

FORESTRY REGULATIONS, 2011

Arrangement of Regulations

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FORESTRY ACT (NO. 20 OF 2010)

FORESTRY REGULATIONS, 2011

The Minister, in exercise of the powers conferred by section 34 of the Forestry Act, makes the following Regulations—

PART I-PRELIMINARY

1. Citation and commencement.

- (1) These Regulations may be cited as the Forestry Regulations, 2011.
- (2) These Regulations are deemed to have come into force on the 6th day of January, 2011.

2. Interpretation.

In these Regulations—

“afforestation” means the conversion of bare or cultivated land into forest;

“allowable annual cut” means the quantity of timber specified for an area of land that can be harvested in a calendar year;

“carbon sequestration” means a biochemical process by which atmospheric carbon is absorbed by living organisms, including trees, soil, micro-organisms and crops, with the potential to reduce atmospheric carbon dioxide levels;

“cord” means a volume of timber measuring four by four by eight feet or equivalent and containing 128 cubic feet stacked volume or 80 cubic feet of solid timber;

“cordwood” means small pieces of irregular wood in unmanufactured form unsuitable for saw timber;

“Environmental Impact Assessment” means a study identifying and evaluating the likely impact of a proposed activity on the environment, identifying and evaluating alternatives to that activity

and identifying and evaluating potential means of mitigating the likely impacts of that activity;

“**forest estate**” means a forest reserve, protected forest, conservation forest or any other land managed by the Forestry Unit under the Act;

“**forest recreation site**” means outdoor facilities specifically sited and designed to cater to the enjoyment of nature and well-being of persons visiting a designated National Forest Estate;

“**forest road**” means a road or trail in a forest estate or in a forest management area;

“**plan of operations**” means a plan of proposed forestry activities set out under regulation 9;

“**portable saw**” means any saw operating manually, any axe, whip saw, bow saw, cutlass or machete capable of felling, cross-cutting or pruning trees, timber, or converting a tree or timber into sawn wood or boards;

“**power driven saw**” means a saw that is driven mechanically by use of fuel or electric power and includes a chainsaw; capable of felling, cross-cutting or pruning trees or timber or converting a tree or timber into sawn wood or boards;

“**reforestation**” means the restocking of existing forests and woodlands which have been removed by harvesting;

“**saw timber**” means any standing trees with a diameter at breast height (four feet, three inches from the ground) which exceeds seven inches in diameter over bark;

“**sawmill**” means any structure or site containing a power driven saw whether circular, band saw, or any other type of saw capable of being used for cross-cutting or sawing timber into boards or planks;

“**the Act**” means the Forestry Act *No. 20 of 2010*;

“**working plan**” means a plan of proposed forestry operations for the period of the duration of the licence set out under regulation 9.

PART II-LEASES, LICENCES AND PERMITS

3. Leases.

- (1) The Minister in consultation with the Minister responsible for Crown lands may issue leases to Governmental and non-governmental agencies of The Bahamas for a period of time not exceeding 99 years for the use of land within a forest reserve, protected forest and conservation forest for

purposes other than utilization of forest produce under section 17(1)(a), 17(1)(b) and 17(1)(c) of the Act.

- (2) All applications for leases in respect of Crown lands within forest reserves, protected forests and conservation forests, shall be submitted to the Director of Forestry, who shall transmit the applications with his recommendations to the Director of Lands and Surveys for submission to the Minister Responsible for Lands and Surveys.
- (3) When consideration is being given for the leasing of Crown lands for the abstraction or discharge of groundwater, the Director of Forestry shall consult with relevant governmental and non-governmental agencies and other relevant groups, prior to forwarding any recommendation to the Director of Lands and Surveys.

4. Permits to remove timber, non-timber or forest produce.

- (1) Under section 17(1)(e) of the Act, an applicant must apply for a permit to remove timber, non-timber, or forest produce from an area less than 1,000 acres or small scaled operations, in the manner set out in Form No. 1 in the First Schedule and pay the prescribed fee as set out in the Second Schedule.
- (2) The Director of Forestry or any authorized officer designated in writing by the Director of Forestry, may issue permits for the utilization of forest and non-forest produce.
- (3) The Director of Forestry shall determine, and periodically revise, the royalties and fees for forest produce, non-forest produce (including wildlife) taken from any designated forest estate and shall cause such royalties and fees to be published in a list entitled the Permit Fee Schedule for the purpose of these regulations.
- (4) There shall be kept at the offices of the Public Treasury of the Commonwealth of The Bahamas, Island Administrator, Director of Forestry, each forest officer or authorized person, copies of the Permit Fee Schedule including express documentation of all corrections made thereto.
- (5) The Director of Forestry shall cause copies of the Permit Fee Schedule to be made available to the public upon payment of the prescribed fee set by the Director of Forestry.
- (6) The permit to remove timber, non-timber, or forest produce from an area less than 1,000 acres or small scaled operations shall be issued in the manner set out in Form No. 2 in the First Schedule.

5. Application for Permit to harvest protected tree.

An application for the grant of a permit under section 12 of the Act to harvest a protected tree, shall be made to the Director and shall contain all the relevant

particulars set out in Form No. 3 (A) in the First Schedule including the payment of the prescribed fee as set out in the Second Schedule.

