prescription in the Management Plan. The Department shall, on a regular basis, evaluate the effective implementation of the Management Plan and issue an evaluation schedule and such procedure. The evaluation report shall be presented to Technical Advisory Committee of the Department for review.

Administration of Activity in Protected Area

48. Upon declaration of an area as PA, all activity within such area shall be governed by this Rules and the approved Management Plan.
49. Any person entering the PA shall comply with the following requirements:
 - (1) permit must be obtained by all foreigners to enter any PA upon payment of applicable entry fee which shall be fixed by the Department .
 - (2) any person entering PA shall not be allowed to leave behind any non-biodegradable waste. Any degradable waste shall be dumped only at designated site.
 - (3) PA management shall establish disposal site for biodegradable waste at appropriate location.
 - (4) PA staff may inspect any person, vehicle or draft animal entering the PA.

Habitat Management

50. The following 'habitat management' activity shall be permitted in the Protected Areas:
 - (1) culling of selected species;
 - (2) prescribed burning;

- (3) prescribed removal of trees to promote species habitat; and
- (4) any other appropriate activity to promote habitat management.

Watershed Management

Assessment and Classification

51. The Department shall carryout the assessment of watersheds in River basins classifying into Critical, Degraded, Normal and Pristine as per the technical guidelines specified in the forest management code for watershed management issued by the Department.

Consultation with the Community and Stakeholder

52. The Department shall consult with the concerned Local Government, local community and other relevant stakeholders in a participatory process for declaring critical/degraded watershed.

Declaration of Degraded Watershed

53. The Ministry shall issue notification declaring particular watershed as degraded watershed for protection and rehabilitation

Preparation of Critical or Degraded Watershed Management Plan

54. The Watershed Management Plan shall be prepared in accordance with the Technical Guidelines specified in the forest management code. The Division shall prepare the management plan and submit for approval. The Management Plan shall clearly highlight the implementation arrangement including interventions to be carried out and agency responsible for each activity.

55. The authorized Division shall prepare the Management Plan in consultation with:

- (1) local resident, local authority and other member of the public who are affected by the watershed;
- (2) person operating forest-related business and other operation;
- (3) other relevant stakeholder or recognized CSO.

Review, Recommendation and Approval of Management Plan

56. The Department shall review the technical details and recommend the Management Plan to the Ministry for approval. The Management Plan shall come to effect upon approval by the Ministry.

Formation of Watershed Management Committee

57. The Watershed Management Committee at Dzongkhag or Gewog level shall be formed and function as per the Technical Guidelines issued by the Department

Compensation/Land Substitution for Private land falling within Critical Watershed;

58. In the event the private land falling within the critical watershed is posing a threat to the watershed area, the land shall be acquired by the Government.

59. Compensation or land substitute shall be given for the land acquired for such purpose as per the existing Government compensation scheme or land substitution procedures. The land owner shall have the right to opt for either compensation or land substitution.

Monitoring and Evaluation of Management Plan

60. The Monitoring and Evaluation shall be carried out as per the prescription in the Management Plan. The Department shall, on a regular basis, evaluate the effective implementation of the Management Plan and issue an evaluation schedule and such procedure. The evaluation report shall be presented to Technical Advisory Committee of the Department for review.

Production Forests and other Forests Regimes

Declaration of Production Forests

61. The Department may identify and declare production forests such as Forest Management Unit (FMU) or any other suitable management regimes primarily for production of timber and other forest products as per the Technical Guidelines specified in the forest management code issued by the Department.

Preparation, Adoption and Implementation of Forest Management Plan

62. The Department shall have the administrative responsibility for the implementation of Forest Management Plan within and outside Forest Management Unit.

63. The CFO shall prepare the Management Plan in consultation with the Local Government and other key stakeholders that maybe affected by the management regimes.

64. The Forest Management Plan shall be prepared in accordance with the Forest Management Code.

65. The approved Management Plan of FMUs and other forest management regimes to be implemented by an authorized implementing agency shall be handed over to them for

implementation. The approved Management Plan for other management regimes like Local Forest Management Plan shall be forwarded to the Divisions for implementation.

Review, Recommendation and Approval of Management Plan

66. The Department shall review the technical details of the Management Plan for FMU and other management regimes in consultation with the FMU Level Committee or any other committee required for development of such plan.

67. Upon recommendation by the FMU Level Committee or other such committee, the Department shall seek clearance from the National Environment Commission for plans which require environmental clearance prior to approval. All management plan for production forests and other management regimes declared under rule 61 shall be approved by the Ministry.

Silviculture Thinning

68. The Department shall prepare National Thinning Guidelines for major forest types and submit to the Ministry for approval.

Road Construction/Widening and Transmission Line

69. The Department shall prepare an Operation Plan for removal of forest along the road construction/widening and transmission line.

70. The CFO shall ensure proper movement/transit of forest produce generated from the Road Right of Way upon realization of royalty and permit fee.

Forest Management Committee

71. The Forest Management Committee at National, Divisional or FMU level shall be formed to oversee and advise Department and the Division on the implementation of Forest Management Plans in the FMUs and other management regimes.

Monitoring and Evaluation

72. The field monitoring of the planned activity shall be carried out by the Forest Management Unit/Range Office under the supervision of the Division. The Department shall be responsible for monitoring of the planned activity at the national level for all forest management regimes.

73. The Department shall evaluate the effective implementation of the Management Plans as per the evaluation protocol prescribed in the Forest Management Code. The evaluation report shall be presented to Technical Advisory Committee of the Department for review.

Community Forest

Procedure for Selection of Community Forest Area

74. The Department may designate any area of State Reserved Forest Land, including degraded and barren areas for improvement, in vicinity of human settlement, suitable for control and management by Community Forest Management Group (CFMG), as Community Forest (CF). The designation of a Community Forest shall comply to the following procedures and criteria:

- (1) the area is traditionally used and managed by the community;
- (2) the area has production potential to meet subsistence requirement of forest produce and income generation for CFMG members. Tsamdro/Sokshing land reverted to SRF Land shall not be designated as Community Forest unless the reverted Tsamdro/Sokshing is no longer required for lease as Tsamdro/Sokshing by the individual/community.
- (3) the area is suitable for sustainable management and utilization of forest produce;
- (4) the local household are willing to form and cooperate as a CFMG to manage the forest in accordance with the following conditions:
 - (a) establishment of CF in the PA and Biological Corridor within the vicinity of the existing settlement may be allowed, if feasible;
 - (b) sacred forests or tree, significant Wetland, Heritage forests or any forest area of cultural and religious importance shall be protected from designation as CF;
 - (c) any area of government plantation in small patch less than three years or plantation area measuring less than five hectares located within the proposed CF, shall be included in the CF for better management by the CFMG after obtaining clearance from the Department.
 - (d) the boundary and size of CF area shall be determined by the following criteria:
 - (i) availability of SRF Land;
 - (ii) traditional and natural boundary within the village;
 - (iii) customary rights and practices of resource utilization;
 - (iv) level of dependence of the community on such forests;
 - (v) availability of adequate area to meet the resource needs of neighbouring communities; and
 - (vi) the maximum ceiling of CF area to be allotted to individual household (hh) shall be as follows:
 - (aa) Mixed conifer/blue pine forest 3 ha/hh.
 - (bb) Chir pine forest 4 ha/hh.
 - (cc) Mixed broadleaved and other forest type 5 ha/hh.

- (e) the proposed area decided by the committee comprising of representative of CFMG, CFO, DLRO, *Gup* and adjacent community shall be endorsed and shall form the basis for the CF establishment.

Procedure for Establishment of Community Forest

75. To establish a Community Forest, the applicant must form a Community Forest Management Group (CFMG) and submit an application to the concerned *Gupas* prescribed in ***Annexure VII***.
76. The concerned *Gup* shall review an application and recommend for designation of a Community Forest to the *Dzongda*, if appropriate. A field verification committee shall be formed after the acceptance of the application by the *Dzongda*.
 - (1) a committee comprising of representative of CFMG, CFO, DLRO, *Gup* and adjacent community shall review the selected forest area and decide on the size and boundary of the proposed CF subject to the following conditions: Establishment of new Community Forest within urban area including extended township shall not be allowed, unless it existed prior to declaration of the area as urban. However, already approved CF's shall continue to be managed by the CFMG.
 - (2) in case of Community Forest with overlapping boundary of two or more *Geogs*, *Dzongkhags*, Territorial Forest Divisions, *Thromdes*, the *Dzongkhag* Administration and CFO shall verify and resolve with the consent of neighbouring communities prior to approval of application.
77. After approval of application, CFMG with support from Division shall prepare a management plan and by-laws as per the Technical Regulations specified in the forest management code including the following;

Formation of Community Forest Management Group

- (1) any community of at least five resident households willing to establish and manage a Community Forest in accordance with this Rules may form a CFMG.

Preparation of Management Plan

- (2) CFO shall assist CFMG in preparation of Community Forests Management Plan, through consultation and collaboration.
- (3) CFMG shall adopt by-laws with clear management objective, right and responsibility; allocation and utilization of forests resource; fund management addressing the issues of sustainability.
- (4) the Management plan shall have separate section for the by-laws prepared by the CFMG.

- (5) the management plan prescription shall address the requirement of timber or other forest produce for construction/renovation of Monastery/*Lhakhang*/*Chorten* in their locality.

Preparation and adoption of By-laws

78. CFMG shall prepare and adopt by-laws observing good governance principles such as participation, transparency, accountability, equity and inclusiveness.

Submission of Management Plan for approval

79. The CFMG shall submit the management plan through CFO to the Head of Department for review and approval.

Review, Approval, Ownership Certificate and Renewal

80. The Department shall return the management plan to the Division and CFMG for any necessary alteration; it shall be resubmitted to the Department after effecting such alteration.
81. Upon satisfaction, the Department in compliance with the procedures set forth under this Chapter, shall approve the CF management plan and issue the “Community Forest Certificate” to the CFMG as prescribed in Annexure VIII. The CFO shall provide a copy of approved Plan to the CFMG.
82. The Management plan shall be valid for a period of 10 years. The renewal and revision of CF management plan shall be subject to findings of the M&E report.

Effect of Certification of Community Forest

83. Upon issuance of the Community Forest Certificate, all forest produce specified in the Management Plan of the Community Forest shall be the property of the CFMG.
84. The CFMG shall meet their timber requirement from the CF as described in CF Management Plan and the sale of surplus forest produce from CF may be allowed only after meeting their requirement.

Roles, Responsibilities and Powers of CFMG

85. Under the overall supervision of the CFO and with technical, administrative, and organizational support of the Department, each CFMG shall be responsible for sustainable management of the Community Forest, in accordance with the approved management plan. The roles, responsibilities and powers of CFMG shall be as per the Technical Regulations issued by the Department.

86. The CFMG shall allow the developmental activity within and through the CF on condition that the CFMG are compensated for the damage caused to the resources based on the guidelines developed and issued by the Department.
87. The forestry clearance shall be issued upon receipt of clearance from the chairperson of the CFMG.

Management and Use of Forest Resource

88. The CFMG shall carry out the following forestry activity in the Community Forest focused on improvement of forest condition and sustainable management of the resources as per Department's standards and approved CF Management plan.

Marking and Permit

89. Marking of trees in CF shall be carried out by concerned CFO/RO as per management plan. The CFO/RO shall use the marking hammer issued by the Department and registered with the CFO under this Rules.
90. The registered CF marking hammer and passing hammer shall be under the custody of CFO/RO for proper use and safety.
91. The CFO shall issue COSDTMO books to Range office wherein the permit fee shall be realised upon issue of permit. The COSDTMO shall be issued for the transport of timber.

Harvesting

92. The CFMG shall harvest the forest produce from the Community Forest in accordance with the Management Plan.
93. The CFMG shall obtain permit from the Chairman of CFMG for harvesting of any forest produce from the Community Forest.
94. The harvesting of any tree shall be allowed only after marking by the concerned CFO/RO.

Transportation

95. No person or member of the CFMG shall transport forest produce from a Community Forest without valid permit.
96. The CFMG and its member shall be permitted to transport and sell timber and NWFP from the Community Forests provided that:
 - (1) the timber has been marked in accordance with the marking rule; and

- (2) NWFP are collected as per the management plan.

Sale of Surplus Forest Produce from CF

97. The CFMG shall be allowed to sell the surplus produce to any buyers within the country provided the timber is not sold in standing form;
98. The prices for the sale of surplus forest produce shall be as per the rates decided by the CFMG;
99. The sale of forest produce shall be allowed pursuant to the following conditions:
 - (1) Validation of surplus stock by the CFO.
 - (2) Issuances of transit permit (COSDTMO).

Royalty

100. The Department shall not levy any royalty on forest produce harvested by the CFMG for personal use by the members of the CFMG. However, royalty shall be levied at prevailing commercial rates in case of sale of timber, sand, boulder, and other NWFP for commercial purpose.

Cancellation/Suspension of Community Forest Certificate

101. In the event the members of the CFMG decide to cancel CF certificate in accordance with this Rules, the Community Forest Certificate shall be cancelled with effect from the date of notification of the decision to the CFO. The CFMG shall then surrender the Certificate to the Department.
102. The CFO shall have the right to enquire about the reason for such cancellation to ensure that no offence has been committed, as outlined under this Rules.
103. In the event the number of member household in the CFMG fall below five or the group otherwise ceases to meet the requirements under this Rules; the CFO shall notify the CFMG that its certificate shall be cancelled.
104. The Department shall suspend the rights and privileges of the CFMG to control, manage and utilize the CF upon the recommendation of the CFO, in the event of the following:
 - (1) The CFMG is unable to manage the Community Forest according to its management plan or otherwise fails to meet their responsibilities; and

(2) The CFMG has engaged in any activity in contravention of the provisions of the Act, Rules, by-laws or the management plan.

105. The period of suspension shall be for a minimum period of 3 years. During the suspension period, the CFMG members shall not be eligible for any forest produce from the SRF.

Formation of CF Network and Association

106. The CFMG shall be allowed to form CF network and association to strengthen good governance, sustainable utilization of resources, equity, and common market access.

107. The CFMG shall submit such proposal as per the guidelines to the Department and the Department shall review the proposal and either reject/recommend to the Ministry for approval.

Monitoring and Evaluation of the CF

108. The CFO shall conduct regular monitoring of plan activity and submit the report on half yearly basis to the Department

109. The CFO shall conduct annual monitoring of CF which shall include verification of records on physical and financial achievements. The annual report shall be submitted to the Department. The Monitoring and Evaluation of CF shall be carried out as per the prescription in the Management Plan and as per technical guidelines in the forest management code. The Department shall, on a regular basis, evaluate the effective implementation of the Management Plan. The evaluation report which requires technical intervention shall be presented to Technical Advisory Committee of the Department for review.

Plantation Forests

Category of Plantation

110. Depending on the nature and purpose of plantation, the plantation may be categorized into the following:

- (1) afforestation;
- (2) reforestation;
- (3) enrichment plantation;
- (4) industrial plantation;
- (5) institutional plantation;
- (6) community plantation;
- (7) private plantation;

- (8) urban/Avenue plantation;
- (9) landscape plantation;
- (10) seed bank plantation; and
- (11) compensatory plantation.

Principles of Plantation

111. The principles governing plantation forests may include one or more of the following:
- (1) Pursue forest plantation with appropriate vegetation composition, in areas where natural regeneration is inadequate or absent;
 - (2) Ensure adequate fund for forest plantation from beneficiaries of watershed and ecosystem services;
 - (3) The Department shall initiate plantation of bamboo species where technically appropriate as an alternative to timber resources;
 - (4) Ensure adequate restocking by planting equivalent or more number of saplings, with appropriate species;
 - (5) Ensure compensatory plantation with suitable local species to compensate for the loss of forest cover due to establishment of developmental project;
 - (6) Promote plantation in and around *Dzong*, Monastery, School and Institution; and
 - (7) Choice of species shall be native species and based on the site condition.

Compensatory Plantation

112. Compensatory plantation shall be required for any State Reserved Forests area used for development of mega projects.
113. The funding for such compensatory plantation shall be for double the area taken up by the project. The fund shall be made available prior to commission of the project, based on details contained in the Detailed Project Report or financial estimate developed by the Department;
114. The compensatory plantation program shall not just be limited to project area but may also extend to other potential SRF areas.

Technical Approval

115. Technical approval shall be sought for any creation and/or maintenance of plantation/nursery, from the Department.

Out-sourcing of Plantation and Related Activity

116. The Department may out-source any plantation and related activity to the authorized agency. The authorized agency shall execute the activity as per terms and conditions in the outsourcing guideline and technical approval issued by the Department.

Plantation Journal and Nursery Register

117. Plantation journal shall be maintained for every plantation in a format prescribed by the Department and shall be made available at the time of inspection.

118. The compiled and updated journal shall be submitted to the Department on annual basis. The Department shall be responsible for updating plantation records at the national level.

119. The field office shall also maintain stock register for nursery seedling production and disposal.

Monitoring and Evaluation

120. The CFO shall be responsible for monitoring and evaluation of nursery and plantation, and regularly supervise such activity. .

121. The CFO shall conduct annual monitoring of nursery and plantation which shall include verification of records on physical and financial achievements. The annual report shall be submitted to the Department. The Monitoring and Evaluation of nursery and plantations shall be carried out as per technical guidelines in the forest management code. The evaluation report which requires technical intervention shall be presented to Technical Advisory Committee of the Department for review.

Private Forests

122. Establishment of Private forestry aims to facilitate raising forestry crop on registered individual land to accrue ecological, social and economic benefits. Private Forest shall constitute planting of tree and any other forest crop including those species listed in Schedule I, planted or growing on private registered land.

Procedure for Registration

123. Any land owner wishing to register tree and other forest crop as Private Forest shall apply to the Gup in the form prescribed in Annexure IX for approval.

124. Upon receipt of application, the Gup shall verify the application jointly with CFO, to confirm the status and extent of the land and tree/s, if any, mentioned in the application.

125. Based on field verification, the CFO shall issue a PF Certificate to the land owner confirming its registration and provide a copy to the *Gup* for record.
126. The *Gup* and CFO shall keep record of the plants planted or naturally grown in the private registered land.