6. Permit to harvest protected tree.

A permit granted under section 11 of the Act to harvest a protected tree shall be made in the manner set out in Form No. 3 (B) in the First Schedule, shall be accompanied by payment of the prescribed fee as specified in the Second Schedule and shall be valid for six months from the date of the grant unless otherwise prescribed in the permit.

7. Application for timber Licenses.

- (1) An application to obtain a licence to harvest timber and non-timber Forest Produce from an area of 1,000 acres or greater, or large scale operations, under section 17(1)(d) of the Act, shall be in Form No. 4 (A) in the First Schedule and shall be accompanied by the following—
 - (a) an Environmental Impact Assessment (hereinafter referred to as “EIA”) study in compliance with section 17(2) of the Act;
 - (b) a Business and Forest Management Plan; and
 - (c) the prescribed application fee as specified in the Second Schedule.
- (2) A Timber licence must be obtained in order to utilize forest produce or non timber forest produce from an area of 1,000 acres or more (or large scaled operations) from forest reserves, protected forests and conservation forests and shall be in Form No. 4 (B) in the First Schedule.
- (3) If any licensee fails to comply with any of the requirements set out in the timber licence or this Regulation, the Minister may—
 - (a) require the licensee to comply with the requirements codified in the timber licence;
 - (b) instruct the Director of Forestry to carry out any activities necessary to ensure that the licensee complies with the requirements of the Licence, and the licensee shall be responsible for defraying all costs arising from the conduct such activities;
 - (c) terminate the timber Licence and all deposits made thereunder, thus resulting in such deposits being forfeited by the State;
- (4) The Director of Forestry may, in his discretion, grant a timber licence or permit subject to such conditions as may be specified therein, including without prejudice to the generality of the foregoing, conditions relating to—
 - (a) the measurement, checking and marking of all timber cut or removed, by an authorized officer, pursuant to the provisions of the timber licence or permit;

- (b) the payment by the licensee of any stumpage fees and royalties as prescribed under the provisions of regulation 36; and
 - (c) an approved working plan.
- (5) A person who fails to comply with any condition imposed pursuant to paragraph (1), shall be guilty of an offence.
- (6) Where a licensee observes and performs all the conditions set forth in a timber licence, the licensee shall be eligible to submit an application for a renewal of the expired timber licence on competitive tender for a further period.
- (7) If, after one year of the cutting of an area subject to licence, the Director of Forestry determines that the natural regeneration is inadequate for full stocking, he may order the licensee to replant or reseed the area, or take whatever silvicultural measures that are necessary to achieve full stocking.
- (8) The Minister Responsible for Crown Lands may lease Crown Land outside the boundaries of forest reserves, protected forests and conservation forests, for the construction of buildings and other purposes related to the terms of the licence.
- (9) The Minister may cut and remove from an area under licence all forest produce that may in his opinion be necessary for public works or needed in the national interest and shall deduct the cost of such forest produce, as determined by the Director of Forestry, from the royalties under the licence.
- (10) The Minister may excise from the area in accordance with the provisions of the timber licence, any potential seed stands or sites of scientific interest—
 - (a) without penalty, if the area is less than twenty (20) acres; or
 - (b) by agreement, if the area comprises of more than 20 acres and, if no agreement is reached, by *pro rata* reduction of the lease royalty based on the dimensions of the area.

8. Licences Terms and Conditions.

A licence issued under these Regulations shall be subject to the following general conditions—

- (1) The licensee shall, every quarter, provide the Director of Forestry with a full report, outlining the correct return of the utilization of the forest produce and showing the different quantities of each type of forest produce in such report as shall be acceptable to the Director of Forestry.
- (2) The licensee shall allow the Director of Forestry or any forest officer designated by him at all times, to enter the premises and buildings of the

licensee and take all measures necessary for checking the accuracy of a return as specified under paragraph (1).

- (3) In addition to conditions specified in the licence issued to the licensee, the licensee shall, at all times, carry out forestry operations in a manner consistent with good silvicultural practice and technical standards in marking, harvesting and planting forest produce.
- (4) Where a dispute arises, or change in silvicultural practice occurs, the decision of the Director of Forestry shall be final and binding.
- (5) The licensee shall be responsible for fire protection measures, including any specific requirements which may be codified in the licence.
- (6) The licensee shall not allow during the harvesting and processing of forest produce, any waste, residues, or other poisonous pollutants to escape into the soil, sea or air, unless treated and rendered harmless.
- (7) The licensee shall be liable for damage to forest produce, other government property, or to property other than forest produce and the licensee may be required to make good, such damage or to pay the costs of any necessary repairs arising from such damage.
- (8) Where forest produce is damaged or destroyed, the licensee may be forced to pay the full value of the produce, as assessed by the Director of Forestry.
- (9) The licensee shall carry third-party insurance against damage to property and persons incurred during his operations under the licence, in an amount to be determined by the Minister.
- (10) The licensee shall comply with the provisions of the Act, and any regulations made thereunder.

9. Plan of Operations and Working Plans.

- (1) Before commencing any operations, the licensee shall prepare—
 - (a) a working plan outlining the proposed operations for the period of the duration of the licence; and
 - (b) a plan of operations to be a part of the working plan, covering two years of operations in detail, to be submitted at least three months in advance of each two year period.
- (2) Upon approval by the Minister, the working plan and the plan of operations shall constitute a part of the licence and these plans may not be revised without the written permission of the Minister.

10. Permit to transport or use portable power driven saw.

- (1) A person shall not carry, transport or use any form, type or make of portable or power driven saw in any forest reserve, protected forest or

conservation forest, without a valid permit issued by the Director of Forestry required by Form No. 6 in the First Schedule, whose decision will be guided by paragraphs (2) to (5).

- (2) An application for a permit to use portable or power driven saw in the forest estate areas shall be in Form No. 5 in the First Schedule, and shall only be approved and issued to holders of valid timber licences or permits.
- (3) The duration of an approved permit under this regulation shall be determined by the period of the duration of the timber licence or timber permit.
- (4) A person applying for a permit to use a portable or power driven saw under this regulation, shall pay the prescribed fee specified in the Second Schedule.
- (5) The Director of Forestry may renew a permit granted under this regulation, subject to such conditions as may be specified therein and upon payment of the required fee specified in the Second Schedule.

11. Variation of timber Licence or permit.

Where, in the opinion of the Director of Forestry, it is in the public interest to change any provisions or conditions of the area of a timber licence or permit, the Director of Forestry may—

- (a) communicate his intention to serve in writing a notice on the holder of the licence or permit; and
- (b) make such changes in the licence or permit as he thinks fit, thirty days after the date on which the notice is dispatched.

12. Records to be kept by Licensees, etcetera.

- (1) The holder of a timber licence shall keep accurate records in accordance with the terms and conditions of the timber licence concerning the quantity, source and species of timber, its dimensions and measurements, and shall produce the records or information at the request of an authorized officer.
- (2) Every person, including a purchaser or sawmill operator, owner or manager, who deals locally in produced timber, logs, fence posts or forest produce of any kind, shall—
 - (a) keep an accurate record of—
 - (i) all timber and forest produce harvested or purchased, whether from privately owned land or from forest estates; and
 - (ii) the species, sources, dimensions and measurements; and

- (b) shall produce the records and relevant information at the request of an authorized officer.

13. Application for Hunting Licences.

Every application for a hunting licence in respect of wild birds and wild animals in the forest estate, must be made pursuant to section 8 of the Wild Birds Protection Act *Ch. 249* and all regulations made thereunder, and section 4 of the Wild Animals Protection Act *Ch. 248*.

PART III-FORESTRY ON PRIVATE LANDS

14. Promotion of forestry on private lands.

The Director of Forestry shall encourage and promote adherence to the Act and the regulations made thereunder, for the protection of forests and forestry activities on forests lands held under private holdings.

15. Preparation of Forest Management Plans.

- (1) Under section 21 of the Act, private forest land holders who wish to undertake large scaled commercial forestry activities, shall provide an EIA which will outline in detail, the preparation of a forest management plan subject to approval of the Director of Forestry, and such land must be managed in accordance with the provisions of this management plan.
- (2) Under section 21 of the Act, any private forest land holder who wishes to undertake small scaled commercial forestry activities, shall comply with the provisions of regulations 4 to 7 and pay the prescribed fees for the conduct of such activities.
- (3) The Director of Forestry shall offer advice and assistance to private land owners, in the preparation of the management plan and in other forestry related activities under section 20 of the Act.

PART IV-FOREST FIRES

16. Burning Permit.

- (1) Subject to paragraph (2), a person shall not light, or make use of an open fire or charcoal kiln (whether earthen or metal) in a forest reserve, protected forest or conservation forest, unless such activities are conducted in compliance with a burning permit issued under these regulations.

- (2) Paragraph (1) shall not apply where the fire is being used by an authorized officer for the—
 - (a) purpose of suppressing or controlling fires (for example, the use of prescribed burning techniques) in the forest estate; or
 - (b) purposes of prescribed burning as a silvicultural management tool for the forest area subject to treatment.

17. Issuance of a Burning Permit.

- (1) An authorized officer may issue a burning permit as required by Form No. 8 in the First Schedule containing conditions that are in accordance with these regulations and standards that are approved by the Director of Forestry, in consultation with The Royal Bahamas Police Force Fire Services and the Director of Environmental Health Services.
- (2) In the case of a prescribed burning permit, the following conditions will apply—
 - (a) the requisite authorization in writing must be obtained from the Director of Forestry;
 - (b) a prescribed burn plan with specific prescriptions must be submitted when required by the Director of Forestry;
 - (c) there must be adequate fire-breaks at the burn site and sufficient personnel and fire-fighting equipment for the control of the fire;
 - (d) the fire must remain within the boundary of the authorized area;
 - (e) personnel must remain present in person at the burn site until the fire is extinguished;
 - (f) adjacent private property owners to the area to be burnt. must be consulted; and
 - (g) a determination is made by the permit holder in consultation with the Director of Forestry and relevant agencies, that air quality and the fire danger ratings, are favourable for safe burning on the day or days of the burn.
- (3) Where the application is made for a burning permit for a Charcoal Kiln (metal or earthen) within the forest estate as required by Form No. 9 in the First Schedule, the following conditions will apply—
 - (a) authorization must be obtained from the Director of Forestry;
 - (b) a management plan with specific prescriptions must be submitted when required by the Director of Forestry; and
 - (c) there must be an adequate buffer as specified by the Director of Forestry, around each kiln site and sufficient personnel, water and fire-fighting equipment available in the event of a wild fire outbreak that may be a direct consequence of the kiln operation.