Land Status

127. The registration of Private Forest shall not change the land category and such land shall continue to have the same land status as registered in the *Thram*. All trees, plants and NWFP on private registered land shall be the property of the land owner.
128. Any plantation in the PF shall be encouraged to use the Plantation norms & standards.

Deregistration of Private Forest

129. In the event the owner of the Private Forest desires to deregister the PF, the owner shall apply by submitting justification, and surrender PF certificate to the CFO.

Royalty and Permit

130. The Department shall not levy any royalty on trade of tree, plant or NWFP from private land. However, tree marking and permit is required prior to felling of trees or harvesting of plants and NWFPs.
131. The marking of the timber shall be done by the CFO as identified by the owner. There shall be separate sale hammer maintained by the CFO to authenticate the timber for commercial purpose.

Trade

132. Private Forest owner shall be permitted to harvest/collect and sell/export any forest produce including those species listed in Schedule I upon obtaining permit from CFO as prescribed in Annexure X or XVII. In case of export of any timber or Schedule I species, approval shall be sought from the Department.

Non-Wood Forests Product

Management of NWFP

133. The Department shall develop Technical Regulations for sustainable collection or harvesting of NWFPs (including *Cordyceps*) from the State Reserved Forest Land.

134. The CFO shall carry out resource assessment in collaboration with relevant stakeholders for sustainable harvesting.
135. The local community group shall be given priority to manage and harvest NWFPs. In the event, the local community group are not interested, individual shall be considered.
136. The Department shall regulate the collection of medicinal plants as a raw material for cottage industries based on their requisition.
137. The management of NWFP within CF shall be governed by the provisions made under Rule 74 to 109 of this Rules.
138. The management of NWFP in the Private Forest shall be as per the provisions made under Rule 122 to 132 of this Rules.

Selection of Potential Area for NWFP Management

139. Any area of State Reserved Forests suitable for control and management by NWFP Management Group may be designated as NWFP Management Unit, if it fulfils the criteria and principles set forth under Rule 137 of this Rules.

Procedures for Establishment of NWFP Management Group

140. The CFO shall create awareness on the framework for the management and marketing of potential NWFP. For the establishment of the NWFMG, following procedures shall be followed:

Formation of a NWFP Management Group

- (1) any village/*Chiwog* consisting of one or more household willing to establish and manage NWFPs, may form a NWFP Management Group and submit application through the *Gup* to CFO for formation of NWFMG.
- (2) the CFO shall verify and facilitate the formation of NWFP Management Group.
- (3) in the event, the local community is not interested to form group, the local community shall make affirmation waiving off their right on NWFP. The CFO may give opportunity to nearby community for management of NWFP.
- (4) in the event, no nearby community is interested, then the Department may entertain individual applicant for the collection of NWFP, involving local residents for the work.
- (5) the application to harvest NWFP by an individual shall be submitted to the CFO.
- (6) the CFO will direct the applicant to the relevant NWFP Management Group for supply if available or consider harvesting of desired NWFP based on the availability

of resources, if NWFMG is not formed, as per Rule 140(4).

Preparation of NWFP Management Plan

- (7) the CFO shall assist NWFP Management Group for the preparation of NWFP Management and Marketing Plan, that shall be in accordance with the framework and the template provided by the Department.
- (8) the NWFMG shall prepare by-laws with clear management objectives, rights and responsibilities; allocation and utilization of forests resource; and fund management addressing the issues of sustainability.
- (9) the CFO shall submit such plan to the Department for approval. The Department shall approve or decline approval of the plan with justification.
- (10) the CFO shall issue collection permit to the individual/NWFMG.

Adoption of By-laws

- (11) The NWFMG shall prepare and adopt by-laws including the following details:
 - (a) the name of the NWFMG, Village, *Geog* and list of member household and *Thram* number;
 - (b) a list of the NWMG's Executive Committee members;
 - (c) the terms of reference for the member and executive committee;
 - (d) the procedure for allocation and utilization of NWFPs;
 - (e) the provision of membership fees for raising fund for sustaining NWFMG;
 - (f) the procedures for resolving disputes and conflicts;
 - (g) procedure for harvesting, marketing and financial management;
 - (h) group and executive committee meeting;
 - (i) fine and penalty; and
 - (j) procedure for monitoring.

NWFP Management Certificate

141. The Department in compliance to the procedure set forth under this Chapter, shall issue “NWFP Management Certificate” to the NWFMG. The certificate shall be valid for a period of three years.

Roles and Responsibilities of NWMG

142. The NWFMG shall:

- (1) be responsible for sustainable management of the NWFP Management Unit, in accordance with the approved management plan and by-laws;

- (2) ensure that no person collect, use, remove, damage, or destroy any forest produce from the NWFP Management Unit without authorization; and
- (3) take action in case of any violation of the Management Plan or the by-laws by the member of the group or other.

Management and Use of NWFP

143. The NWMG shall carry out NWFP harvesting activity in the appropriate season as prescribed in the management plan.
144. The marketing of the NWFP shall be done in accordance with the regulatory framework issued by the Department and with assistance from the appropriate agency.
145. For any species/product without harvesting guidelines, interim guidelines shall be developed by the Department in consultation with other stakeholders..
146. The NWFPs from the private registered land shall be allowed for collection and marketing after field verification by the CFO.

Trade and Transit of NWFP

147. The NWFMG or any member of the NWFMG shall obtain transit permit for movement of NWFP for commercial purposes from the CFO as per Annexure XI, XVIII and any other requirement specified by the Department.

Royalty on NWFP

148. No Royalty shall be levied for domestic consumption.
149. Royalty shall be levied for collection of raw material for cottage industry and by individual for trade.
150. The CFO shall authorize the concerned Forest Office to issue permit for collection and realize royalty for trade as per the schedule of royalty and fee prescribed by this Rule.

Book and Record Keeping

151. The NWFMG shall maintain record of all management activity and financial transaction as per the approved management plan and make these records available for inspection by member and other relevant agency.

Validity of NWFP Management Plan

152. The NWFP Plan shall be valid for a period of 3 years and based on the findings of monitoring and evaluation report, the plan shall be reviewed to check the feasibility for renewal.

Authority of the Department

153. The Department shall:

- (1) *Suo moto* or on the request by the NWFMG take action against violator of the Act, Rules or Management Plan.
- (2) Inspect, monitor, review the records of and otherwise supervise the activity of the NWFMG; and
- (3) Take action including cancellation of the NWFMG certificate, if the NWFMG or any of its members violate the provision of the Management Plan or any provision under this Chapter.

Cancellation of NWFP Management Certificate

154. The certificate shall be cancelled; if the performance of NWFMG is not as per prescriptions of the approved management plan or the sustainability of the resource is not ensured.

155. In the event the members of the NWFMG decide to cancel NWFP Management certificate in accordance with this Rules, the NWFP Management Certificate shall be deemed cancelled on the date of such decision being notified to CFO in writing and the NWFMG shall surrender the Certificate to the Department.

156. The CFO shall have the right to enquire about the reason for such cancellation to ensure that no offence has been committed and shall notify the NWFMG on the cancellation of the certificate.

Import of NWFP

157. The import of NWFP shall comply to the following:

- (1) The import of any NWFP shall be permitted provided it is supported with phytosanitary certificate;
- (2) The import of illegal NWFP and its product shall not be allowed under any circumstances;

- (3) The importer shall apply to the CFO for approval and issuance of in-lieu permit to import NWFP;
- (4) The CFO after scrutiny of relevant documents shall permit the import as per *Annexure X*; and
- (5) The Department shall realize import permit fee and any other applicable charge at rates notified by the Ministry.

Export of NWFP

158. The Ministry may approve the export of any NWFP and its product from State Reserved Forest Land, for those species listed in the schedule approved by the Department.
159. NWFP originating from registered land/private forest shall be allowed for export with proper transit permit issued by the CFO after verification.
160. Upon obtaining export permit, the applicant shall process for Material Transfer Certificate and Phyto-sanitary Certificate from the relevant agency.

Traditional Uses of Wild Plants

161. The collection and use of wild plants for traditional purpose shall be as per the guidelines issued by the Department. Such collection shall be allowed only upon issuance of permit from the Department.

Commercial Use of Wild Plants

162. Harvesting of wild plants for commercial use shall be allowed only with a harvesting permit issued by the Department, on payment of royalty at commercial rate prescribed by the Ministry.

Threatened Species

163. The permit to harvest any NWFP species, whose population is threatened as a result of harvesting, shall not be allowed.

Annexure VII: Application to Establish Community Forest

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

APPLICATION TO ESTABLISH COMMUNITY FOREST

PART A *(To be filled by the applicant)*

Dasho Dzongdag,

In accordance with the Forest and Nature Conservation Rules and Regulations, 2017, I,, the Chairman of the Community Forest Management Group of villages(s) consisting of households, would like to submit this application for establishment of Community Forest. (*map attached*)

a) Gewog:.....

b) Description of the State Forest land proposed for establishment of Community Forest:

(i) Name of the forest:

(ii) Boundary description:

N

S

E

W

(iii) Estimated area: acres

(iv) Forest type:

Signature:

Name of the CFMG Chairman:.....

Date :.....

Annexure VII (continued)

COMMUNITY FOREST MANAGEMENT GROUP MEMBERSHIP

Sl.No.	Name of Household Representative	CID Card No:	House No.	Thram No. (If applicable)	Signature

Annexure VII (continued)

I have reviewed the application and hereby recommend for the formation of CF in the proposed area.

Name and Signature of Gup:

Gewog:

Date:.....

PART B (To be certified by Range Officer)

We have evaluated the area applied for and the qualifications of the group to manage it according to the criteria established in the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017. We recommend/do not recommend, the application for establishment of the Community forest be approved.

Justification for approval/rejection:

1.....

2.....

Signature:

Name:.....

Name of Range:.....

Date:.....

PART C *(To be certified by the CFO)*

I have reviewed the application and I am satisfied/not satisfied, that the details provided in the application are true and that the area is suitable for Community Forest Management. I accept/do not accept the application for establishment of Community Forest.

Justification:

1.....

2.....

Signature:

Name of CFO:.....

Division/Park:.....

Date:.....

Annexure VIII: Community Forest Ownership Certificate

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

COMMUNITY FOREST OWNERSHIP CERTIFICATE

Community Forest Certificate No. :

..... Community Forest Management Group

..... Village Gewog

..... Dzongkhag

In accordance with the Forest and Nature Conservation Rules and Regulations, 2017; we are pleased to award this Certificate for managing.....
(*Name of forest*) as Community Forest described below with approved map and authorize the Community Forest Management Group (membership list attached) to manage the designated forest area as per the approved Management Plan. This Certificate is subject to compliance with the management plan for the Community Forest approved by the Department vide letter No. dated

a) Location (GPS Co-ordinates):.....

b) Area:.....acres

c) Boundaries:

.....
.....

Officials Awarding Certificate

Signature of CFO:

Signature of Gup:

Division/Park:.....

Gewog:

Date:.....

Date:

Annexure IX: Application for Registration of Private/Industrial/Institutional Forest in Registered Land

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

**APPLICATION FOR REGISTRATION OF
PRIVATE/INDUSTRIAL/INSTITUTIONAL FOREST IN REGISTERED LAND**

Dated:

To

Chief Forestry Officer,
.....Division/Park.

Sir,

I am/we are interested in registering a Private/Industrial/Institutional Forest on my/our registered land. Details of my/our land to be considered as Private/Industrial/Institutional Forest are as follows:

1. Details of Applicant:

Name:..... House No/Company/Institution Registration No:.....

Tharm No:..... Plot No:.....

Village:..... Gewog.....

Dungkhag.....Dzongkhag.....

2. Details of registered land applied for registration as Private/Industrial/Institutional Forest:

a) Location (GPS coordinates) :.....

b) Land category :.....

c) Area (acres) :.....

d) Land boundaries (Peg Number):.....

e) Type of ownership (individual/joint/corporate/government).....

3. Status of Registered Land

- a) Under cultivation
- b) Uncultivated/fallow:.....
- c) No. of existing trees/poles/NWFP:
- d) Area to be planted:.....(Ac)
- e) Near habitation (Yes/No) :
- f) Marshy/waterlogged/water source

4. Proposal

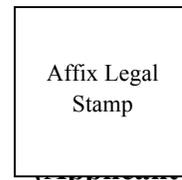
- (a) Forest produce to be raised or to be nurtured in Private/Industrial/Institutional Forest

.....
.....
Purpose:- (Timber, firewood, fodder, medicinal plants, canes, bamboos, recreation and others)

5. Reason/justification for changing the land use:

.....

Yours faithfully,



I, certify that the land specified in the application by of village, Geog for establishment of a Private/Industrial/Institutional Forest is privately owned land registered in his *thram*.

Signature:

Name of the Gup:

Gewog:

Date:

Annexure X: Import/Export Permit for Non Wood Forest Produce (NWFP)

Book No.....

Page No.....

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

IMPORT/EXPORT PERMIT FOR NON-WOOD FOREST PRODUCE (NWFP)

Office of the CFO/RO/PR. Division/Park/Range

1. Name & address of the permit holder
2. Name, quantity and descriptions of the NWFP items in transit.
.....
3. Movement from (name of entry check point)..... To
4. Purpose
5. Reference of documents revealing the origin or sources.....
6. This transit permit is valid up to (date)
7. Permit fee of **Nu:20/permit** shall be charged for the import/export of NWFP in addition to import/export fee as per Schedule of Fees (*Annexure 1*).
8. Issued at

RO/PR/Officer In-charge

..... /Range/Check gate

Original copy for permit holder

Dated:.....

Duplicate copy for accounts

Triplicate copy for office record.

NOTE: This permit is an important legal document for movement of Import/Export NWFP including sand/stone/boulder

Annexure XI: Certificate of Origin(NWFP)

Book No.....
No.....

Page

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

CERTIFICATE OF ORIGIN (NWFP)

Collection Permit No:.....

Name of Permit Holder:.....Household
No:.....Village:.....

Gewog:.....Dzongkhag:.....

Product
Type.....

Sl.No	Name of Collection Site(Source)	Collection Duration		Quantity	Unit	Remarks
		From	To			
1.						
2.						
3.						

Date of issue.....Place.....

Validity.....

Signature:
Monitoring Team Leader
Name.....
Designation.....
Place.....

NOTE: This is an important legal document required for movement of NWFP from the collection site to the auction yard.

CHAPTER IV

FORESTRY RESEARCH

Research Procedure

164. Any individual, agency or organization intending to conduct research within State Reserved Forests, Protected Area, Community Forests and any other forest under management regimes shall seek approval from the Department in accordance with section 11(a) of the Act.
165. Any office under the Ministry intending to conduct research, shall seek approval from the designated institute of the Department and no permit fee shall be levied.
166. The research applicant shall apply in *Annexure XII*, to the designated research institute of the Department along with research proposal.
167. The Research Committee of designated research institute shall approve/reject the proposal and inform concerned CFO.
168. The applicant shall be informed on the approval or rejection of the research proposal by the Research Steering Committee within two weeks from the date of submission of proposal.
169. Where the proposed research entails felling of tree, taking of Plant, Wildlife specimen and animal handling/collaring, the Research Committee shall further seek clearance from the Technical Committee of the Department.
170. Research permit shall be issued by the designated research institute of the Department as per *Annexure XIII*.
171. Upon completion of the research field work, a copy of the raw research data shall be submitted to the research institute of the Department.
172. A research permit fee shall be levied to the researcher as follows:
- | | |
|--|--------------|
| (1) Bhutanese Student: | Free |
| (2) Bhutanese Individual other than student: | Nu.5,000/- |
| (3) Foreigners: | Nu.100,000/- |

Annexure XII: Application for Research

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE AND FORESTS
Department of Forests and Park Services**

APPLICATION FOR RESEARCH

To be filled in by the Researcher

- a) Research site.....
- b) Start dateEnd date
- c) Research Title.....
- d) Purpose(*Specify*).....
- e) Animal Handling involved Yes No
- f) Plant Specimen Collection Yes No
- g) Equipment details.....

(Signature)

Name of the Researcher..... Date:.....

Designation:.....

Office/Agency/Organization:

.....
.....

NOTE: Research proposal to be attached with the application.

Annexure XIII: Research Permit

Book No.....

Page No.....

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE AND FORESTS
Department of Forests and Park Services**

RESEARCH PERMIT

Ref. No:.....

Date.....

Letter No.:.....

Name of Researcher/Organization

Address:.....

.....

.....

With reference to the approval of the Research Steering Committee held onand in accordance with Forest and Nature Conservation Rules and Regulations, 2017, this permit is issued to the above applicant to conduct research in State Reserved Forests/Community Forest/ Protected Areas/any other management regimes for the duration of w.e.fto.....

Royalty

- a) Felling of trees: Nu.....
- b) Collection of plants: Nu.....
- c) Others:..... Nu:.....

Permit Fee

Nu:..... Money Receipt No:.....Date.....

The research work shall adhere to the provisions of the Forest and Nature Conservation Rules and Regulations 2017.

OFFICIAL SEAL

Signature of Chairman
Research Steering Committee

CHAPTER V

FOREST BASED INDUSTRY

Licensing Clearance Procedure

173. Clearance from the Department to avail license for primary processing plant for any forest produce shall be granted only if, there is adequate and sustainable supply of forest produce and in accordance with management plans, wherever applicable.
174. Any juristic person interested to establish any forest based industry shall submit detailed project report to the Department of Forests and Park Services through the Ministry of Economic Affairs (MoEA).
175. The Technical Committee of the Department shall review the project report and based on recommendation of the Committee, the Department shall issue clearance or reject the project, and accordingly inform the MoEA.

Types of Wood Based Industry

176. The Wood Based Industry may consist of the following types, but not limited to:
- | | | |
|---------------------------------|----------------------------|-----------------------------|
| (1) Stationary Sawmill | (2) Chopstick Unit | (3) Wood Pellet |
| (4) Furniture Unit | (5) Particle Board Factory | (6) Ply Wood Factory |
| (7) Tooth Pick | (8) Chipping Unit | (9) Green Charcoal |
| (10) Wood Briquette | (11) Veneer | (12) Ear Bud Unit |
| (13) Block Board | (14) Fibre Mill | (15) Wood Lamination |
| (16) Paper Mill | (17) Wood Joinery | (18) Handicraft Units |
| (19) Mobile Sawmill | (20) Forest bio-refinery | (21) Packing Cases & Crates |
| (22) Cable Drum Flange & Bobbin | | (23) Wooden Photo Frames |

Operation of Stationary Sawmill, Mobile Sawmill, Cable Crane and Power Chain Saw

177. Only licensed saw mill owner shall be permitted to saw timber and such owner shall employ operators certified by training institution recognised by the government.
178. The CFO shall maintain inventory of all the stationary sawmill, mobile sawmill, cable crane and power chain saw within their jurisdiction, including details such as serial number, make and model of the equipment and other associated machinery.

179. The installation and operation of cable crane shall be allowed through SRF for extraction of timber with approval from the Department. The installation and operation of cable crane in FMU shall be allowed as prescribed in the management plan.
180. The power chain owner shall register with the Department for operating power chain saw and obtain certificate of registration. The Department shall ensure that the equipment/saw is environment friendly with regard to the equipment standard.
181. The recovery percentage of any brand of sawmill being applied for shall be verified by the Department.
182. It shall be obligatory for the operator of mobile sawmill and power chain saw to produce the following documents at the site of sawing:
- (1) Certification of registration issued by the CFO for power chain saw;
 - (2) Valid license issued by MoEA for mobile sawmill ;and
 - (3) General Forest Produce Movement Order (GFPMO) and sawing order in original.
183. The designated staff, after completion of sawing, shall mark the sawn timber with passing hammer impression and issue transit permit for its transportation to designated destination.
184. The sawmill shall; maintain proper record of the incoming timber and disposal, and also record of the actual physical volume of the sawn timber recovered from log volume.
185. The CFO shall strictly monitor the operation of stationary sawmill, mobile sawmill, cable crane and power chain saw.

Certification and Registration

Mobile Sawmill and Power Chain Saw

186. Physical verification of mobile sawmill and power chain saw shall be conducted at the time of initial registration. Upon registration, a certificate of registration shall be issued including details such as serial number, make, model and name of owner.
187. All mobile sawmill and power chain saw shall be registered with the concerned Division/Park. Any mobile sawmill or power chain saw not registered shall not be allowed to operate.
188. In the event, mobile sawmill or power chain saw is transferred to any area under the jurisdiction of another Division/Park, a letter of transfer of registration shall be issued by the Division/Park transferring such registration. In case of sawing works for smaller

quantities and for short duration, the CFO of the jurist Division/Park may issue a temporary in lieu authorization.

189. Upon receiving the letter of transfer of registration, the owner shall register the mobile sawmill or power chain saw with the concerned Division/Park.

190. A certificate of registration of mobile sawmills or power chainsaw shall be issued to its owner including its details such as serial number, make, model and name of owner.

Stationary Sawmill

191. The CFO shall designate forest officer to ensure that the implementation of activities related to sawing of timber is carried out as per this Rule.

192. After completion of sawing, the designated forest officer shall issue transit permit reflecting the volume and number of piece of sawn timber. Every piece of sawn timber shall have passing hammer impression and same impression shall be stamped on the transit permit as well.

Registration and Renewal Fee

193. The registration and renewal fee of mobile sawmill and power chain saw shall be levied as per the schedule of fee prescribed in *Annexure I* of this Rules. The registration shall be valid for one year.

Facilitation and Compensatory Plantation

194. The Department shall provide technical backstopping to facilitate the promotion of wood based industry.

195. Any forest resource based industry shall carry out compensatory plantation in areas identified by the Department through the Association of Wood Based Industries.

Procedure for Sawing Rural House Building Timber

196. Registered stationary sawmill, portable saw mill or power chain saw shall be allowed to saw rural house building timber.

197. All registered stationary saw mill/portable saw mill/power chain saw owners shall be allowed to saw rural timber only after obtaining sawing permission from the nearest Forest Office. The nearest Forest Office shall verify the location and issue sawing permit accordingly.

198. The sawing permit shall explicitly mention the name of rural timber Permittee, volume of timber, species, sawing rate, name of the stationary saw mill/portable saw mill/power chain saw and the name of Forest Officer on duty.
199. The Forest Officer on duty shall submit sawing completion report to the concerned Range Office based on sawing permit. Monitoring of rural timber at the proposed construction site shall be carried out by the concerned Forest office and report should be submitted to the concerned Division/Park.
200. Based on completion report, the CFO shall depute utilization monitoring team to verify whether the sawn timber has reached the proposed construction site.

Supply of Raw Material to Wood Based Industry

201. Any timber requirement from SRF shall be met through the allotment system approved by the Department or Ministry. Any firewood and woodchips requirement shall be met directly through the authorized agency of the Department.
202. The wood based industry may also purchase timber from private registered land owner or community forest upon payment of commercial royalty to the Department.
203. The timber produce from the certified private forest shall not be liable for payment of royalty for the sale of timber.
204. The import of timber from other countries shall be allowed in accordance with the Import Guidelines of the Royal Government of Bhutan.

Types of Non-Wood Based Industry

205. Non-Wood Based Industry may consist the following types, but not limited to:
 - (1) Essential Oil
 - (2) Resin
 - (3) Paper
 - (4) Bamboo and Cane Product
 - (5) Katha
 - (6) Incense
 - (7) Dye
 - (8) Extracts
 - (9) Dry Flower

Supply of Raw Material to Non-Wood Based Industry

206. The concerned Forest Office shall direct the applicant to the concerned NWFMG for purchase of raw material.
207. In the event, NWFMG does not exist any request for raw material shall be allotted from SRF on approval by the Department.
208. The Department may conduct resource sustainability study to assess the feasibility based on the Technical Regulations of the Department.

Raw Material for Handicraft Item

209. Raw material for manufacture of handicraft items by an individual having valid license shall be allotted in standing trees upon application and payment of royalty at commercial rate on log volume basis.
210. The following shall apply for the allotment of raw material for manufacture of handicraft items:
- (1) The CFO is authorized to approve one number of tree per license holder per year;
 - (2) The Head of the Department is authorized to approve up to three numbers of tree per license holder per year; and
 - (3) If the requirement is more than three trees, the approval of the Ministry shall be required.

Wood Burr as Raw Material for Handicraft Item

211. Allotment of wood burr as raw material for the production of handicrafts item shall be done upon payment of royalty at commercial rate on the following conditions:
- (1) the CFO is authorized to approve 100 burrs per license holder per year;
 - (2) the Range Office shall issue collection permit on realization of royalty at commercial rate;
 - (3) a permittee shall be allowed to collect from the area specified in the permit only. Any further change of collection area shall not be allowed for the same permit;
 - (4) felling of trees is strictly restricted for collection of burr; and
 - (5) the collection of burr is allowed from the month of October to March of every year.

Mushroom Billets

212. Application for requirement of mushroom billets shall be submitted to the Department of Agriculture. After verification of the application, the Department of Agriculture shall forward it to the concerned Division/Park recommending the required specification of billet.
213. The maximum number of mushroom billets that CFO is authorized to approve shall be 3000 numbers. However, the quantity to be supplied shall be subject to the availability of resources.
214. Upon receiving approval from CFO, the Range Officer shall issue permit and allot mushroom billets under the following conditions:
- (1) Mushroom billets shall be supplied from the branch of the standing tree or dead, dying and diseased tree identified by forest officials.
 - (2) Allotment of billets shall be considered in phased manner, if the requirement of the unit is considerably huge.
 - (3) Mushroom billet shall be supplied upon realization of royalty at the commercial rate.
215. The Department shall allot billets based on resource availability and Division/Park shall conduct regular monitoring. The Department of Agriculture shall monitor the use of billet in the field and submit utilization report. Any additional requirement of billet shall be subject to the utilization report.

Monitoring of Forest Based Industry

216. The Department through the Divisional, Park and Range offices shall be responsible to monitor the forest based industries.

CHAPTER VI

TRADE AND TRANSPORT OF FOREST PRODUCE

Criteria

217. The sale of timber from State Reserved Forest Land shall be conducted through a system or guideline approved by the Ministry, subject to the following conditions:

- (1) only Bhutanese citizens shall be allowed to participate in the trade of forests produce;
- (2) export of timber either in log or sawn form, or as firewood is banned. However, the Ministry may consider open auction for export of timber which does not have market within the country and those timbers which remains unsold in three consecutive allotment system;
- (3) export of any used timber from structural dismantling may be allowed with due verification and approval from the Department; and
- (4) timber price shall be periodically determined by Natural Resources Pricing Committee .

Export of Finished Forests Product

218. The finished forests product with the following specification/description shall be allowed to be exported:

- (1) Particle board;
- (2) Plywood;
- (3) Broom Handle;
- (4) Railings;
- (5) Furniture;
- (6) Packing box;
- (7) Photo frame;
- (8) Saw dust;
- (9) Block Board;
- (10) Decorative bit with design profiles;
- (11) Skirting: Max. width 4", Max. thickness 1", one side grooved- can be of any length;
- (12) Green Charcoal;
- (13) Briquette;
- (14) Ear bud, chop stick, tooth pick;
- (15) Handicraft item;
- (16) Incense stick and powder;
- (17) Wooden cable drum;

- (18) Wooden crate;
- (19) Laminated beam;
- (20) Timber retrieved from dismantled house but not from old heritage timbers from temples;
- (21) Fabricated timber structures for exhibition and other related use; and
- (22) Wood parquet.

219. The CFO shall issue permit for the export of finished forests product listed above, however, any transit permit required from other countries shall be obtained by the exporter.

220. The export of other finished products and value added items which are not listed above shall be allowed only upon the approval from the Ministry on the recommendation of the Department.

Movement of Timber

221. The Department through the Division, Park , Range Offices, and Check Post shall be responsible to monitor movement of timber within the country and to avoid misuse of timber. The movement of timber shall comply to the following requirement:

- (1) The Certificate of Origin cum Stump to Depot Timber Movement Order (COSDTMO) shall be issued by the Department to serve as the certificate of origin and to facilitate movement of timber from Stump to Depot/sawmill/worksite
- (2) The Internal Timber Movement Order (ITMO) shall be issued for every consignment of timber in line with COSDTMO.
- (3) Any timber movement within the country shall be accompanied with a copy of COSDTMO and ITMO.
- (4) In the event of timber import, the following documents shall accompany the consignment:
 - (a) Import Timber Movement Order issued by the Department, and
 - (b) Original invoice/cash memo of the agency exporting timber.

Timber Movement Permit and Forms

222. The movement of timber without transit permit shall be seized.

223. To facilitate smooth movement of timber within the country, the following forms provided as Annexure shall be used:

Annexure	Name of Annexure/Form	Purpose/Remarks
XIV	Certificate of Origin Cum Stump to Depot Timber Movement Order (COSDTMO)	1. To confirm the origin of timber and to facilitate timber movement from source /stump to depot/sawmill/worksite. 2. COSDTMO should be attached with ITMO/Challan of Government authorized agency for movement of any timber.
XV	Internal Timber Movement Order (including subsidized timber)	To facilitate timber movement within the country.
XVI	Import Transit Permit for Timber	To facilitate movement of timber imported from other countries.
XVII	Export Transit Permit for Timber	To facilitate and identify timber for export purpose based on specific approval of the Ministry
XVIII	General Forest Produce Movement Order	To facilitate movement of non-timber forest products, such as sand, stone, boulders, etc...

Inspection of Forests Produce in Transit or Trade

224. Trade of any forest produce shall be inspected at any time in accordance with this Rule.

Any Forest Officer or other authorized officer may enter any property or premises at any reasonable time after seeking permission, to examine and determine whether it is legally obtained in accordance with the Act and this Rules.

225. Any person carrying any forest produce by means of vehicle, draft animal or person may be stopped and examined at any time and place by any Forest Officer to determine whether such forest produce is legally obtained in accordance with the Act and this Rules.

226. The Ministry may issue separate Rules to:

- (1) regulate the collection, cultivation, possession, sale, import and export of medicinal plants, including plants in the Schedule I, and
- (2) prohibit, regulate or require permits for the import and export of any animals or plants in accordance with the Bio-safety and other laws.

Unclaimed Forest Produce

227. Any forest produce found beached, stranded, sunk or any other unclaimed forest produce shall become the property of the Government, if no person can establish a valid right of possession within one month after a notification has been published of its being found.

Operation of Forestry Check Post

Establishment of Forest Check Post:

228. The Department shall establish forest check post at strategic location for the purpose of examination and verification of any forest produce in transit.

Staff Placement:

229. The concerned Division/Park shall depute adequate forest officials at the check post on a monthly rotation basis. The senior most official shall be designated as the In-charge of the check post for the particular month or period.

Duty to Report

230. Any person carrying any forest produce by means of vehicle, draft animal or person on arrival to a forest check post, shall report to the In-charge of the check post and furnish the detailed information including the copy of permit for examination/verification.

Timing

231. The forest check post shall be manned by the Forest Officials and the movement of forest produce shall be allowed for 24 hours, except for timber which shall comply to the following time schedule:

- (1) Summer Timing (March to Oct.): 6 AM - 7 PM
- (2) Winter Timing (Nov. to Feb.): 7 AM - 6 PM

Damage to Forest Check Gate

232. If forests check gate is damaged, either wholly or partly by person, vehicle or machinery, the concerned party shall undertake replacement or repair of the gate immediately. Failure to replace or repair the gate so damaged shall be considered violation of the provision of the Act and shall be fined and charged the cost of reconstruction or repair as per the provision of this Rules.

Authority

233. The Forest Officer on check post duty is authorized to check any person, draft animal or vehicle to inspect whether any forest produce is being carried.

Record and Report

234. The staff at the check post shall maintain the record of the details of movement of forest produce through the check post and at the end of every month, abstract of the report shall be submitted to the CFO.

Annexure XV: Internal Timber Movement Order (ITMO)

Book No.....

Page No.....

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

Internal Timber Movement Order(ITMO)

Name of the owner Address

Lot No.....

From:

To: Location & Range:.....

COSDTMO and date:.....

Category of allotment: Rural

Commercial

Form of timber : Log

Sawn

Semi-finished

Sl.No.	Type of Produce	Species	No. of Pieces	Measurement Details	Volume(cCft..)
Total:					

Date:

Total Volume:.....cft.

Balance available:.....cft.

Vehicle number:.....

Name & Signature of Recipient

Signature of Issuing Authority
Seal

NOTE: A copy of Certificate of Origin cum Stump to Depot Timber Movement Order shall be attested.

Annexure XVIII: General Forest Produce Movement Order

Book No.....

Page No.....

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

General Forest Produce Movement Order

Name of Division/Park:

Range:

Name of permit holder:

Address:.....

Destination:.....

Purpose (Rural/Commercial):

Name of Area	Description of Forest Produce	Quantity/ Volume	Unit	Royalty Rate	Amount		Remarks
					Nu.	Ch.	
Total							

Ngultrum(in words).....

Date of issue

Date of expiry.....

Signature of Issuing Authority

Seal

NOTE: This permit is an important legal document required for movement of General Forest Produce.

CHAPTER VII

NATURE CONSERVATION

Wildlife Conservation

General

235. Unless otherwise specifically permitted in this Chapter, taking of wildlife in and out of the country shall be regulated by this Rule.

Totally Protected Species

236. Hunting, Killing, Trapping, Transporting, Capturing, Breeding, Cultivating, Possessing or keeping as pet of totally protected species listed in Schedule I shall be prohibited except under the following conditions:

- (1) in accordance to a special permit or Rules issued by the Ministry as per powers conferred by the Act; or
- (2) a person whose life or safety is directly threatened by totally protected species listed in the Act or under this Rules, may use any protective means for self-defence;

Protection of Other Species

237. All other species of wildlife not included in totally protected species under this Rules shall not be hunted, killed, destroyed, trapped, transported, captured, bred, collected, possessed or kept as pet except:

- (1) To control/prevent the spread of diseases that can be transmitted to human;
- (2) to defend against damage to crops and other private property in private registered land;
- (3) for self defence or to scare off the animal to prevent destruction of his property, livestock, or crops during sudden encounter;

Procedure for Reporting

238. The following reporting procedure shall apply to any wildlife incidences specified under Rule 236 and 237 above;

- (1) in the event, any wildlife species get into a trap or gets killed or injured, the incidence shall be reported immediately to the nearest forest office;
- (2) statement of *Chiwog Tshogpa* shall be required, in case the animal was shot or trapped in private land while destroying crop or lifting livestock and have later died either in the agricultural field, private land or in SRF Land; or
- (3) any other conditions specified under Technical Regulations issued by the Ministry.

239. No legal action shall be initiated against any individual, if proven that the wild animal under the category has been killed in guarding the field or defending the property or in self-defence. However, the following provisions shall apply to any wildlife parts or trophies from such killing:

- (1) the trophy and the valuable parts such as bile, musk pod, feather etc. of the animal killed shall be surrendered to the nearest Forest Office.
- (2) the concerned forest office shall surrender the trophy and part of the animal killed to the Department within 15 days.
- (3) the Department shall maintain record and store all such items.

Captive breeding

240. No animal shall be taken from the wild for purpose of commercial breeding in private facility, except where the taking occur with a permit from the Department under this Chapter.

241. The Department shall certify and issue permit for captive breeding of any wild animal.

242. The permittee shall be required to prove that any specimen possessed has been taken with valid permit or is an off spring produced from captive breeding.

243. For the purpose of this rule, the term “Commercial” shall refer to any activity undertaken in connection or with the intent of the ultimate sale, barter, exhibition, or other activity obtaining financial benefit from the species, offspring, or any part, egg, thereof.

Certificate for Possession of Animals/ Plants or Their Parts

244. It shall be the obligation of the person in possession of any specimen of plants and animals to prove that it was legally taken from the wild or any other source. A copy of the permit/certification for the possession shall be the evidence thereof.

245. The person in possession of any trophy, specimen (animals/ plants or their parts) shall apply to the Department for certification of his right to possess them as prescribed in **Annexure XIX**. This certificate shall be considered only if, it is proved that such collection is not made illegally.