- (4) Every application for the issuance of a burning permit for a prescribe burn or burns as required by Form No. 7 in the First Schedule shall be accompanied by the payment of the requisite fee specified in the Second Schedule.
- (5) A single burning permit may be issued for one burn or multiple burns as proposed by the Permit Holder for the same general area.
- (6) Every application for the issuance of a burning permit for a charcoal kiln operation shall be made in Form No. 9 in the First Schedule by the Director of Forestry and shall be accompanied by the payment of the requisite fee specified in the Second Schedule.
- (7) Where an applicant's application has been approved to obtain a burning permit to light a charcoal kiln in the forest estate as required by Form No. 10 in the First Schedule, he shall then submit such approved application along with the prescribed fee as set out in the Second Schedule, to the Director of Forestry, in order to obtain the aforementioned permit.

18. Penalty for offences under the Act and regulations relating to Forest Fires.

A person who contravenes the provisions of section 28(1)(f) to (i) of the Act and regulation 18, commits an offence and is liable on summary conviction, to a fine of twenty-five thousand dollars or a term of imprisonment of two years or to both such fine and imprisonment.

PART V-FOREST MANAGEMENT PLANS

19. Forest Management Plan.

- (1) A forest management plan (the provisions of which may include the management of a forest area for the sequestration of carbon) shall, without prejudice to section 9 of the Act, contain the following particulars—
 - (a) land surveys, GPS co-ordinates or GIS based maps, showing the boundary of each forest reserve, protected forest and conservation forest;
 - (b) the location of any water bodies, water reserve areas and any significant infrastructures including roads and utilities;
 - (c) maps and schedules describing the acreage or size, shape and location of the land or blocks of parcels of land—
 - (i) required to be reforested; and
 - (ii) suitable for harvesting during the projected period of operation of the plan;

- (d) silvicultural and prescribed burning plans, if applicable and prescriptions for the land to which the plan relates;
 - (e) provisions for protection of wildlife, the maintenance of ecological services, the preservation of habitats, the conservation of water and soil and unique physical attributes.
- (2) In preparing each forest management plan, the Director of Forestry shall consult with relevant government agencies, non-governmental agencies and other relevant groups, and thereafter submit the draft plan to the Minister for approval, including a report of the consultations with governmental, non-governmental and other relevant groups.
- (3) Before granting formal approval of the draft plan, the Minister shall notify the public of the provisions of such plan by immediately posting it on the official government website and in two consecutive issues of any daily newspaper published and circulating in The Bahamas specifying—
- (a) that a draft of the plan has been prepared;
 - (b) the land to which it relates;
 - (c) the venue where the draft plan may be inspected for a specified fixed period (not being less than fourteen days and not including Saturday and Sundays, immediately following the date of the last publication of the above details of the notice) and time frame; and
 - (d) inviting members of the public to make written comments with regard to the purposes, objectives and environmental impact of the draft plan.

20. Development of Forests.

It shall be the duty of the Director of Forestry to develop and implement programs for the establishment of nurseries, the provision of seedlings and other planting material, the establishment of forest plantations, afforestations, reforestations and such other facilities as the Director of Forestry considers necessary for the establishment and maintenance of trees and other forest crops.

21. Determination of the allowable cut.

- (1) Pursuant to section 34 of the Act and any regulations made thereunder, the Director of Forestry shall determine the allowable annual cut for any—
- (a) forest reserve;
 - (b) area within a forest reserve and the boundaries thereof;
 - (c) protected forest; or
 - (d) conservation forest.
- (2) In determining an allowable annual cut under paragraph (1), the Director of Forestry shall consider—

- (a) the rate of timber production that may be sustained on the area of a forest reserve, protected forest or conservation forest, or any part of that area, taking into account—
 - (i) the composition of the forest and its expected rate of growth;
 - (ii) the expected time that it will take for the forest to become reestablished following harvesting;
 - (iii) the silvicultural treatments to be applied in the area;
 - (iv) the standard of timber utilization and the allowance for decay, waste and breakage expected to be applied with respect to timber harvesting;
 - (v) the groundwater resources and associated wildlife impacted;
 - (vi) invasive species control following forest harvesting; and
 - (vii) any other information that, in his opinion, relates to the capacity of the area to produce timber on a sustainable basis;
- (b) the short and long term implementations to The Bahamas of alternative rates of timber harvesting from the area;
- (c) the environmental, economic and social objectives of the Government in respect of the area, the general region, and the Bahamas; and
- (d) abnormal infestations in, devastations of, and major salvage programs planned for timber on the area.

PART VI-FOREST ROADS

22. Construction or modification of road in a forest estate.

A person shall not construct or modify a road or trail in a forest estate unless the construction or modification has been authorized by the Director of Forestry in writing, and the road—

- (a) or trail has been identified in an approved management plan; and
- (b) layout has been approved by the Director of Forestry.

23. Road maintenance.

A person who uses a road under authority of the Director of Forestry may be required to maintain the road in accordance with the requirements established by the Director of Forestry.