Special Provision Regarding Wildlife

246. No wildlife may be taken from any core zone of protected area.

247. Taking of wildlife within any other zone of a protected area may be permitted only in compliance with the conservation management plan.

248. Where a species is protected, a permit under this Rule to take that species within a protected area shall be given only after the applicant had obtained approval to take such species from the Ministry. The Department may adopt a protocol for addressing both requirements in the same permit.

249. Taking of wildlife from areas other than protected area may be permitted only with permission from the Ministry.

250. The culling of any wildlife except schedule I species may be allowed based on population estimate and in line with technical regulations approved by the Ministry.

251. Fishing within a protected area shall be permitted with a valid permit obtained in accordance with Technical Regulations.

Conservation of Wetlands

General

252. The Department shall be responsible for overall management of wetlands and watershed.

The Department shall be responsible for planning, coordination and implementation of wetlands and watershed management plan and program, protection of wetlands and watershed areas as per the technical guidelines issued by the Department. *Procedure*

253. The Division/Park shall be responsible to report the presence of wetland, critical and degraded watershed to the Department.

254. The concerned Division/Park shall assess and prepare the detail report of wetland, critical and degraded watershed and submit to the Department.

255. The Department shall review and advise the Division/Park for preparation of the management plan.

256. The management plan shall be prepared as per Chapter III of the Rule and technical guidelines provided in the forest management code issued by the Department

Implementation

257. The Division/Park shall be responsible to ensure the implementation of the management plan.

Restoration

258. Any person causing degradation or damage to wetland shall restore or bear the cost of restoration.

259. If the person causing degradation or damage to wetland is not willing to restore or bear the cost of restoration, the Division/Park shall provide one month time period to restore or pay the cost. The failure to comply with the time period, the case shall be forwarded to the Court of Law.

Nature Recreation and Ecotourism

General Procedure

260. The Department shall implement all eco-tourism related activity in collaboration with the relevant agency and local institution.

- (1) any individual, group or agency interested to establish recreation and eco-tourism activity shall submit the proposal to the Dzongkhag Administration.
- (2) the proposal shall follow guidelines developed by the Department.
- (3) the Dzongkhag Administration shall carry out the feasibility study on such proposal and submit to the Department for endorsement of the project proposal. Upon endorsement, the Department shall communicate to the Dzongkhag Administration for implementation.
- (4) all activity shall be subject to field verification, community consultation whenever required and development of management plan as per this Rule.

Creation of Recreational Areas and Ecotourism Sites or Activity

261. The Division or Park shall identify public recreational areas within SRF Land and submit the proposal to the Department.

262. The Department shall review and approve or reject the proposal. Upon endorsement, the Division/Park shall process SRF Land for creation, implementation and management.

263. The Department shall issue permit for the following activity within SRF ;

- (1) Documentary and filming
- (2) Boating, rafting and kayaking
- (3) Flora and fauna tourism including bird / Game watching

- (4) Cycling and motor biking
- (5) Hiking, trekking, camping, rock climbing
- (6) Recreational Fishing
- (7) Any other adventure sports and tourism related activity that is environment friendly.

264. The operation of all ecotourism and recreational programs in SRF shall be subject to environmental, socio-cultural and economic impact assessment. Tourism zone shall be clearly delineated specifying the facility and degree of access to be allowed.
265. The Ministry shall introduce and institutionalize a plough-back mechanism so that the beneficiaries are adequately compensated for the cost of conservation and management of the eco-systems through ecotourism and nature recreational activity in State Reserved Forest Land.
266. Any foreigner/tourist visiting Protected Area, recreational area and ecotourism sites is required to obtain a permit and pay fee as fixed by the Department.
267. Any Bhutanese visiting national park, ecotourism sites or any other recreational areas explicitly for the purpose of recreation shall be required to obtain a permit and pay fee as fixed by the Department.
268. Tourism and recreational area operator guide and other beneficiary *inter alia* shall follow the code of conduct issued by the Department or other authorized agency.
269. Any infrastructure and signage related to ecotourism and recreational area shall be developed as per standards and Technical Regulations developed by the Department.
270. The implementing agency shall ensure that appropriate waste management strategy is developed in accordance with Waste Management Act and its Regulations.

Fishing

271. Fishing in any stream, river, lake or other water bodies shall be governed by this Rule.

General Procedure for Obtaining Fishing Permit and License

272. The Department shall declare and designate restricted areas for fishing. Fishing in non-restricted area shall be permitted with a valid permit/license, and any breach of this Rule shall be treated as an offence.

Permit

273. Any interested person shall apply for the fishing permit to the nearest Range office or the Division/Park.
274. The concerned Range Office shall issue fishing permit with a validity not exceeding one week **in Annexure XX**.

275. The Permittee shall carry the valid fishing permit at the time of fishing and produce on demand by any forest officer.

276. The fishing permit is non-transferable.

License

277. The CFO shall issue fishing license with validity of more than one month and such license shall be issued only if, it involves multiple rivers, streams and other water bodies, and multiple areas beyond their jurisdiction as per the technical Regulation issued by the Department from time to time.

278. The Department shall instruct the concerned Division to issue fishing License as prescribed in **Annexure XXI**.

279. The Licensee shall carry the valid fishing license at the time of fishing and produce on demand by the forest officer.

280. The fishing License is non-transferable.

Schedule of Fishing Fee

281. The Department shall levy fishing license and permit fee as prescribed under:

Duration	<i>Fee in Nu.</i>		Type
	Nationals	Foreigners	
1 day	500	1000	Permit
1 week	1500	3000	
1 month	3000	6000	License
6 months	6000	12000	
1 year	10000	20000	

282. In the event, any individual who intend to trade fish as an occupation by use of line rod shall be levied a fee of Nu. 25000/- per year, on the production of valid trade license.

Capture Fishery

283. The community having customary rights to harvest fish from the designated river/stream/water body shall be allowed in accordance with the management plan developed in collaboration with the relevant Department/agency.

Annexure- XIX Certificate for Possession of Animal/Plant or Their Parts

Book No.....

Original

Page.....

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

Certificate for Possession of Animal/Plant or Their Parts

Ref.No.....Date.....

This is to certify that Dasho/Mr/Ms/.....CID.No.....

Address.....
.....

The Holder of this certificate is permitted to possess the following animal/plant or their parts as per FNCRR 2017 of rule No.

1.....

2.....

3.....

This is issued based on verification done and authentication submitted vide letter No.....date....., by CFODivision/ Park

Date..... Official Seal
Department

Head of the

Annexure- XX One Day Fishing Permit

*Book No.....
Page.....*

Original

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

Office of the

Reference No.

Dated:

ONE DAY FISHING PERMIT

(Fishing with rod & line only)

1. Details of the permit holder:

a. Name:.....CID no (attach copy).....

b. Full address:.....

2. One day/week fishing on date:

3. Name/Names of the area permitted for fishing
.....
.....

4. Revenue receipt No. Dated.

5. Fishing rule under Rule of the FNCRRRR 2017 is reproduced at the back of this permit & this permit holder shall strictly adhere to this rule.

Range Officer/Park Ranger

Range.....

NOTE: This permit is an important legal document required to be carried during permitted fishing.

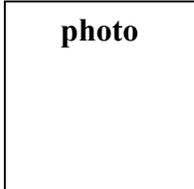
Annexure- XXI License for Fishing with Rod and Line

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
DEPARTMENT OF FORESTS & PARK SERVICES**

LICENCE FOR FISHING WITH ROD AND LINE

License No.....

Date :



1. Name of the License Holder:

2. Address:

3. Locality (fishing areas):

4. Validity:

5. License Fee (Nu) :

CFO

.....Division/Park

IMPORTANT: This license is a mandatory statutory license required to be carried during permitted fishing. If this license holder fails to produce this permit on demand by Forestry Officials/Staffs/Police personnel, fishing equipment and other tools involved in fishing shall be liable for confiscation and shall invoke other penal provisions of these Rules. The Permit holder shall strictly comply with the provision of FNCRRFNCRRR.

CHAPTER VIII

WASTE MANAGEMENT IN STATE RESERVED FORESTS

Authority

284. The Waste Prevention and Management Regulation, 2012 has mandated the Forest Department to manage waste in the State Reserved Forests:

Type of Waste

285. The waste may be categorized as hazardous and non-hazardous waste based on the notification of National Environment Commission as per the Waste Management Act of Bhutan.

Waste Management in State Reserved Forests

Implementation

286. The concerned field office shall be the Implementing Agency for Waste management and the Department shall be the monitoring authority.

287. The concerned office shall prepare waste management plans including implementation mechanisms in consultation with local stake holders.

288. The Department shall conduct regular monitoring of waste management.

Responsibility

289. The concerned field office shall ensure that any individual, organisation, institution or a community conducting activity like camping, trekking, picnicking, timber extraction, firewood collection, stone bathing, religious or cultural performance, cattle herding, dumping of saw dust, quarrying and mining, research, survey, inventory development, census, infrastructural construction, Non wood forest product collection, educational or recreational visit or running small commercial activity within the respective jurisdiction are prohibited from littering any nature of organic or inorganic waste and shall comply to the following Rule:

- (1) the garbage is collected and disposed at a designated site;
- (2) adequate awareness and outreach programmes are initiated, in coordination with the Nature Clubs of educational institutions and other conservation related organizations;
- (3) cleaning campaign to collect and dispose of inorganic wastes lying within respective jurisdictions is initiated, in coordination with the Nature Clubs of educational institutions and other conservation related organizations; and,

- (4) Collected inorganic wastes are transported when the volume of waste collected is sizable for transportation to its designated disposal site, in coordination with other line organizations.

Waste Disposal Coordination

290. The concerned field office shall coordinate with the concerned Dzongkhag for proper disposal of inorganic waste within the SRF and ensure that the waste collected is transferred to regional collection centre in collaboration with Dzongkhag Administration.

CHAPTER IX

ALLOTMENT OF TIMBER AND OTHER FOREST PRODUCE

Allotment of Rural Subsidized Timber

Applicant Eligible for Rural Subsidized Timber

291. Subsidized timber for construction of a rural house shall be allotted, only if the applicant is the Head of *Gung* in whose name the land on which construction will take place is duly registered.
292. Applicants shall not be eligible for rural subsidized timber for more than one rural house construction.

Area Eligible for Rural Subsidized Timber

293. Subsidized timber shall not be eligible in the following areas:
- (1) *Dzongkhag* “*Thromde*” and *Yenlag* “*Thromde*” as declared by the Government,
 - (2) falling within 2 Km radial distance from the declared boundary of *Thromdes* above,
294. Notwithstanding anything contained in Rule 293, subsidized timber shall be supplied subject to fulfilment of all the following conditions:
- (1) the applicant is a native of the area,
 - (2) the applicant is the Head of *Gung*, in whose name the land on which construction will take place is duly registered.
 - (3) the timber requirement is for bona-fide rural use,
 - (4) the rural house to be constructed with subsidized timber is for the personal dwelling of the applicant and his family, and
 - (5) the land on which the rural house is to be constructed is inherited and not purchased by the applicant.

Procedure

295. The applicant shall submit application prescribed in **Annexure -XXII Part A** along with copies of (a) Citizenship ID card, (b) Land registration certificate (*thramLagthram*) (c) Construction approval, and (d) Type of proposed house to the *Geog* Office.
296. The *Gup* shall instruct the *Geog* Inspection team comprising of concerned *Tshogpa*, *Geog* Administrative Officer, and Forest Officer to inspect the construction site and verify the application as per the documents submitted by the applicant together with **Annexure -XXII Part A**.

297. The inspection team shall verify and endorse the application for approval or rejection within 10 days from receipt of *Gup*'s instruction in **Annexure -XXII Part B**. The inspection team shall ensure that all the requirements for supply of subsidized timber have been fulfilled. The inspection team shall also ensure that the quantity of timber applied for rural use is not more than the individual household entitlement if the applicant has applied from both Community Forest and State Reserved Forests.
298. The *Gup* shall approve or reject the application submitted in prescribed form in **Annexure-XXII Part C** and inform the applicant accordingly. The *Gup* shall forward only the approved application to CFO.
299. The applicant shall submit the approved application to Community Information Centre.
300. The CIC shall fill out the web-based form and submit the application online to the CFO. In *geog* where there is no CIC, the *Gup* shall compile the application and forward to the CFO for approval.
301. The CFO shall verify the application forwarded by the *Gup*, and shall accord approval and forward the approval online to the Range Officer and CIC, specifying the marking date and area in **Annexure-XXII Part D**. In places where there is no CIC, the CFO shall issue approval in hard copy with specific marking date and area to the Range Officer and the *Gup*. The *Gup* shall inform the applicant accordingly and CFO shall ensure that marking date is set within 10 days from the date of issue of approval from the Division/Park office.
302. The CFO shall maintain adequate records of subsidized rural timber supplied in the Forestry Information Database to avoid duplication. The CFO shall submit a report online to Forestry Information Management Section (FIMS) of the Department on the total quantity of rural timber allotted to the Division/Park on quarterly basis. The *Gup* shall also maintain record of subsidized timber supply in **Annexure-XXIV**.
303. The applicant shall collect the permit from the CIC after paying royalty and permit fee. In places where there is no CIC, the applicant shall collect the permit from the Range Office upon payment of royalty and permit fee.
304. The applicant with permit shall go to the specified marking area on the fixed date with the Range Officer for marking. The Range Officer shall handover the marked trees to the applicant as per tree marking book.
305. If the applicant fails to turn up on time for collection of permit and marking, the applicant shall approach the Range Officer for rescheduling of marking date.
306. The applicant shall extract the marked trees within a maximum period of 2(two) years within which the timber should reach the construction site from the date of issue of permit. The onus of safekeeping of marked or extracted timber shall lie with the Permittee.
307. The Permittee shall obtain COSDTMO after completion of felling and cross cutting/conversion from the Range Office.
308. The Range Officer shall issue ITMO along with a copy of COSDTMO during passing and the timber should have clear rural passing hammer impression.

Schedule for Allotment

309. The timeline for allotment and extraction of rural subsidized timber shall be as per the schedule in Table below:

Sl. No.	Activity	Time frame	Responsible agency
1	Submission of application and verification of construction sites	August to September	Geog administration
2	Permit issuance, marking and felling	October to December	CIC/Division and Park/applicant
3	Extraction and transportation to construction site/sawmill	January to March	Applicant (Obtain COSDTMO and ITMO)
4	Monitoring and reporting	April to May	Division/Park
5	Submission of construction/renovation completion report to CFO	Within two years after construction approval.	Geog administration and applicant

Form, Quantity and Periodicity of Timber Allotment

310. Timber for rural use shall be allotted in log form from NRDCL depot or on standing tree basis.

311. The maximum quantity of subsidized timber for new construction of rural house shall be in either of the following forms:

Option	Type of timber	Quantity	Type of house	Remarks
A	Round log / Standing tree in log volume	4000 cft..	2 storied	Once in 25 years
B	Round log/ Standing tree in log volume	2000cft..	1 storied	Once in 25years
C	Pole	500cft..	Log cabin	Once in 25 years

312. Subsidized timber shall be supplied up to the maximum limits specified below for repair/ renovation/ extension of rural houses:

Option	Type of timber	Quantity	Remarks
A	Log form or Standing tree basis in log form	700 cft.	Once in 12 years

313. For other rural constructions, such as construction of sheds for livestock, storehouse, farm guard shed/watch tower, toilet, and machinery, the following provisions shall apply:

- (1) an applicant shall be entitled for timber allotment for the above construction once in 25 (twenty five) years.
- (2) the maximum quantity of subsidized timber to be considered for allotment shall be on standing tree basis with **40 tsims and 50 dangchungs**.
- (3) the actual quantity of timber required, subject to the ceiling prescribed, shall be approved by the CFO after verification.
- (4) royalty prescribed for rural house construction shall be applicable for the timber allotted for other rural constructions.
- (5) application for allotment of subsidized timber for other construction in rural areas shall be submitted in the prescribed form in **Annexure – XXIII Part A**.

314. If an applicant applies for additional timber over and above the ceiling prescribed in Rule 311, he shall buy the additional timber from sawmill. In areas where there is no motorable road, the additional timber shall be allotted on commercial royalty in standing form.

315. Sawing of subsidized timber allotted in log or standing tree form shall be carried out as per guidelines issued by the Department.

316. In the event, the allotment of timber is in log form from NRDCL depot, the allotment order shall be issued by CFO to NRDCL.

317. Special class of timber shall not be allotted for rural use. In high elevation areas, where there is no other class of timber, CFO may allot special class timber.

318. Any balance quantity of allotted standing tree of a given block period, shall lapse at the end of the block period and shall not be carried forward.

Validity of the Permit

319. The permit issued for timber for rural use shall be valid as follows:

- (1) for new construction, the permit shall be valid for a period of two (2) years from the date of issue.

- (2) for repair/ extension / renovation, the permit shall be valid for twelve (12) months from the date of issue with no extension.

320. Extension of permit shall be considered for not more than twelve (12) months from date of expiry of permit provided the trees are felled. No further extension shall be entertained and the felled timber shall be allotted to other applicants.

Use of Rural Timber

321. Use of subsidized rural timber shall comply to the following Rule:

- (1) s timber shall be used ONLY for rural house construction.
- (2) in the event of surplus rural timber, the owner shall be allowed to sell the excess timber for commercial purposes upon payment of 25% of the existing NRPC rate.
- (3) the head of the Department may issue permit for the transfer of allotted rural timber from one rural area to another rural area upon payment of commercial royalty.
- (4) the permit holder may sell the off-cuts, lops and tops upon payment of commercial royalty on volume basis.
- (5) if the owner is not able to extract or sell the off-cuts, lops and tops within validity of the permit, any applicant shall be allowed to apply for collection upon obtaining written permission from the owner and CFO on payment of commercial royalty to CFO.
- (6) trees allotted but could not be converted into specified form due to defects, shall be disposed by CFO only after physical verification by the Range Officer. CFO shall then allot replacement to the applicant based on the recommendation of the Range Officer.

Royalty on Rural Timber

322. Royalty shall be levied as per the schedule of royalty rates developed and revised by the Department.

Monitoring the Use of Rural Timber

323. Upon utilization, the applicant shall obtain a certificate from the *Gup* and submit to the CFO stating the utilization status of the subsidized timber. The forestry officials shall check the utilization of the timber from time to time.

Allotment of Firewood, Flag Pole, and Fencing Post

Procedure

324. The applicant shall submit application prescribed in **Annexure-XXIII Part A** to the Geog Office.
325. The *Gup* shall endorse or reject the application after verification in **Annexure-XXIII Part B**. The *Gup* shall ensure that firewood is issued only once in a year per household as per entitlement based on location. Where there is no electricity, the applicants shall be entitled for 2 truckloads (equivalent to 16 cubic metre) in a year, and in areas where there is electricity, the applicant is entitled for only 1 truckload (equivalent to 8 cubic meter) in a year.
326. For flagpoles, the application shall be verified and endorsed by the *Gup* based on need. In case of fencing post, the *Gup* shall entertain application once in a year per household not exceeding 50 numbers.
327. The applicant shall submit the endorsed application to CIC, which shall fill out the web-based form and submit the application online to the CFO. In places where there is no CIC, the *Gup* shall forward the application to the CFO.
328. The CFO shall verify the application, accord approval online, and forward the approval online to the Range Officer and CIC with specified marking date and area in **Annexure-XXIII Part C**. In places where there is no CIC, the CFO shall issue approval in hard copy with specified marking date and area to the Range Officer. The CFO shall ensure that marking date is set within 5 days from the date of issuance of approval from the Division/Park office.
329. The applicant shall collect the permit from the CIC after paying royalty and permit fee. In places where there is no CIC, the applicant shall collect the permit from the Range Officer upon payment of royalty and permit fee.
330. The applicant shall in consultation with Range Officer fix the date for marking. The applicant shall produce permit on the day of marking.

Firewood in Rural Area

331. Dry firewood and lops/tops to be collected and transported by men or draft animals shall be supplied free of royalty.
332. Any type of firewood to be collected and transported by mechanical devices shall be levied royalty and permit fee.
333. Dead, dying, deformed, and diseased trees which cannot be converted into construction timber shall be marked for firewood.

Flag Pole in Rural Area

334. Supply of flag pole shall comply to the following Rules:

- (1) 29 nos. at 50% of the royalty applicable for rural house construction.
- (2) 30 to 108 numbers at 100% of the royalty applicable for rural house construction.
- (3) Quantity exceeding 108, the applicant shall directly purchase from NRDCL depot.

Fencing Post in Rural Area

335. Supply of fencing post in rural area shall comply to the following Rule:

- (1) up to 50 numbers of Fencing posts shall be supplied for fencing purposes at subsidized rates.
- (2) royalty on poles, which would produce 50 (fifty) fencing posts, shall be levied at the rate applicable for rural house construction, depending on the size of poles.
- (3) for allotment of fencing posts in excess of 50 (fifty) numbers, commercial rate of royalty shall be levied.
- (4) all forms for timber allotted above including prayer flag poles and fencing posts should be transported as per **Annexure –XV**.

Bamboo, Leaf-Mould, and Top Soil

336. Allotment of bamboo, leaf-mould and top soil shall comply to the following Rule:

- (1) the applicant shall submit application in **Annexure–XXIII Part A** to the *Geog* Office.
- (2) the *Gup* shall endorse or reject the application after verification based on need, and inform the applicant accordingly in **Annexure-XXIII Part B**. The *Gup* shall ensure that the endorsed quantity does not exceed 1000 nos. of small bamboo and 100 nos. of big bamboo, 5 truckloads of leaf-mould, and 5 truckloads of top soil per household per year.
- (3) the applicant shall collect the endorsed application from the *Geog* Office and submit it to the nearest Forest Office.
- (4) the Forest Officer shall verify the application and issue permit from the specified area after realizing royalty and permit fee in **Annexure-XXIII Part D**. The Forest Officer and *Gup* shall ensure that these products are used solely for domestic use.

Non-Wood Forest Produce in Rural Area

337. Supply of NWFP other than list covered in Schedule I of the Act, shall comply to the following Rules:

- (1) domestic consumption (personal use) shall be supplied free of royalty.
- (2) supply for commercial purposes shall be made on approval of Department except from Community forest.

Commercial Purpose

338. The Department shall reserve the right to approve/reject the allotment of timber for the following purposes.

Timber for Time Bound Project

339. The requirement of timber shall be requisitioned to authorized government agency.

340. The authorized agency shall supply timber from the approved FMUs/ Working schemes, in the event the timber is not available for supply, the Department shall approve and allot additional areas after preparing a plan.

Commercial/Project Construction in Remote Location

341. Timber for project construction/commercial purposes such as government building, shop, restaurant, hotel, guesthouse in remote location not connected by motorable road shall be supplied on realization of commercial royalty after joint field verification of timber requirement with the Department. Timber for such construction shall be supplied on standing tree basis, at commercial rate of royalty prescribed by the Department. The following shall apply for the allotment of timber:

- (1) up to 500 cft. of sawn timber or 300 poles can be approved by the CFO on thinning basis;
- (2) up to 5000 cft. of sawn timber or equivalent shall be approved by the Department; and
- (3) if the requirement is more than 5000 cft. sawn or equivalent, approval of the Ministry is required.

Commercial Construction in Urban Area

342. The supply of pole shall be met through the authorized agency. However, if the authorized agency fails to supply on time, the Department shall allot pole on standing basis from designated area on payment of commercial royalty. The following shall apply for the allotment of poles:

- (1) the CFO is authorized to approve maximum of 50 numbers of poles per construction.
- (2) the Department is authorized to approve maximum of 500 numbers of poles per construction.

343. The approval shall be given upon production of construction approval, work order and copy of CID of the applicant.

344. The requirement of poles for personal use shall be approved on production of *lagthram* and a copy of CID of the applicant.

Construction of Dzong, Monastery and Other Religious Construction

345. The Timber requirement for new construction/re-construction/renovation/repair/restoration of Dzong, Monastery and other religious structure shall be supplied through authorized agency. The Ministry of Home and Cultural Affairs shall place timber requirement order to the authorized agency with intimation to the Department. The authorized agency shall comply to the following Rule for the allotment of timber:

- (1) make timber available from the existing FMUs and other forest management regimes;
- (2) extract special size timber such as *kachen, Kaw, Dingri etc.* for supply. Special size timber requirement may be met through products like *Glulam*.
- (3) may request Department for additional operation areas, if the timber requirement is beyond Annual Allowable Cut;
- (4) submit the progress report on timber allotment of such projects to the Department on monthly basis.

Firewood in Urban Area

346. Supply of firewood shall comply to the following Rule:

- (1) the authorized agency shall supply firewood in the urban areas.
- (2) in the event, the supply of firewood through the authorized agency is not feasible or in the absence of FMU, the CFO is authorized to allot the firewood on permit basis on payment of royalty at commercial rate.
- (3) collection of lops and tops shall be carried out from the Forest Management Units after the extraction of log by implementing agency.
- (4) supply of firewood for industrial and other commercial use shall be considered only if the demand for domestic use is met.

Forest Produce for Chadri

347. The CFO is authorized to sanction following quantity of forest produce for *Chadri* on payment of commercial royalty:

- | | | |
|----------------------------|---|--------------------------------------|
| a. Flag pole | : | 100 (one hundred) Nos. |
| b. <i>Tsim/Dangchung</i> : | | 100 (one hundred) Nos. |
| c. Bamboo | : | 1000 (one thousand) Nos. |
| d. Timber | : | 300 (three hundred) cft. in log form |
| e. <i>Gibsy</i> | : | 50 (fifty) Nos. |

348. If the quantity of forest produce requirement is more than specified above, the approval of the Department is required.

Forest Produce for Emergency (Local Level as well as National Level)

349. The CFO may also sanction following quantity of forest produce per occasion during the emergency on the payment of royalty and the CFO shall report such sanction to the Department:

- (1) 200 cft. of timber in sawn or equivalent form for repair of public bridge;
- (2) 3 truckloads of firewood for national *Kureem*;
- (3) 4 cubic meter (1cubic meter special class and 3 cubic meter other class for cremation purpose);
- (4) timber required during the fire or other natural calamities based on the damage assessment by the Dzongkhag Administration.

Developmental Activity

350. Timber allotment in rural area for construction of any infrastructure development through contribution by rural community for their welfare shall comply to the following Rule:

- (1) the CFO shall allot timber in the sawn or log forms or standing tree basis on realization of royalty at commercial rate;
- (2) the allotment shall be considered only on construction approval from Dzongkhag Administration.

Removal of Forests Produce from Registered Land

Procedure

351. The cadastral map, *lagthram*, plot number should be verified and endorsed by the *Geog/Thromde* authority.

352. The land requested for removal of forest produce adjoining SRF Land should be well demarcated with government approved peg. The demarcation with peg shall however be along the periphery of the portion of registered land adjoining the SRF.

353. Physical verification of the land shall be done by *Geog* Administration in rural areas and *Thromde* Administration in urban areas in presence of concerned forest representatives.

Application

354. The CFO shall accept the application in **Annexure-XXV Part A** for the removal of forest produces from land registered with Private, Government, Institutions and

Corporate in rural areas, only if *Lagthram* is verified by the concerned *Geog* Administration authenticating the ownership and survey record of the land in question as per the prescribed application form in **Annexure-XXV Part B**. In case of urban areas, the application for removal of forest produce from such registered land shall be verified by the Municipal Authority as per the prescribed application form in **Annexure XXV Part B**.

Inspection and Clearance

355. The Range Office shall inspect forest produce in question, as per the prescribed format given in **Annexure-XXV Part C**. The inspection report along with location map of the area (eg. google earth map) shall be submitted to the CFO for final forest produces clearance.

356. The CFO shall issue clearance for removal of forest produce from registered land as per **Annexure XXVI**.

Timber Disposal from Registered Land

Private Registered Land

357. Timber disposal from private registered land shall comply to the following Rule:

- (1) any tree proposed for extraction shall be marked and handed over to *thram* holder for extraction;
- (2) transportation of any timber from private land shall require COSDTMO and ITMO.
- (3)

358. No royalty shall be levied on sale of timber extracted from private registered land.

359. Any other forest produce intended for extraction from private registered land shall be allowed after obtaining required permit.

Government Institutional Registered Land

360. Any tree proposed for removal from Government institutional registered land shall be marked and handed over to the authorized agency by the Department for extraction and disposal.

Annexure- XXII Application form for Rural Subsidized Timber

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

APPLICATION FORM FOR RURAL SUBSIDISED TIMBER

XXII Part A – To be filled in by the Applicant

- a. Name of applicant
- b. Citizenship I.D. no.
- c. Census registered within that particular *geog*: Yes No
- d. If Yes, date of Census registration in that particular *geog*:
- e. Village..... f. *Geog*.....g. Dzongkhag/Dungkhag.....
- h. *Thram* No..... i. House (Gung) noj. House hold no.....
- k. Construction approval no.....Location of Construction.....
- l. New construction Renovation
- m. Details of following timber applied for the purpose

A.Standing Form (log volume up to 4000cft. inclusive of all timber categories)

- 1. Drashing..... (Cft.) 2. Cham..... (Cft.) 3. Tsim..... (Cft.)

OR B.Log Form(cft.)

Note: *An applicant can opt for Drashing, cham, tsimandSinglep equivalent to 4000 cft. in log form every after 25 years.*

- n. Mode of sawing: Pit Stationery sawmill Power chain Mobile sawmill
- o. Copy of *lagthram* attached: p. Copy of construction approval attached:

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Date.....

Signature of applicant with legal stamp affixed

Annexure-XXII Part B: To be filled up site inspection team (GAO, Forest Officer and concerned *Tshogpa*)

Date of Inspection.....

(The inspection should be completed within 10 days of receipt of instruction from the Gup)

a. Does the proposed construction site fall within the following?

Dzongkhag Thromde/ Yenlag Thromde(Yes/No)

2 km from the Class B Thromde(Yes/No)

b. The applicant is native immigrant to the proposed construction land.

c. The proposed construction land in the above category a. is: inherited Purchased.

d. Any previous allotment for rural use? Yes No

If yes, please provide details of the timber allotted as follows:

Standing form	Quantity (Nos.)	Year of allotment	Remarks
Drashing			
Shinglep			
Cham			
Dangchung			
Tsim			
Log form (cft.)			
Sawn form (cft.)			

(In the remarks column, mention the purpose for which rural timber was allotted)

e. Is the applicant head of Gung? Yes No

f. Is the applicant member of any Community Forestry? Yes No

If yes, mention the details of timber availed from CF as follows:

Drashing Cham Shinglep Tsim
Dangchung.....

g. Recommendation of the inspection team to the Gup:

Approval

Reason.....

Rejection

Reason.....

Signature.....	Signature.....	Signature.....
Name.....		Name.....
Name.....		
Official Seal Goeg Adm. Officer	Official Seal Forest Officer	Official Seal Concerned Tshogpa

Annexure -XXII Part C: To be filled up by the Gup

Goeg's Letter no: Date.....

I..... Gup of.....*Geog*,
hereby certify that:

- (i) I have verified the details of the applicant and the inspection team's report, and found to be true and correct
- (ii) Timber requirement is genuine and for bonafide house construction.

I hereby Approve Reject the application for allotting rural subsidized timber to the applicant.

Reasons for rejection
.....

Signature & Seal of Gup

Name:.....Date

Annexure -XXII Part D: To be filled up by CFO

Letter No..... Date

Geog's Letter No..... Date

Name of Park/Division

The details of the applicant and quantity of timber applied for rural use have been verified with the records maintained at the Divisional Forest Office/ Park Office and found to be correct.

Verified by dealing officer: Signature

Name

Date

ALLOTMENT ORDER

Range

Mark the following quantities of timber on dateand from area

Timber form	Quantity (cft.)	Royalty (Nu.)	Remarks
Drashing			
Cham			
Tsim			
Shinglep			
TOTAL (Nu.)			

Total Amount: Total Royalty (Nu) + Permit fee (Nu) = Nu.(Please ensure that marking date is set within 10 days from the date of approval by the CFO)

Signature with official seal

Name of CFO Date

Copy to: CIC Year of allotment Serial No.

Annexure- XXIII Application Form for Other Forest Produce for Rural Use

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

APPLICATION FORM FOR OTHER FOREST PRODUCE FOR RURAL USE

XXIII Part A : To be filled in by the Applicant

- a. Name of the Applicant
- b. Citizenship I.D. no.
- c. Village
- d. *Geog*
- e. Dzongkhag/Dungkhag
- f. *Thram* No.
- g. Gung No.
- h. Household no.
- i. Details of other forest produce requirement:
- (i) Firewood.....(Truckloads)
- (ii) Fencing Posts..... (Nos)
- (iii) Flag Poles..... (Nos)
- (iv) Sand.....(Truck loads)
- (v) Stone/boulders.....(Truck loads)
- (vi) Leaf-mould(Truck loads)
- (vii) Top soil(Truck loads)
- (viii) Bamboo(Nos)

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Signature of applicant with legal stamp affixed

Date.....

Annexure- XXIII Part B: To be filled in by Gup

Geog's Letter no: Date.....

Verification by Gup

- a. Is the applicant member of any Community Forestry? Yes No
- b. If yes, has the applicant availed any of the applied resource from the CF? YesNo
If Yes, how many quantities has the applicant availed from the CF?
Firewood.....(Truckload) Flag pole..... (Nos.) Bamboo(Nos.)
Fencingpost..... (Nos.) Sand.....(Truckload)
Stone/boulders.....(Truckload)
Topsoil(Truckload) Leaf-mould(Truckload)

Endorsement by the Gup

I.....Gup of.....Geog, hereby certify that:

- (i) I have verified the details of the applicant and found to be true and correct
- (ii) Other forest produce requirement is genuine and applied for bonafide purpose/reason

I hereby recommend for allotting other forest produce to the applicant as per the requirement and the entitlement.

Signature & Seal of Gup

Name:.....

Date
.....

Important Notes:

- 1. The Gup shall endorse and forward the applications for allotment of flagpoles, fencing posts, and firewood to the CFO for approval.*
- 2. The applications for sand, stone, boulders, leaf-mould, bamboo, and topsoil shall be endorsed and forwarded to the nearest Forest Office for approval and issuance of permit.*

Annexure -XXIII Part C: To be filled in by the CFO

Ref. noDate

Geog's Ref. noDate

Name of Division/Park

The details of the applicant have been verified with the records maintained at the Divisional Forest Office/ Park Office and found to be correct. The forest produces requisitioned above has been noted in the relevant records and approved for allotment.

Verified by dealing officer: Name and Signature

Date

ALLOTMENT ORDER

Name of Range

Issue the following quantities of other forest produce on dateand from area

Forest Produce	Quantity	Royalty (Nu.)	Remarks
Firewood			
Flag poles			
Fencing posts			

Sand			
Stone/boulders			
Bamboo			
Leaf-mould			
Top Soil			
TOTAL (Nu.)			

Total Amount: Total Royalty (Nu)+ Permit fee (Nu)= Nu.

(Please ensure that marking date is set within 5 days from the date of approval by the CFO)

Date

Signature with official seal of CFO

Copy to: CIC

Annexure -XXIII Part D: To be filled in by the Forest Officer

Letter noDate

Geog's Ref. no.Date

Name of the Beat Office.....Name of Range
.....

Division/Park

ALLOTMENT ORDER

The details of the applicant have been verified with the records maintained at the Beat Office and found to be correct. The forest produces requisitioned above has been noted in the relevant records and approved for allotment.

The following quantities of other forest produce are issued on dateand from area

Forest Produce	Quantity (Truck loads)	Royalty (Nu.)	Remarks
Sand			
Stone/boulders			
Bamboo			
Leaf-mould			
Top Soil			
TOTAL (Nu.)			

Total Amount: Total Royalty (Nu) + Permit fee (Nu)= Nu.