24. Permission to connect private road to forest road.

A person shall not connect a private road to a road in a forest without first obtaining the written consent of the Director of Forestry.

25. Not a public highway.

Subject to the provisions of these regulations and notwithstanding any previous use by the public, a road constructed, modified or maintained within a forest estate shall be used only as a forest road, and shall not be used as a public highway, unless the Minister responsible for Public Works, in consultation with the Minister, expressly declares that such road be used as a public highway.

26. Exclusion of claim for damages.

No claim for damages may be commenced or initiated by any person in The Bahamas who uses a forest road on account of damage resulting from a defect in the construction, improvement or maintenance such road or for any other reason relating to the condition of such road.

27. Penalty for offences relating to the use of a road or trail.

Any person who—

- (a) constructs or modifies a road or trail in contravention of regulation 22;
- (b) fails to maintain a road as required under regulation 23; or
- (c) contravenes the provisions of regulation 24 or 26,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or a term of imprisonment of twelve months or to both such fine and imprisonment.

PART VII-FOREST RECREATION

28. Recreation features.

Every forest management plan shall—

- (a) identify the location of the known recreation features in the area under the plan;
- (b) specify the manner in which the forest resources will be managed and protected; and
- (c) describe the measures that will be taken to ensure that timber harvesting, road construction and other forest operations are consistent with the recreational objectives identified in the forest management plan.

29. Development of forest recreation sites.

The Director of Forestry may, with regard to designated forest estate areas and in accordance with approved forest management plan—

- (a) plan, develop and manage recreation sites and facilities as he considers appropriate and such facilities may include—
 - (i) parks;
 - (ii) roads and trails;
 - (iii) camping grounds and sites;
 - (iv) picnic sites; and
 - (v) such other facilities as the Director of Forestry may determine; and
- (b) determine and prescribe fees, if necessary, for the use of recreation facilities.

30. Management of recreation sites by others.

- (1) Recreation sites and facilities in a forest estate may be the subject of management contracts or leasehold arrangements with government agencies, non-governmental organizations or private individuals who make application in that behalf if—
 - (a) the facility or site was approved in the forest management plan;
 - (b) the Director of Forestry is satisfied that the site or facility will be operated in compliance with the Act and all regulations made thereunder;
 - (c) the private entity must comply with best management practices and standards established by the Director of Forestry for the purposes of cooking, or conducting barbeques in a designated recreation facility within the forest estate.
- (2) In determining whether or not to recommend that an application for a lease by a prospective lessee of a recreation site or recreation site facility should be granted, the Director of Forestry shall be guided by the recommendations of the Director of Lands and Surveys.
- (3) The rates for any lease or management contract shall be the rates recommended by the Director of Lands and Surveys.
- (4) A contract for the operation of a recreation site facility in a forest estate may be terminated, if any term of the contract is contravened.
- (5) If the Director of Forestry is satisfied that there has been a breach of the contract for the operation of a recreation site facility by any person under this regulation, the Director of Forestry shall give three months notice in writing to the party who committed a breach of the contract, before taking steps to terminate it.

PART VIII-GENERAL

31. Use of vehicles.

- (1) A person shall not take, drive, use or leave a vehicle in a forest estate area in contravention of a prohibition or restriction contained in a sign or notice posted in a conspicuous place in that reserve.
- (2) A person shall not, except with the written permission of an authorized officer—
 - (a) take, drive, or use a vehicle on a road or track on any land that has been closed by a barrier erected by or under the authority of the Director of Forestry;
 - (b) remove or circumvent any such barrier.

32. Advertising signs.

- (1) A person shall not take, except with the written permission of an authorized officer, erect, exhibit, display, or cause to be erected, exhibited or displayed in a forest estate, any notice, sign, slogan, or any other device containing any advertising or any other kind of message.
- (2) A person shall not, without the written permission of an authorized officer, remove, damage, obscure or otherwise interfere with a notice, sign, slogan or other device, erected by an authorized officer in a forest estate.

33. Interference with markers in a forest estate.

Without prejudice to section 28(1)(m) of the Act, a person shall not, without written permission of an authorized officer, wilfully mark, deface, or injure in any way, or remove or interfere in any way, with any sign, notice or placard, whether temporary or permanent or with any monument, stake, post or any boundary marker in any forest estate.

34. Litter.

Without prejudice to the provisions of section 28(1)(j) of the Act, a person shall not, in a forest estate—

- (a) deposit or leave any litter, bottle, broken glass, china, plastic article, pottery, rubbish, refuse or waste material, except in an area or receptacle provided for that purpose;
- (b) deposit, discharge or leave any noxious, noisome, offensive or polluting substance, matter or thing;
- (c) deposit or leave any offal, dead animal or other waste material;
- (d) deposit any domestic garbage or household refuse;

- (e) wilfully break any article of glass, china, pottery, plastic or other deleterious, toxic or polluting substance; or
- (f) deposit, discharge or leave any mineral, mineral waste or industrial waste or by product thereof, oily liquids, acids or other deleterious, toxic or polluting substance.

35. Sale of timber.

Standing timber from forest estates may not be sold except under the following conditions—

- (a) that the trees form part of an area declared as a designated area for the production, growth and sale of standing timber in an approved management plan;
- (b) that the quantity shall not exceed the allowable cut for the reserve;
- (c) that the trees are identified for felling in an approved forest management plan for the reserve;
- (d) that a timber licence is issued in accordance with the terms of the agreement for sale of the standing timber;
- (e) that plans for replanting or restocking the area are approved in advance of the approval of the timber sale; and
- (f) that adequate funding is available to undertake the replanting program.

36. Fees for royalty, permits and licences.

- (1) The Minister, acting on the advice of the Director of Forestry, shall determine the royalty and stumpage rates for selling timber and the fees for processing applications for the following activities and operations activities—
 - (a) timber harvesting licence;
 - (b) a forest and non-forest produce permit;
 - (c) a burning permit;
 - (d) a hunting licence;
 - (e) a permit to use a portable or power driven saw;
 - (f) to abstract groundwater.
- (2) Royalty and stumpage rates for the sale of timber and non-timber forest produce shall cover the cost of replanting the forest and be evaluated based on the market value of the particular species or non timber forest product.

37. Authority to establish standards and operational procedures.

- (1) Subject to these regulations, the Director of Forestry may establish, vary or cancel standards and operational procedures for the implementation of forest practices with respect to any or all of the following—
 - (a) biological diversity;
 - (b) management plans;
 - (c) EIA prescriptions;
 - (d) timber quality;
 - (e) soil and water conservation;
 - (f) forest roads;
 - (g) timber harvesting;
 - (h) non-timber forest products;
 - (i) afforestation and reforestation;
 - (j) establishment of forest plantations;
 - (k) carbon sequestration;
 - (l) silviculture;
 - (m) Invasive species management and control;
 - (n) prescribed burning;
 - (o) wildfire suppression;
 - (p) recreation;
 - (q) forest surveying and inventory;
 - (r) agroforestry; and
 - (s) Forest research.

38. Forest Research.

- (1) The Director of Forestry may establish a research forest estate to promote the practical teaching and applied research in forestry.
- (2) The Director of Forestry may, with the approval of the Minister, entrust the management of a research forest to an organization devoted to teaching and research in forestry.
- (3) All forest management activities carried out in a research forest estate shall be for educational and research purposes and be conducted pursuant to the conditions of the management contract.
- (4) It shall be an offence to cut, fell or otherwise remove any trees planted or growing in a forest research area other than for research purposes.

39. General penalty.

A person who—

- (a) contravenes any provision of regulations 31 through 34;
- (b) commits any other offence under these regulations in relation to which the penalty is not otherwise specified;
- (c) refuses or fails to produce any licence or permit upon the request of an authorized officer;
- (d) assaults, resists or obstructs an authorized officer in the execution of his duties;
- (e) uses threatening language or behaves in a threatening manner towards an authorized officer in the execution of his duties;
- (f) refuses to leave a forest estate, when ordered to do so by an authorized officer; or
- (g) removes, alters or interferes with any articles seized under these regulations without first obtaining the permission of an authorized officer,

is liable on summary conviction to a fine not exceeding twenty five thousand dollars or to a term of imprisonment of two years or to both such fine and imprisonment.

40. Register.

- (1) The Director of Forestry shall keep, in such manner as he considers fit, a register or registers in which shall be kept a record of every—
 - (a) licence granted to a licensee for timber harvesting;
 - (b) lease of land granted to a lessee of a forest estate;
 - (c) licence granted to a licensee to operate a portable power saw;
 - (d) hunting licence granted to a licensee;
 - (e) burning permit granted to a licensee;
 - (f) permit for non-timber forest produce granted to a licensee; and
 - (g) royalty and stumpage fee payable with reference to leases, licenses and permits contained in subparagraphs (a) through (f) of this paragraph.
- (2) Every register referred to in paragraph (1) shall be open for inspection by the public at the offices of the Forestry Unit at all reasonable hours, free of charge, and the Director of Forestry shall arrange for copies of any entry in such register to be provided to any person on request upon the payment of the fee specified in the Second Schedule.

41. Restraining Order.

Whenever the Director of Forestry reasonably believes that any person is currently in violation of any requirement under the Act or all regulations made thereunder, or is engaged in any activity which is likely to result in violation of the Act or such Regulations, the Director of Forestry may, in addition to or in lieu of, other actions authorized under these regulations—

- (a) commence proceedings in the Magistrates Court or Supreme Court for—
 - (i) a restraining order or an injunction to prevent the continued violation, or activity which will likely lead to a violation; or
 - (ii) an order for the closure of any facility or prohibiting the continued operation of any equipment in order to halt or prevent any violation; or
- (b) pursue any other remedy which may be provided by law.

FIRST SCHEDULE

(Regulation 4)

FORM NO. 1

**Application for a Permit to harvest Timber and Non-timber Forest Produce
(area less than 1,000 acres or small scaled operation)**

File ref. No.....

Date:.....

SECTION ONE

A General Information

1. Full Name of Applicant (or company):.....
2. If Company, please indicate Bahamas Business Licence No.....
3. Permanent Street address of Applicant (or company
.....
4. P. O. Box.....
5. Telephone No. (s):.....
6. Fax No. (s).....
7. E-mail address:.....