Signature of the Beat Officer

Name

Date

Important Notes:

- 1. Please ensure that permit is issued by the Beat Officer within 2 hours from the time of receipt of endorsement from the Gup.*
- 2. If the quantity requested by the applicant exceeds the quantity prescribed in Rule45 the excess quantity shall be approved by the CFO.*

Annexure- XXIV Record of Rural Subsidized Timber

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

RECORDS OF RURAL SUBSIDIZED TIMBER

1. Geog..... Dzongkhag..... Year of Allotment.....
2. Description as per Annexure 19

Sl/no	Name of applicant	CID No.	Thram No.	Household No.	Village	Description and quantity of timber								
						Drashing	Shinglep	Cham	Tsim	Dangchung	Fire wood	Fencing post	Flag poles	Log (cft.)

Annexure- XXV Application Form for Removal of Forest Produce from Registered Land

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
Department of Forests & Park Services**

APPLICATION FORM FOR REMOVAL OF FOREST PRODUCE FROM REGISTERED LAND

XXVPartA – To be filled in by the Applicant and Submit to Range Officer

1. Name of Applicant :.....CID No:.....
2. Village :.....Geog.....
3. Dungkhag/Dzongkhag:.....
4. House No :.....Thram No.....Plot No.....
5. Details of forest produce to be removed :.....

I hereby certify that the details given above are true to the best of my knowledge. In case of my false or wrong information, I am liable to be penalized under prevailing Forest & Nature Conservation Act and the Rules made there under:

Affix Legal Stamp

Name & Signature of the applicant
Date:

XXVPartB: To be filled in by Gup

I.....Gup of.....Geog, hereby certify that:

- i. I have verified the details of the applicant and found to be true and correct.
- ii. During the physical inspection, the land will be shown to the forest official by Tsogpa/Chipon

I hereby recommend for removal of forest produce to the applicant as per his request.

Name:.....Signature:.....

Seal.....Date:.....

Sl.No.	Plot No.	Location (GPS Co-ordinates)	Land Category		Acreage (Ac)	Peg No.	No. of Pegs	Forest Produce			
								Species	Trees >3' girth	Poles <3' girth	Other Forest Produce

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE & FORESTS
DEPARTMENT OF FORESTS & PARK SERVICES**

XXV Part- C Inspection Report for removal of Forest Produce from Registered Land

1. Details of applicant

- (a) Name:..... (b) House No.:
- (c) *Thram* No.:..... (d) *Chiwog*:.....
- (e) Village: (f) *Geog*:.....
- (g) *Dungkhag*: (h) *Dzongkhag*:.....

2. Details of the proposed land and trees to be removed;

3.

3. Tharm copy with cadastral map

4. Inspection Officer's remarks:.....

Signature of Inspection Officer

Office Seal

Name..... Designation.....

Place..... Date.....

1. Recommendation of the Range Officer

Office No.:..... Date:.....

Forwarded to the Division/Park with the following recommendations:

Recommended for issuing forestry clearance.....

OR

Recommended for review (reason for review).....

Signature of the Range Officer (Office Seal)

Name:..... Designation:.....

Annexure- XXVI Forest clearance template

Ref No.:

Date

Sub:Forest Produce Clearance

The Forest clearance for removable of forest produce from the private registered land on plot No.....*Thram* No.....atbelonging to Dasho/Mr/Ms.....of*Geog* Dzongkhag as mentioned below:

<i>Land category</i>	<i>Area (ac)</i>	<i>Forest Produce</i>				
		<i>Trees >3girth</i>		<i>Poles<3'girth</i>		<i>Others(specify)</i>
		<i>Species</i>	<i>Qty</i>	<i>Species</i>	<i>Qty</i>	

This Forest Produce clearance is accorded based on field report submitted by the Range OfficerRange vide letter No.dated under the following terms and conditions:

- i. The tree/pole should be marked by the forestry official, prior to felling
- ii. The owner shall obtain transit permit prior to transportation of forest produce
- iii. This clearance shall not replace/substitute any other clearance required by other laws.
- iv. This Clearance shall not be liable for any dispute arising during the implementation of activity.
- v. Any damage caused to public/private property shall be borne by the holder of this clearance.
- vi. The clearance shall be revoked without any liability on part of the Government if the holder of this clearance violates any of the above terms and conditions;
- vii. This clearance is valid for..... from the date of issue.
- viii. Date of issue.....

Chief Forestry Officer

Copy to;

6. The DashoDzongdag,.....Dzongkhag for kind information.
7. The Director, DoFPS for information.
8. Gup,.....*Geog* for information.
9. The Range Officer,.....Range for necessary action.
10. The applicant for information and necessary follow-up.

CHAPTER X

SURFACE COLLECTION OF SAND AND STONE

Authority

361. The Department shall be the sole agency to issue permits for surface collection of sand and stones for both commercial and non-commercial purpose.
362. In line with Forest and Nature Conservation Act, permit shall be issued for export of sand and stone, as per existing export and import Rules and Regulation of the MoEA .
363. Other than surface collection of sand and stones all other minerals including stone quarry shall remain under the control of the Department of Geology and Mines, MoEA.

Eligibility

364. Surface collection of sand and stone shall be permitted on the fulfilment of following criteria:
- (1) any Bhutanese citizen who has the permission to construct house in rural area;
 - (2) approved Project in rural area;
 - (3) applicant within the municipal area, where there is no stone quarry within their respective Dzongkhag;
 - (4) to the authorized agency/individual with the mandate of providing natural resource at affordable price.

Requirement

365. Any applicant applying for permit for surface collection of sand and stone shall comply with the following:
- (1) a copy of construction approval shall be attached with the application;
 - (2) for commercial purpose, a copy of valid trade license and tax clearance certificate should be submitted;
 - (3) permit for surface collection for rural construction shall be issued on actual requirement after verification;
 - (4) permit for collection for construction within the *geog* by the contractor shall be issued based on actual requirement or on the work order of the concerned Government agency;

- (5) approval for surface collection of stone requiring the use of explosive or mechanical rock breaker shall be obtained from the Department, upon recommendation of the CFO;
- (6) exclusive rights for dredging of sand and riverbed materials shall be given to the authorized agency. In the event, the authorized agency fails to operate within the stipulated time period, the Department shall allot or auction the riverbed material to the valid license holder;
- (7) dredging of sand from the riverbed shall be carried out with minimal disturbance to the river ecosystem and any existing structure;
- (8) the Department shall authorize surface collection of sand and stone in Protected Areas, wherever necessary;..
- (9) the authorized agency shall have the exclusive right to operate stone quarry in the Forest Management Unit.

Surface Collection for Rural Purpose

Procedure

366. Issue of permit for surface collection of sand and stone shall comply to the following:
- (1) The applicant shall submit application in **Annexure-XXII Part A** to the *Geog* Office;
 - (2) The *Gup* shall endorse or reject the application after verification and inform the applicant in the form prescribed in **Annexure-XXII Part B**. The *Gup* shall ensure that the endorsed quantity does not exceed 5 truckloads of sand and stone per household per year;
 - (3) The applicant shall collect the endorsed application from the *Geog* Office and submit it to the nearest Forest Office;
 - (4) The Forest Office shall verify the application and issue permit from the specified area upon payment of royalty and permit fee as prescribed in **Annexure-XXII Part D** and shall also monitor the collection and its use.

Supply of Sand and Stone

367. Sand and stone which are to be transported by men or animals shall be permitted free of royalty.
368. Royalty shall be charged for collection of sand and stone which are to be transported by mechanical means.

Surface Collection for Commercial Purpose

Collection from Riverbed

369. Collection of sand and stone from riverbed shall comply with the following :

- (1) the collection of sand and stone from river bed shall be undertaken by an authorized agency. In the event, where there is no operation by authorized agency; private party shall seek the approval from the Department for such operation on a yearly basis and subject to fulfilment of environment impact assessment and recommendation from the CFO;
- (2) wherever there is sand quarry operated by authorized agency , the rural supply shall be met from such quarry on approval by the CFO;
- (3) the authorized agency shall levy collection and loading charge for rural supply of sand from the applicant as per approved NRPC rate.
- (4) CFO shall identify riverbed for sand and stone collection for rural construction with minimum damage to river ecosystem;
- (5) the authorized agency shall identify potential riverbed for sand and stone collection for commercial purpose with minimum damage to the river ecosystem;
- (6) the authorized agency shall seek environmental clearance from the Department upon submission of environmental assessment report along with Forestry Clearance and any other required clearances; upon obtaining all required clearance by authorized agency, the CFO shall issue allotment order and may issue permit book to authorized agency on payment of royalty and permit fee.

Collection from Land Surface

370. Collection of sand and stone from land surface within the State Reserved Forest Land shall comply to the following :

- (1) the surface collection shall be limited to unrestricted area such as outside the right of way of the national highway, outside 30 meter radius of high tension power line, cultural/sacred, heritage site, local water supply source, and specific faunal habitat;
- (2) the payment of royalty and permit is not required for collection of sand and stone within 50 feet radius of the construction site, provided it is not traded or transported beyond the construction site.

371. Collection of sand and stone from the land surface within the private registered land shall comply to the following:

- (1) the surface collection from the private registered land shall be considered for personal use of the land owner;
- (2) surface collection from the private registered land for trade purpose shall be allowed after obtaining environment clearance from the Department;
- (3) no royalty shall be levied for collection of sand and stone from private registered land.

Collection within Right of Way of Road.

372. Sand and stone resulting from road widening within the Right of Way shall be included as surface collection and CFO shall issue transit permit for commercial and non-commercial purpose after the applicant obtains clearance from the Department of Roads.

Collection from Forest Management Unit

373. Surface collection from FMU shall comply to the following:

- (1) CFO shall identify suitable surface collection site and reflect the quantity available in the Operational Plan;
- (2) the resident of the FMU can apply for stone for personal use on payment of royalty;
- (3) the FMU In-charge shall issue permit to the resident of FMU based on location and quantity as per operational plan.

Collection from Protected Area

374. Surface collection from the Protected Area shall comply to the following:

- (1) the CFO shall identify suitable surface collection site and reflect the quantity available in the annual action plan;
- (2) the Forest Office shall issue permit to the resident/contractor as per approved action plan for personal use/ commercial construction upon payment of royalty.

Collection from Community Forests

375. The CFMG shall have rights over sand and stone for their own use and for commercial purposes through surface collection as specified in the Management Plan. However, mining and quarrying in CF shall not be permitted.

Collection from State Reserved Forest Land/Private land

376. The Department is the sole authority to grant permission for sand quarrying from weathered rock.

Transportation of Crusher Dust Generated from Crushing Plant

377. The Department of Geology and Mines shall issue transit permit for transportation of such materials generated from quarries allotted by them.

378. The Department shall issue transit permit for transportation of such material generated from crushing of stone allotted through surface collection.

Royalty

379. Royalty shall be levied as per the existing rate of royalty on a truckload basis. .

Validity of Transit Permit

380. Only one transit permit shall be issued per consignment with validity not exceeding one day for transportation within 50 km. For transportation beyond 50 km, the validity of permit shall be based on number of days for the consignment to reach the destination. The extension of permit shall be considered on payment of renewal fee.

Monitoring

381. The CFO shall conduct compliance monitoring of the sand and stone collection site .

382. Database on the location, size, validity of permit, and quantity of sand and stone extracted shall be maintained at respective offices and submit report to F I M S on quarterly basis.

383. Any authorized official of the Department and the Department of Geology and Mines may examine and check vehicle transporting stone, sand and mineral and may detain on the failure to produce valid permit.

CHAPTER XI FOREST PROTECTION

Forest Fire

384. The Department shall develop guidelines for forest fire management activity, whenever deemed necessary.

385. Prescribed burning of State Reserved Forest Land for research, forest management and fire hazard reduction shall be allowed based on technical burn plan approved by the Department.

Burning of Agricultural Debris

386. All individual or agency burning agricultural debris shall comply to the following:

- (1) a permit shall be obtained from the concerned *Geog* Administration in rural areas and from *Thromde* Authority in urban areas;
- (2) the permit shall be issued depending on weather condition;
- (3) the permit shall specify how and when fire can be used for burning agricultural debris;
- (4) the Permittee shall be fully responsible to monitor the fire until the fire within the agricultural field is completely extinguished.

Power Lines and Substations

387. The agency responsible for power line and substation shall comply to the following :

- (1) construct adequate fire lines around substations and other installations;
- (2) carry out regular maintenance of transmission corridors and power lines;
- (3) removal of overhanging branches over the transmission lines.

Road Related Activity

388. The Department of Roads, Project, Organization, Company and Individuals responsible for road related activity shall comply to the following:

- (1) construct adequate fire lines around labour camp and fire prone area within the right of way;

- (2) ensure bitumen is heated in areas where there is no risk of transmitting fire to the nearby forest areas;
- (3) ensure fire used for heating packed lunch and bonfires along motorable roads, do not escape to the nearby forest area;
- (4) ensure that no fires are left unattended along the road and do not escape to the nearby forest area;
- (5) the concerned authority, company and individual shall ensure that the fire does not escape into forest while heating machinery engine during winters;
- (6) construct proper incense burning structure in strategic location along the road;
- (7) the site engineer and the supervisor are responsible for monitoring such activities along the road..

Campfire and Bonfire

389. Any individual, group or agency making campfire or bonfire shall comply to the following:

- (1) campfire and bonfire shall be allowed only in designated recreational area specified by the Department;
- (2) campfire and bonfire shall be allowed only upon obtaining permit from the forest office;
- (3) campfire and bonfire shall not be left unattended and shall be completely extinguished before the camp is vacated.

Logging and Manufacturing Activity.

390. The concerned Agency carrying out logging or charcoal, woodchips, quarrying, mining and lime manufacture shall comply to the following:

- (1) debris and inflammable vegetation in and around work place and labour camp must be cleared;
- (2) the fire required for heating and warming packed food shall not be left unattended and shall be completely extinguished;
- (3) the Permittee shall not leave fire unattended and it must be extinguished after use.

Ash/Ember Disposal

391. The individual requiring ash/ember disposal shall ensure that the disposal doesn't contain live ember which can ignite fire.

CHAPTER XII

PROHIBITED AND RESTRICTED ACTIVITY IN STATE RESERVED FOREST LAND

Prohibited Activity

392. The following activities are strictly prohibited:

- (1) felling in core zone of protected area and critical watershed area;
- (2) littering and disposal of garbage or other waste material, and polluting any water body or water course or undertaking any activity that may pollute a water source or water course;
- (3) quarrying and mining in protected area and in significant wetland;
- (4) new habitation/settlement either temporary/permanent or both in critical watershed area;
- (5) hunting/capturing/poisoning/injuring of any wildlife or otherwise taking any animal and plant listed under the Schedule I of this Rule;
- (6) fishing shall be strictly prohibited:
 - (a) during the month of October, November and December every year.
 - (b) during *Yar-ngo* and *Mar-ngo Dhuezang* falling on 8th, 10th, 15th, 25th and 30th of each Bhutanese calendar month;
 - (c) on Parinirvana, First Sermon and Descending Day of Lord Buddha;
 - (d) on *Zhabdrung Kuchhoe*;
 - (e) on Birth Anniversary of Guru Rinpoche;
 - (f) during *Chhothhruel Dawa* or the first month of Bhutanese Calendar;
 - (g) during *Saga Dawa* or the fourth month of Bhutanese Calendar;
 - (h) fishing within 500 meters of Monastery and *Dzong*.
- (7) Fishing by the following means:
 - (a) by poisoning, using dynamite, explosive, electrical device in river, stream, pond, and lake;
 - (b) by building dam for diverting river/stream to trap the fish;
 - (c) by using firearm, large net or splashing or laving of water;
 - (d) by using closed net except for research;
 - (e) by use of live bait, trap and snare.

- (8) Littering or disposal of urban construction and industrial waste along any road within S R F Land.
- (9) Dumping of any waste on the land surface, underneath land or into any water body within the SRF Land.
- (10) Washing of vehicle or machinery in a river, stream, lake, pond, and wetland or at a drinking water source.

Restricted Activity

393. Except with special permit under the Rule or Management Plan issued by the Ministry/Department under the Act, following activity are restricted:

- (1) construction of any infrastructure and irrigation channel in PA;
- (2) clearing corridor for transmission line for electricity, telephone in PA;
- (3) recording documentary/ commercial film or any sound recording in PA;
- (4) collection of any specimen of tree/climber/shrub/medicinal plant/ornamental plant / soil or rock in PA;
- (5) felling or marking tree within a river buffer zone, religious, cultural site, and right of way of road, transmission line and distribution line;
- (6) felling, lopping, tapping, uprooting or injuring any tree;
- (7) blockage, draining, storage, disturbance, diversion of any river, stream, irrigation channel, waterfall, water source and wetland;
- (8) any construction or placing any permanent or temporary structure, fence, marker or other device in watershed area and multiple use zone;
- (9) resin tapping and goat rearing in SRF Land;
- (10) conducting any research within any SRF Land;
- (11) visit to park by tourist/foreigner;
- (12) setting fire in the SRF Land;
- (13) grazing, collection of fuel wood and non-wood forest products in designated catchment areas;
- (14) removing or destroying or setting trap or snare or capturing of any wildlife/plant;
- (15) felling or taking any timber from any place where the slope is greater than 45 degree unless authorized under an approved management plan;
- (16) export of any wild animal/plant or any part/product/derivative;
- (17) burning lime or charcoal, carrying out any manufacturing process in SRF Land
- (18) use of dynamite/explosive in SRF Land;

- (19) destruction or damaging or defacement of any structure /fence/marker /dam/anything else constructed, placed/planted by the Department or under the direction of the Department;
- (20) trading of wildlife and its derivatives;
- (21) harvesting of NWFP from the core zone of the Protected Area;
- (22) unauthorised feeding of wild animals; and
- (23) taking of any stray dog in the SRF/Protected Area.