B. Location

8. Name, location and approximate acreage of forest estate (or private forest estate) from which timber or non-timber produce are to be removed:
.....
[Please provide GPS co-ordinates and/or GIS map depicting exact location in the forest area]
9. Nearest Settlement:.....
10. Island:.....

C. Specific Information

11. Specifics of timber or non-timber produce to be removed:
.....
.....
12. Quantity of produce to be removed:
13. Use of timber or non-timber forest produce:

14. Equipment to be used to harvest produce:
.....
15. Are you the holder of a valid permit to use and/transport a Power Saw?
Yes No
If yes, state (i) Permit No.....
(ii) Date of Issue:.....
16. Proposed date of commencement of removal:.....
.....
17. Proposed date for completion:.....

D Declaration.

I certify:—

That to the best of my knowledge and belief the information supplied by me above is accurate and complete. I understand that any misrepresentation made by me in this regards may result in the disqualification of this application.

Signature of Applicant/agent on behalf of the applicant/company

Date

**(Regulation 4)
FORM NO. 2**

Permit No. _____

**Permit to Remove Timber or Non Timber Forest Produce
(area less than 1,000 acres or small scaled operation)**

File Ref No......

Date.....

THIS PERMIT IS HEREBY GRANTED to [name of applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation], pursuant to Regulation 4 of the Forestry Regulations, 2011, to carry out the following activity namely:

[The area(s) so affected by this Permit are annotated on attached map as Annex – I]

Description of Items to be removed:

Type of operation

Acres (ha)

Type of Forest Produce

Approximate size of trees (Ft)(m)

Type of Non-Timber Forest Produce

Total No. of Trees

Estimate Volume (cu ft OB)

Pine

Hardwood

TOTAL VOLUME

This permit is valid for a period of three months as of the date of this permit.

Director of Forestry

Date

Conditions of Permit:.....

.....

(Regulation 5)
FORM NO. 3 (A)

Application for a permit to harvest a protected tree

File Ref. No. _____

Date: _____

1.

(Name of Applicant)

a. ADDRESS

P.O. Box: _____

Island: _____

Telephone: _____

Fax: _____

b. PROPERTY OWNER (if different to 1(a) above)

P.O. Box: _____

Island: _____

Telephone: _____

Fax: _____

2.

a. Location or site of the tree(s) in question

b. Is the site covered by a valid Permit for conduct of Excavation or Landfill? YES/NO

If yes, provide Permit NO. _____

If no, what is the reason for the removal of the tree(s)

(Example: Description of Operation: Land clearing, construction, removal/transplant/destruction of a tree for construction purposes or to prevent damage to existing structures)

c. Applicant is to provide details of the following that apply to the proposed activity to the extent possible:

Land Clearing: _____

Size of area: _____

Number of Protected Trees Under the Act _____

Age or size and/or height of tree(s) _____

Type of equipment used for harvesting protected tree(s)

Proposed method of harvesting protected tree(s) _____

3. Restoration and After-use:

Applicant to indicate planned restorative and reinstatement plans and future land use plans for the site.

Signature of Applicant

Co-Applicant

Date: _____

Please allow 7 – 14 business days for processing of application

OFFICIAL USE

Date of Application: _____

Date of Public Notice if applicable:

Site Visit By: _____

Officer: _____ Date: _____

Evaluation of Application

By: _____ Date: _____

Comments:

Status: _____

Approved: _____ Refused: _____

(Regulation 6)
FORM NO. 3 (B)

**PERMIT TO HARVEST A PROTECTED TREE ISSUED BY THE
DIRECTOR OF FORESTRY**

PERMIT NO: _____

A permit is issued to

Of

for the harvest of the Protected Tree(s) named below, under the provisions of section 11 of the Forestry Act 2010,

Subject to the following conditions:

- a) that the method of harvesting of protected trees adopted and the equipment used in the harvesting shall in all respects comply with the particulars furnished by the holder of the permit to the Director of Forestry upon application therefore (including those contained in the plans, drawings, specifications and calculations) except insofar as the Director of Forestry may in writing at any time authorize any variation in or departure from such particulars;
- b) This Permit is valid for six months and is not renewable.
- c) Upon completion of any harvesting carried out for commercial purposes, a surface which has been exposed as a result of the harvesting shall be restored (to the satisfaction of the Director of Forestry) to its original state of vegetation insofar as is reasonably possible.

Director of Forestry

Date

(Regulation 7)
FORM NO. 4 (A)

Application for a Timber Licence to harvest Timber or Non-timber Forest Produce (area of 1,000 acres or greater or large scaled operation)

File ref. No.....

Date:.....

SECTION ONE

A General Information

1. Full Name of Applicant (or company):.....
2. If Company, please indicate Bahamas Business Licence No.....
3. Permanent Street address of Applicant (or company):
.....
.....
4. P. O. Box.....
5. Telephone No. (s):.....
6. Fax No. (s):.....
7. E-mail address:.....

B. Location

8. Name, location and approximate acreage of forest estate from which timber or non-timber produce are to be harvested.....
.....
[Please provide GPS co-ordinates and/or GIS map depicting exact location in the forest area]
9. Nearest Settlement:.....
10. Island:.....