CHAPTER XIII OFFENCE AND PENALTY

Power of Forest Officer

394. Forest Officer shall exercise the following power under this Rule:

- (1) verify and inspect any license, permit, or other relevant document which any person is required to have in his possession as per the Act and this Rules;
- (2) inspect forest produce in possession or require any person to declare forest produce in his possession;
- (3) search and detain any vehicle, tool, livestock, weapon or things which was used to commit an offence under the Act or any forest produce which was taken in violation of the Act. However, Forest Officer shall produce search warrant to enter and search any land, building, premises or structure in connection to the offence committed;
- (4) stop, detain, search and arrest any suspect of having committed an offence under the Act and hand over the accused to the nearest Police Station;
- (5) compound and settle forest offence of non-criminal nature;
- (6) offences of criminal nature shall be forwarded to the nearest Police Station by Range/Division/ Park;
- (7) the Department/Division/Park/Range shall *suo moto* or upon receipt of written complaint on the commission of offence under this rule by any forestry official shall take appropriate action.

Official Misconduct

395. Any person representing the Department or otherwise authorized to act officially under the Act or this Rule shall be liable for administrative action :

- (1) abuse or misuse the power to fix or determine the value, price or royalty to be charged for timber or other forest produce, or the applicant's qualification for full or partial exemption from the payment of royalty, fee, or other payment under this Rule;
- (2) abuse or misuse the power to grant or authorize permit under this Rule, by granting permit to person or organization, who do not meet the criteria for such permit, or failing to impose the terms, conditions and requirements generally applicable to such permit;

- (3) acquire or arrange the acquisition of forest produce for government purpose without the approval of the Department;
- (4) indulge/accomplice in commission of forest offence;
- (5) tampering official document, misuse of official hammer and loss of government approved hammer;
- (6) misuse government revenue;
- (7) induce/encourage a person to commit an offence which constitutes entrapment;
- (8) breach of code and conduct of the forestry uniform and official communication equipment;
- (9) misuse of seized item;
- (10) misuse of official power for personal gain;
- (11) misuse or loss of arms and ammunitions;
- (12) non-performance of assigned task and duty on time;
- (13) providing false information to the authority.

Types of Penalty

396. Penalty under this Rule shall include one or more of the following:

- (1) Fine;
- (2) Compensation;
- (3) Seizure;
- (4) Prosecution in the Court of Law.

Settlement of Forest Offence

397. In accordance to the authority conferred under Section 33 of the Forests and Nature Conservation Act, any Forest Officer of the rank of Range Officer/Park Ranger and above shall be authorized to register and settle forest offence depending on the nature, degree and frequency of such offence.

398. The following procedure shall apply to compound and settle forest offence:

- (1) upon apprehension of any forest offence, the written statement with affixed legal stamp shall be obtained from the offender accepting the offence;
- (2) the authorized Forest Officer shall register the case in the form prescribed in **Annexure XXVII**;
- (3) each time an offence is compounded the report shall be submitted to the Division/Park in the format prescribed in **Annexure XXVIII**;
- (4) the compounding officer shall explain the relevant Section and provision of the Rules under which he has been fined/ penalised;

- (5) in the event of any confiscation or seizure, the seizure list shall be submitted in the format prescribed in **Annexure XXIX** to the Department. A copy of seizure list shall be given to the concerned person as a receipt;
- (6) compounding and settlement of forest offence shall include:
 - (a) realization of fine for the breach of the Act, Rules and Regulations, **AND**
 - (b) realization of compensation at fair market value of the forest produce connected with the offence, **OR**
 - (c) seizure of forest produce;
- (7) subsequent offences shall be dealt as per Rule 399;
- (8) the detained vehicle/machinery/tools shall be released, only upon settlement of the offence;
- (9) post-facto approval of CFO is required after settlement of an offence;
- (10) fine and penalty shall not be realized on instalment basis;
- (11) in the event, the offender fail/refuse to settle the case with CFO within a period of one month, the case shall be forwarded to the Royal Court of Justice by the Division/Park.

Subsequent Offence

399. The following procedure shall apply to compounding and settlement of subsequent forest offence;

- (1) if the offence is committed for second time, in addition to the fine and compensation as per this Rule, the offender shall be levied an additional fine of 50% on the imposed fine;
- (2) if the offence is committed for third time or more, in addition to the fine and compensation of this Rule, the offender shall be levied an additional fine of 100% on the imposed fine.

Storage of Seized Item

400. The following procedure shall apply for the storage of seized item:

- (1) all seized item shall be stored under safe custody;
- (2) the seized item of perishable nature shall be disposed/destroyed through committee from the Division/Park/Range and Dzongkhag /Local Government;
- (3) the proceeds of such sale shall be applied first to the recovery of amounts due to the Department or authorized groups or Corporations, the rest to be remitted under this Rule or other relevant law;
- (4) after realizing fine and compensation (the latter at NRPC rate), the seized or confiscated item shall be disposed through authorized agency or by the CFO

with approval from the Department as per seized list except wild animal part /trophy and plants species listed under Schedule I;

- (5) in the event, that the accused is not found guilty of such violation related to any forest offence, the seized property or sale proceed shall be returned to the person from whom it was seized except Schedule I species. A forest officer or the Department, acting pursuant to this authority shall not be liable for the deterioration or damage of any of the goods seized in accordance with the Act or this Rule.

Offence and Penalty Under this Rule

Illegal Activity in the State Reserved Forests

401. Any violation of the provisions in Chapter XI of the Rules shall be liable for a fine and suppression cost as follow:

Sl. No.	Offence	Fine (Nu.)	Suppression cost (Nu.)
1	Forest Fire from burning of Agricultural Debris(with permit)	NA	5,000 per day
2	Forest Fire from burning of Agricultural Debris(without permit)	5000	5,000 per day
3	Burning agricultural debris beyond the prescribed time (with valid permit)	500 per occasion	
4	Burning agricultural debris (without valid permit)	1000 per occasion	
5	Forest Fire caused by power lines and electrical short circuits.	10,000	Restoration costs.
8	Forest Fire from road related activity	5000	5,000 per day
9	Forest fire in the SRF Land caused by campers, hikers, herders, picnickers, and other sources etc.	5000	5,000 per day

402. Forest fire in SRF Land caused by children under the age of 18 shall be liable for penalty as follows:

- (1) the institute shall plant 3000 numbers of tree saplings if the fire originates from the school campus;
- (2) the parents/guardian of the child shall plant 500 numbers of tree saplings.

Prohibited activity

403. Any violation of Rule 392 of this Rules shall be liable for fine and compensation as follow:

Sl. No	Offence	Fine(Nu.)	Compensation
i.	Felling of tree/pole in core zone of protected area and critical watershed area, religious and cultural site as declared by the Government.	500/cft.	At fair market value on log/sawn volume basis.
ii.	Littering and disposing of garbage/other waste material and polluting water body	100	NA
iii.	Littering and disposing of urban construction/industrial waste along any road within SRF	500	NA
iv.	Dumping of waste on the land surface, underneath land or into stream, river, drainage system or other water body	1000	NA
v.	Dumping or releasing of industrial, medical or other hazardous waste including spillage during transportation	20000	NA
vi.	Dumping of construction waste including excavated materials and structural demolition waste	9000 per TL	NA
Vii	Fishing <ol style="list-style-type: none"> a) auspicious day and prohibited months b) Live bait. c) Closed/drag nets, snares, traps. 	5000 3000	Seizure of Gears

	d) Diversion of river. e) Dynamite/explosives/ poisoning/electric devices	6000 10000 Forward the case to Police under section 408 of Bhutan Penal Code.	
Vii i	Quarrying and mining in Protected Area and significant wet land.	50000	Restoration cost

Restricted Activity

404. Any violation of Rule 393 of this Rules shall be liable for fine and compensation as follow:

SL. No.	Offence	Fine (Nu.)	Compensation
1	Construction of any infrastructure and irrigation channel in PA	500 per meter	Restoration cost and fair market value for felling of tree and pole on log volume.
2	Clearing corridor for transmission line for electricity, telephone, etc. in PA.	50 per meter	fair market value for felling of tree and pole on log volume.
3	Documentary, commercial filming or sound recording in PA.	5000	Realization of fee
4	Collection of any specimen of tree, climber, shrub, medicinal plant, ornamental Plant, soil or rock in PA.	10 per piece/kg	Realization of approved royalty rate
5	Felling of tree, poles within river buffer zone, religious, cultural site, right of way of road and transmission line.	200 per cft..	Fair Market Value for felling of tree and pole on log volume

6	Lopping, tapping, uprooting or injuring any tree.	500 per tree	
7	Blockage, draining, storage, disturbance, diversion of any river, stream, irrigation channel, waterfall, water source and wetland.	25000	Realization of restoration coast
8	Any construction or placing any permanent or temporary structure, fence, marker or other device in watershed area and multiple use zone.	10000	Realization of restoration coast and NRPC rate on log volume
9	Activity such as resin tapping in SRF Land.	500/tree	
10	Goat rearing in SRF Land.	50/animal	
11	Conducting any research within any SRF Land.	3000 per day	Seizure of documents and equipment.
13	Grazing, collection of fuel wood and non-wood forest products in designated catchment area.	500	
15	Removing or destroying, or setting trap or snare or capturing of any wildlife/plant in SRF Land.	5000	Confiscation of specimens and equipment.
16	Felling or taking any timber from SRF Land where the slope is greater than 45 degree unless authorized under an approved management plan.	150/cft.	NRPC rate on log volume
19	Burning lime or charcoal, or any manufacturing process.	50/kg	
22	Construction of water tanks, water pipes and irrigation channels in SRF Land.	5000	The ownership lies with the State.
23	Felling of trees and poles in SRF Land.	100 per cft.. on log volume.	NRPC rate on log volume.
24	Destruction, damaging, defacement of any structure or facilities, fence, marker, dam placed by the Department.	10000	
25	Unauthorised feeding of wild animal	500/occasion	
26	Taking of stay dogs inside SRF and PA	500/animal	sieze

Other General Offence

405. Any commission of general forest offence listed under this Rule shall be liable to fine and compensation as below:

Sl. No.	Offence	Fine (Nu.)	Compensation
1	Possession or illegal use of a government marking hammer	15,000	Seizure of hammer and forest produce if any
2	Counterfeiting and altering forestry hammer impressions	20,000	Seizure of hammer and forest produce if any
3	Collection of seeds and fruits for commercial purposes without permit	500	Seizure of the forest produce
4	Felling of trees without marking even if offender possess valid permit	5,000 per tree	Seizure of the forest produce
5	Felling of poles without marking even if offender possess valid permit	500 per pole	Seizure of the forest produce
6	Defacing and obliteration of forestry hammer impression	10,000	NA
7	Transit of sand and stone	1500 per TL	NRPC rate per TL.
8	Collection of wild plants /seedling	100/plant	Seizure

Offence in Forest Management Area

406. If any lessee, licensee, industrial forest operation or the implementer violates Management Plan prescriptions, the violator shall be liable for fine and compensation as below:

Sl. No	Management Regimes	Fine(Nu.)	Compensation
i.	Production Forest	50000	Restoration cost
ii	Private Forest	5000	
iii.	Industrial Forest	30000	Annulment of leasehold.
iv.	Institutional Forest	20000	Handover forests produce to NRDCL.

Offence on Private Land

407. For any removal of forest produce from private registered land without consent of the *thram* holder, the offender shall be liable for a fine amounting to Nu.5000/- and the produce shall be handed over to the owner. In the event of trade or utilization of produce by the offender, compensation at NRPC rate shall also be realized from the offender.
408. The fine and compensation realized from the offender shall be paid to the land owner who shall issue a letter acknowledging receipt of the fine and compensation.

Offence in Community Forests

409. The commission of any illegal activity in the community forest shall be treated at par with the offence committed on the State Reserved Forest Land and shall be liable to fine and compensation as below:

- (1) Any removal of forest produce from CF without consent of the CFMG shall be liable for a fine of Nu. 100/cft. on log volume and compensation at NRPC rate shall also be levied. The fine and compensation realized from the offender shall be paid to the CFMG, and the CFMG shall issue a letter acknowledging receipt of the fine and compensation.
- (2) Any CFMG selling, leasing and mortgaging CF in violation of management prescription and bylaws shall be an offence and shall be liable to:
 - (a) Fine Nu.10000.00, and
 - (b) Compensation at FMV of the forest produce involved, and
 - (c) Restoration of the damaged area, or
 - (d) Suspension of Rural Subsidized Timber entitlement from CF and SRF for 5years.

Offence of Illegal Trade and Transit

410. Any offence of illegal trade and transit of forest produce shall be liable for fine and compensation as below:

Sl. No.	Offence	Fine (Nu.)	Compensation
1	Trade and transit of timber	100 /cft.	Fair market value OR seizure of the forest produce and any equipment, vehicle, tools or other items.
2	Trade of sandalwood and red sander	Nu. 750 per Kg AND Nu. 100000/vehicle, OR Nu. 3000/pony, OR Nu. 100000 through any other means of transport AND criminal prosecution under Section 490 of Bhutan Penal Code.	Confiscation of the forest produce,
3	Transport of timber without passing hammer impression, or failure to produce valid transit permit.	100/cft.	
4	Non-declaration of forest produce (with valid permit) in transit at check gate/post.	5,000 per occasion	
5	For illegal trading of forest produce in transit via foreign territory	200/cft.	200% of the fair market value of the forest produce
6	False declaration of forest produce in order to evade royalty.	100 /cft.	Seizure OR fair market value of the forest produce involved.
7	Commercial taking of restricted non-wood forest produce	50 per kg	Compensation at fair market value or seizure of the produce

8	Violation of the rule governing the collection, transit and trade of non-wood forest produce	20 per kg	Compensation at fair market value or seizure of the produce
9	Documentary or filming in multiple use and buffer zones of PA.	3000	Realization of fee
9	Import of NWFP without permit.	5000 per occasion	Seizure or on payment of 50% of the market value of the forest produce.
10	Forging, altering, or tampering any document by permittee	10,000	Seizure of documents and Confiscation of the produce involved.
11.	Import of forest produce.	100/cft.	Seizure or on payment of 50% of the market value of the forest produce.

411. Any use of vehicle/pony or other means of transportation for illegal trade and transit of forest offence shall be levied a fine of Nu: 20/cft. for timber and Nu: 500 for NWFP per occasion.

Offence in Protected Area

412. The commission of an offence in Protected Area, listed under this Rule shall be liable for fine and compensation as below:

Sl. No	Offence	Fine	Compensation
1	Conducting research without valid permit from the Department and collecting specimens for such research.	50,000	Seizure of equipment, Research data and Restoration cost.
2	Violation of conditions required by the permit, including refusal to produce permit or cooperate with monitoring team.	10,000	May result in cancellation of permit

3	Taking wildlife from a core zone other than totally protected species.	20000	seizure of the wildlife and parts
4	Taking wildlife other than totally protected species from any other zone of a protected area without a permit.	10,000	seizure of the wildlife and parts
5	Constructing any road, fence, building or other structures in a core zone	150,000	Restoration cost and NRPC rate
6	Construction of water tank, water pipe and irrigation channel, fence, building or other structure in any other zone without permission	10,000	Restoration cost and NRPC rate
7	Clearing corridor for new transmission and distribution line for electricity, telephone, etc.	100 per meter	NRPC rate
8	Construction or placing any permanent or temporary structure, fence, marker, tourism facilities or other device in core zone	20,000	Restoration Cost plus NRPC rate
9	Felling of trees/poles in core zone	200 per cft.	NRPC rate
1.	Logging in any other zone.	100 per cft.	NRPC rate
2.	Collecting firewood or non-wood forest produce in a core zone.	1000 per head load OR 100 per kg	Seizure of forest produce involved or compensation at fair market value
3.	Collecting firewood or non-wood forest produce in other zones.	500 per head load/50 per kg.	Seizure of forest produce involved or compensation at fair market value

Offence Related to Totally Protected Species.

413. Any offence committed in relation to Totally Protected Species shall be criminal offence of fourth degree felony under Bhutan Penal Code, 2004 or shall be liable for fine and compensation as below if, the offender is willing to settle the case with the Department:

(1) Offence committed in relation to totally protected species of wild animal:

Sl. No.	Offence	Fine	Compensation
1	Attempt to catch or injure a tiger and snowleopard	500,000	
2	Possession of Tokay Gecko	100,000	Confiscation of all species
3	Marketing of species having traditional uses without permit	5000	Confiscation of all specimens or forest produce so harvested
4	Killing of: Tiger	1,000,000/-	Confiscation of the animal/parts. OR for any Missing parts the compensation shall be as follows: Skin: Nu.300000. Set of bones Nu.300000(432numbers @ Nu.694) Claws (16 numbers): 5000 each CanineNu.30000 (4numbers @7500)
5	Killing of: Rhino	1,000,000	Missing horn: 1,000,000

Elephant	15000	Missing tusk: 100000 each.
Snow leopard	<i>At par with tiger.</i>	<i>At par with tiger.</i>
Bear	25,000	Bile: 30,000 Skin : 20,000Paw: 5000 each.
Pygmy Hog	2000	
Hispid hare	10000	
Takin	15000	
Red panda	10000	Confiscation of wildlife or parts
Leopard	10000	
Slow loris	5000	
Clouded leopard	15000	
Musk deer	200,000	
Blue sheep	10000	
Gaur	10000	
Wild buffalo	10000	
Sambhar	10000	
Serow	10000	
Flying squirrel	5000	
Indian pangolin	10000	
Cheetal	5000	
Goldenlangur	10000	

(2) Offence committed in relation to totally protected species of plant:

Sl. No	Offence	Fine	Compensation
1	Agar wood	1000/kg	Seizure
2	Panggenmeto (<i>Gentianacrassuloides</i>)	5000/kg/ for wet. 10000/kg/ for dry.	Seizure
3	Snow down lily	5000/kg/ for wet. 10000/kg/ for dry.	Seizure
4	Blue poppy	5000/kg/ for wet. 10000/kg/ for dry.	Seizure
5	Pseudo-Gen shing	5000/kg/ for wet. 10000/kg/ for dry.	Seizure
6	Yartsaguenboob	200/piece	Seizure or release on payment of Fair Market Value.
7	Himalayan Yew	1000/kg for leaf and bark. 100/cft for	Seizure

(3) Offence committed in relation to birds shall be as per the following schedules and as listed in **Annexure -XXX:**

Sl. No	Status	Fine (Nu)	Compensation
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1	Schedule I	100000	Seizure
2	Schedule II	10000	Seizure
3	Least concern	100	

Interference with Forest

Officer on the Performance of their Duty

414. The following offence to any Forest Officer shall be criminal offence liable for prosecution under Bhutan Penal Code, 2004;

- (1) non-compliance to order of any Forest Officer in performance of his duties;
- (2) impersonating Forest Officer;
- (3) abuse to Forest Officer while on duty;
- (4) assault, battery and related offence to Forest Officer while on duty.

Abetment in the Commission of Forest Offence

415. Any person who abet in the commission of a forest offence shall be liable for fine and compensation as below:

Sl. No	Offence	Fine (Nu)	Compensation
i.	Abet in the commission of a forest offence when the actual offender has been apprehended.	15,000	
ii.	Abet in the commission of a forest offence when the offender has not been apprehended	15,000	Recover all fine & penalty from the abettor on behalf of the offender as per this Rules.

Penalty for Unlisted Offence

416. Any person guilty of an offence under the Act or this Rule where no specific penalty for such offence is stated in the Act or the Rule shall be subject to a fine based on the order issued by the Department and compensation based on fair market value or/and seizure of the forests produce involved.

Actions Constituting an Offence under more than one Provision.

417. Where the same action constitutes as an offence under more than one chapter or provision, such offender shall be liable for punishment under such provision whichever, provides for higher penalty as per Section 36 (a) of the Act.
418. This provision shall however, not prevent penalty for multiple violations stemming from different actions occurring at the same time.

Violation of Official Agreement for Forestry Activity

419. Any person, licensee or permittee who violates an official agreement or terms and condition of the license or permit shall be liable for:
- (1) a fine of Nu. 25000/- and the activity shall be suspended till the fine is settled;
 - (2) the Department shall suspend such permit or license and the Licensee or Permittee shall compensate for any damage done to the forest;
 - (3) allotment of any forest produce to the offender shall not be allowed till the case is settled.

Debarring from Forestry Activity

420. Any person whose permit or license has been cancelled/suspended under this Rule shall be barred from engaging in forestry activity by the Department based on the following criteria:
- (1) where the offence relates to totally protected plants and animals;
 - (2) where the offender has committed more than three (3) offences;
 - (3) where the offender is a permittee or licensee, who has failed to comply with the permit or license for more than three (3) times;
 - (4) Where the value of forest produce involved in the offence exceeds Nu. 500,000/-

Encroachment and Illegal Settlements inside SRF Land.

421. Any offence related to encroachment and illegal settlement in the SRF Land shall be dealt as per the provisions of the Land Act of Bhutan and its Rules and Regulations.

Penalty for Official Misconduct

422. Any official misconduct as specified in Rule 395 of this Rule shall be dealt as per Bhutan Civil Service Rules and any other relevant laws of the country including Forestry Uniform Code of Conduct.

Payment of Reward

423. Any person, including employee of the Department who provides first information or apprehends an offender involved in commission of offence related to forest and its produce shall be eligible for reward.

424. Payment of reward shall be subject to apprehension of offender and realization of fine thereof. Reward shall be paid only from the amount realized as fine as follows:

- (1) Reward for timber and other forest produce shall be 25 % of the fine.
- (2) Reward for wildlife offence shall be 100 % of the fine.
- (3) Reward for offence related to Cordyceps shall be 25 % of the fine.
- (4) Reward for offence related to garbage shall be 50% of the fine.

Annexure- XXVII Forest Offence Registration

Book No. 00001

(Original)

Page No. 001

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE AND FORESTS
Department of Forests and Park Services**

FOREST OFFENSE REGISTRATION

Case No. Dated:.....

1. Name and address of the offender
2. CID no:.....
3. Detail/nature of offense.....
4. Place and period of commission of offense.....
5. Offense detected on (date) by (address)

(Signature of the offender with legal stamp)

6. Name, address and signature of witness.....

7. Case settlement

7.1 Case compounded under the compounding case No.dated of
..... Range Division/Park **OR**

7.2 Forwarded to the Department.....

a. Verdict of the court

b. Verdict document filed in file No. of Division/
Park/Range

Range Officer/Park Ranger

..... **Range/Park Range**

Note: If there are more than one offender in this case, the group leader's address should be underlined in 1 above and addresses of the other members should be noted on the back side of this page.

Original copy for the Department or with compounding case form as the case may be, whereas duplicate copy is to be issued to offender and triplicate copy kept as office record.

Annexure- XXVIII Forest Case Compounding Order Sheet

Book No. 00001

(Original)

Page No.001

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE AND FORESTS
Department of Forests and Park Services**

FOREST OFFENSE CASE COMPOUNDING ORDER SHEET

Case No. (Corresponding to case No. under Forest Offense Registration of
Division/Park/Range)

1. Name and Address of Offender
2. Detail/nature of forest offense (original copy of the forest offense registration under Annexure – 23, page No. dated is attached here).
3. Details of penalty:

Penalty	Amount (Nu)
Fine	
Compensation at fair market value of the forest produce involved	
Repeated conviction (Rule 72)	
TOTAL	

4. Vehicle(s)/animal(s)/Materials/forest produce/tools/implements etc. seized as per seizure list under **Annexure 25** on page No. Book No. dated.....are:-
a) hereby confiscated OR b) released to the accused
5. The case has been settled as per the acceptance in commission of offence based on the statement submitted by the offender expressing his willingness to compound and settle the case.
6. The list of items seized/confiscated/released in connection with this offense case as per **Annexure XXIX** (page/book No.) attached here.
7. Signature with legal stamps
 - a. Accused
 - b. Witness (Name & Address).....Date :

Compounded by

Approved by

RO/PR

CFO

..... Range

.....Division/Park

Note:

1. Original copy issued to the accused person 2. Duplicate copy remains as office record.

Dated.....CFO/RO.....Division/Park/Range

A copy of seizure list shall be handed over to the offender.

PART B Subsequent office order -

a. Following seized items are confiscated by the Department or as per verdict issued by the court vide reference No.

i).....

ii).....

iii).....

b. Following seized items released to the accused person as per compounding order sheet No. Dated.....of Division/ Park/Range.

c. Acknowledged by the accused for items confiscated or/and realized as detail shown above.

Signature with legal stamp

d) Name, address and signature of witness (with legal stamp)

Dated.....

CFO/RO

.....Division/Park/Range

Note: For subsequent orders, the original and duplicate copies should be collected and filled in and returned to the respective authorities/ persons. If in case copies cannot not be collected, photocopy of the triplicate should be issued to the accused.

Annexure- XXX Schedule of Birds

Schedule of Birds

CHAPTER XIV

MISCELLANEOUS

Amendment

425. Any amendment to this Rules and its schedules shall be made by the Ministry.

Coordination among Chapters- Effect of Individual Permits

426. The issuance of any permit, license or other permission pursuant to this chapter shall not eliminate, alter or supersede any other requirements under the Act, this Rule or any other law of Bhutan. The applicant shall still be required to obtain all proper licenses under all Sections of all such provisions.

Prior Notifications

427. All prior notifications relating to matters examined in this Rules are revoked unless ratified or re-adopted by the Ministry.

Validity

428. In the event that one or more provisions of this Rule are invalidated, the remaining provisions shall continue to be in full force and effect.

Immunity

429. No legal proceeding or suit shall lie against any official of the Department in respect of conducting official duty due diligently, which is done in good faith or intended to be done in pursuant to the provisions of this Rules. However, such immunity shall not cover corrupt acts committed by any official of the Department in connection with the discharge of their duty or cover other valuables, inconsideration to act in a particular manner.

Definition

430. The terms defined in Section 3 of the Forest and Nature Conservation Act of Bhutan, 1995 shall have the same meanings and the new terms used in the Rules shall have the meanings as given below:

- (1) **Abet**: shall mean to urge, encourage, or assist to commit the offence.
- (2) **“Act”** shall mean the Forest and Nature Conservation Act of Bhutan, 1995, as may be amended from time to time.
- (3) **“Afforestation”** shall mean the establishment of trees by sowing, planting or natural regeneration on an area from which trees have always or for very long been absent. Afforestation plantation can broadly be classified into normal and rehabilitation plantation.
- (4) **“Agro Forestry”** shall mean a collective name for land-use systems and practices where woody perennials are deliberately integrated with crops and/or animals on the same land management unit. The integration can be either in spatial mixture or in temporal sequence. There are normally both ecological and economic interactions between the woody and non-woody components in agro forestry.
- (5) **“Allotment System”** shall mean the disposal of timber and other forest produce through Departmental approvals, or auction and any other appropriate systems defined by an authorized agency.
- (6) **“Armed Forces”** shall mean Royal Body Guard, Royal Bhutan Army and Royal Bhutan Police.
- (7) **“Biological Corridor”** shall mean an area set aside to connect one or more Protected Areas.
- (8) **“Buffer”** shall mean an area set aside as a cushion adjoining river, stream, transmission line, road, and area inside the Protected Areas.
- (9) **“Certificate of Origin”** shall mean any document in a prescribed/approved format indicating the source of forest produce.
- (10) **“Compounding Officer”** shall mean any official above the post of Range Officer empowered by the Act to compound forest offence.
- (11) **“Community Forest”** shall mean any area of State Reserved Forest Land designated for management by a local community in accordance with the provisions made under this Rules.
- (12) **“Community Forest Management Group”** shall mean a group of households constituted for the management of Community Forest in accordance with approved management plan.
- (13) **“Compensation”** shall mean monetary payment made to the Royal Government of Bhutan (RGoB) at rates fixed by the Department for loss incurred by way of illegal taking, felling, damaging, and collection etc. of forest produce from State Reserved Forest Land.
- (14) **“Constitution”** shall mean the Constitution of the Kingdom of Bhutan as enacted by the National Assembly of Bhutan in 2008.

- (15) **“Core Zone”** shall mean an area within a Protected Area, designated in accordance with technical regulations, in which human related activity is not permitted, except for regulated research and monitoring programs.
- (16) **“Critical Watershed”** shall mean any area critical for protecting the supply of water for drinking, irrigation, flood control, hydroelectric project or related purpose which has been declared to be a critical watershed by the Parliament.
- (17) **“Degraded Watershed”** shall mean an area under State Reserved Forest Land that is in a state of deterioration and pose a risk to water users and environmental value such that it warrants declaration by the Ministry as a “degraded watershed”.
- (18) **“Department”** shall mean the Department of Forests and Park Services.
- (19) **“Dzongkhag Park/PreserveRecreational area”** shall mean an area set either within or outside the national park, wildlife sanctuary and strict nature reserve for recreational use and protection of areas of special scenic beauty/biodiversity/public awareness.
- (20) **“Dzongkhag Committee”** shall mean members constituted by Dzongkhag administration for the purpose of land allotments and other related activities that require endorsement.
- (21) **“Enrichment Plantation”** shall mean planting of valuable tree seedling in poorly stocked forests.
- (22) **“Entrapment”** shall mean a practice whereby a law enforcement agent induces a person to commit a criminal offense that the person would have otherwise been unlikely to commit. It is a conduct that is generally discouraged and thus, in many jurisdictions, is a possible defence against criminal liability.
- (23) **“Fine”** shall mean a sum of money imposed as penalty by the Department for violating provision of the Forest and Nature Conservation Act of Bhutan, 1995 and Rules made there under.
- (24) **“Finished Product”** shall mean any forest product processed and ready for use as per the approved list under this Rules.
- (25) **“Forest”(Technical)** shall mean land with tree spanning more than 0.5 ha with tree higher than 5 metre and a canopy cover of more than 10 percent.
- (26) **“Forest Fire”** shall mean any fire in State Reserved Forest Land, whether anthropogenic or natural in origin.
- (27) **“Forest/Wood Based Industry”** shall mean any industry which uses forest produce as its raw material.
- (28) **“Forest Management Unit”** shall mean an area of State Reserved Forest Land designated pursuant to this Rules for scientific management of forest.

- (29) **“Forest Management Code”** shall mean the document containing the code of best forestry practices applicable to all forest management regimes in Bhutan.
- (30) **“Forest Officer”** shall mean any person appointed by the Royal Government to carry out any provision of this Rules.
- (31) **“Forest Produce”** shall include any of the following whether or not brought from the Forest:
- (a) Trees, shrub, herb and all parts or their product;
 - (b) Wild animal including fish and other aqua fauna and their part or product;
 - (c) Sand, stone, boulder, gravel, peat, coloured soil and surface soil;
 - (d) Water bodies.
- (32) **“Gravel”** shall mean any pebble or crushed stone.
- (33) **“Head of the Department”** shall mean the Director or Director General of the Department of Forests & Park Services appointed by the Royal Government of Bhutan.
- (34) **Heritage Forest:** shall mean a forest surrounding cultural, religious, or historical sites with significant ecological and cultural values that are under increasing threat from anthropogenic pressure.
- (35) **“Industrial Plantation”** shall mean establishment and management of the plantation by the forest based industry on leased forest area to meet raw material demand on sustainable basis.
- (36) **“Illegal”** shall mean any activity that violates the provisions of Act and Rules herein.
- (37) **“Landscape Plantation”** shall mean strip planting along road, ornamental planting, shade and fruit tree around Dzong, Monastery, School, Institution and urban area.
- (38) **“Livestock”** shall mean any domestic animal or bird.
- (39) **“Local Authority”** shall mean any official of the Local Government authorized to assume the duty of “local authority” as per the Local Government Act’ 2009.
- (40) **“Lops and Tops”** shall mean:
- (a) all timber left behind after removal/extraction of prime timber;
 - (b) small wood (less than 10 cm in diameter over bark or all branch), stem, tree tops;
 - (c) unmarketable/damaged sawn timber, offcuts and other debris left after sawing log at site;
 - (d) damaged/split/cracked/broken/hollow/rotten/decayed log unfit for sawing.
- (41) **“Mobile Sawmill”** shall mean portable sawmill which can be easily dismantled and re-assembled and can be transported from one location to another.

- (42) **"Ministry"** shall mean the Ministry of Agriculture and Forests or any other Ministry that may become responsible for Forestry.
- (43) **"NRPC Rate"** shall mean the monetary value of any forest produce set by the Natural Resources Pricing Committee (NRPC)
- (44) **Person** shall mean any individual, corporation, civil or religious association, and shall include any agency or Department of the Royal or any other entity recognized under the laws of the Kingdom of Bhutan.
- (45) **"Plantation Forest"** shall mean a man-made forest through planting of seedlings in barren, eroded, degraded, and logged State Reserved Forest Land or in registered private or institutional lands.
- (46) **"Power Chain Saw"** shall mean hand saw powered by a small portable engine.
- (47) **"Prescribed/Controlled Burning"** shall mean fire applied to forest on a designated area under favourable weather conditions to accomplish predetermined, well-defined management objective.
- (48) **"Primary Timber"** shall mean all kinds of unprocessed wood including sawn timber or as may be notified by the Ministry.
- (49) **"Private Forest"** shall mean trees grown on private registered land and registered with the Department.
- (50) **"Protected Area"** shall mean an area, which has been declared to be a National Park, Conservation Area; Wildlife Sanctuary, Wildlife Reserve, Biological Corridor, Nature Reserve, Strict Nature Reserve, Research Forest, Heritage Forest, Critical Watershed or any other area, by the Government.
- (51) **"Rangeland"** shall mean State Reserved Forest Land and ecosystems dominated by shrub and grass.
- (52) **"Reforestation"** shall mean the re-establishment of tree on forest land.
- (53) **"Remote Location/Area"** shall mean any location from the nearest motorable road involving a minimum half-day walk.
- (54) **"Restoration Cost"** shall mean monetary payment made to restore or ensure maintenance of forest ecosystem.
- (55) **"Rules"** shall mean The Forest and Nature Conservation Rules and Regulations of Bhutan, 2017.
- (56) **"Seed Bank Plantation"** shall mean the planting of trees of mixed species for production of seeds for nursery and plantation
- (57) **"Sokshing"** shall mean a part of the State Reserved Forest Land leased in the name of an individual with the right only for collection of leaf litters required for producing farm manure.
- (58) **"State Reserved Forest Land"** shall mean any land and water body outside a Thromde, the ownership of which is not vested in any person and is under the custody of the Ministry.

- (59) **“Stationary Sawmill”** shall mean the infrastructure and equipment established and licensed by MoEA for processing timber.
- (60) **“Surface Collection”** shall mean the collection of loose boulders, stone, and gravel from riverbeds and land surface without involving excavation machinery and use of explosives which may include dredging of sand from river bed by using excavator.
- (61) **“Technical Advisory Committee”**: shall mean the highest decision making body within the Department, comprised of Chiefs and Specialists of various divisions which shall formulate guidelines, advice the Department on technical matters whenever required.
- (62) **“Tsandro”** shall mean State Reserved Forest Land leased as grazing land in the name of individual, community or institution.
- (63) **“Taking”** shall mean, with respect to any forest produce and include the collection, felling, hunting, shooting, fishing, killing, capturing, trapping, or otherwise taking possession of any forest produce.
- (64) **“Technical Regulation”** shall mean standard code of forestry practice, manual, guideline, framework and plan, prepared or issued by the Department.
- (65) **“Timber”** shall mean any tree, whether standing or fallen, regardless of whether converted to log or sawn.
- (66) **“Transit Permit”** shall mean a document prescribed under this Rule, which is issued for the purpose of authorizing the legal possessor or recognized agent to transport any forest produce within or outside the country.
- (67) **“Urban Forests”** shall mean planting and managing of trees /shrubs /grasses /flowers including landscaping if required within thromde boundary for improving urban environment, aesthetic value and social benefits.
- (68) **“Volunteer”** shall mean an individual or group registered with the Department to provide support in forestry program, disaster management or other related activity.
- (69) **“Watershed”** shall mean a topographically delineated area of land that drains water including subsurface, ground water, sediment and dissolved materials to a common outlet.
- (70) **“Wetland”** shall mean flowing water in river, stream and spring with associated riverine wetland and riparian zone; still water, lake, pond and well and basin-type wetlands encompassing area of constant soil saturation or inundation with distinct vegetative and faunal community; and with area of swamp, marsh, fen, peat land, water body, with water that is static or flowing.
- (71) **“Wildlife”** shall mean all flora and fauna that are not domesticated.