C Specific Information

11. Specifics of timber or non-timber produce to be removed
.....
12. Quantity of produce to be removed:.....

13. Use of timber or non-timber forest produce:.....

-
14. Equipment to be used to harvest produce:.....
.....
15. Are you the holder of a valid permit to use and/transport a Power Saw?
Yes No
If yes, state (i) Permit No.....
(ii) Date of Issue:.....
16. Proposed date of commencement of removal:.....
17. Proposed date for completion:.....

NOTE: APPLICATION MUST BE ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT (SECTION 17(2) OF THE ACT) COMPREHENSIVE BUSINESS PLAN, A FOREST MANAGEMENT PLAN INCORPORATING A WORKING PLAN AND PLAN OF OPERATIONS

D Declaration

I certify:—
That to the best of my knowledge and belief the information supplied by me above is accurate and complete. I understand that any misrepresentation made by me in this regards may result in the disqualification of this application.

Signature of Applicant/agent on behalf of the Applicant/Company

Date

**(Regulation 7)
FORM NO. 4 (B)**

A Timber Licence for the large scale harvest and extraction of timber or non timber forest produce

Licence No. _____

File Ref No......

Date.....

A Timber LICENCE for the large scale harvest and extraction of timber or non timber forest produce the estimated value is as described under the said Licence Terms and Conditions at Annex -1.

This LICENCE IS HEREBY GRANTED TO: [state name of Applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation] herein referred to as the Licensee, pursuant to Regulation 8 of the Forestry Regulations, 2011, to carry out the following activity namely:

TO HARVEST AND EXTRACT TIMBER OR NON TIMBER FOREST PRODUCE AS DELINEATED BELOW NAMELY FOR THE AREA KNOWN AS:

.....
.....

[The area(s) so affected by this Licence are annotated on map(s) attached as Annex – 2]

Timber

Approximate volume per acre

Total number of trees per acre

Non – Timber Forest Produce

Approximate weight of Non-Timber Forest Produce

Type of non – timber forest produce

Estimate Volume (cu ft OB)

Pine

Hardwood

TOTAL VOLUME

This Licence is valid for a period of as of the date of this licence hereinafter affixed.

Director of Forestry

Date

Conditions of Licence:.....
.....

(Regulation 10)

FORM NO. 5

**Application for a Permit to use or Transport a Portable or Power driven
saw in a Forest Estate or private forest estate**

Application File Ref. No.....

Date:.....

A. General Information

1. Full Name of Applicant (or company):.....
.....
2. If Company, please indicate Bahamas Business Licence No.....
.....
3. Permanent Street Address of Applicant (or company):.....
.....
4. P. O. Box.....
5. Telephone No. (s):.....
6. Fax No. (s).....
7. E-mail address:.....

B. Location

8. Name of forest estate where power saw is to be used:.....
.....
9. Location of the area of operation:.....
[Please provide GPS co-ordinates and/or GIS map depicting exact
location in the forest area]
10. Nearest Settlement:.....
11. Island:.....

C. Specific Information

12. Is this your first application for a permit to use/transport a portable or
power driven saw?
Yes No

If no, state in relation to the last permit granted:

- (i) Application No.....
- (ii) Date of application:.....

13. Was the permit granted?

Yes No

If yes, state

- (i) Permit No:.....
- (iii) Date of issue:.....

14. Are you the owner of the portable or power driven saw?

Yes No

If no, state the name and address of the owner and how you came to be in possession of it:

.....
.....

15. Do you intend to use the portable or power saw to harvest timber and/or non timber forest produce?

Yes No

16. Are you the holder of a valid permit or timber harvesting licence to harvest and remove timber and/or non timber forest produce?

Yes No

- If yes, state
- (i) Permit No:.....
 - (ii) Licence No:.....
 - (iii) Date of issue:.....

17. Give the particulars of the following:

- (a) Name/make of the power driven saw
- (b) Length of the blade
- (c) Approximate age of power driven saw
- (d) Serial number of power driven saw.....
- (e) Any distinctive markings on the power driven saw

.....

18. Specifics of timber or non-timber produce to be removed:.....
.....

D Declaration

I certify that to the best of my knowledge and belief the information supplied by me above is accurate and complete. I understand that any misrepresentation made by me in this regards may result in the disqualification of this application.

Signature of Applicant/agent on behalf of the Applicant/Company

Date

(Regulation 10)

FORM NO. 6

Permit to use or Transport a Portable or Power Driven Saw in a Forest Estate

Permit No. _____

File Ref No.....

Date.....

THIS PERMIT IS HEREBY GRANTED to [name of applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation], pursuant to Regulation 10 of the Forestry Regulations, 2011, to carry out the following activity namely:

[state the nature of the activity that is to be carried out, where this is to be done including the name of the forest estate and nearest settlement and island]

[The area so affected by this Permit is annotated on map attached as Annex – 1]

THIS PERMIT SHALL NOT EXCEED A PERIOD OF ONE MONTH OR THE PERIOD OF THE ACCOMPANYING TIMBER LICENCE OR TIMBER PERMIT, WHICHEVER IS SHORTER.

Director of Forestry

Date

(Regulation 17)

FORM NO. 7

Application for a prescribe Burning Permit in a Forest Estate

Application File ref. No.....

Date:.....

A General Information

1. Full Name of Applicant (or company):.....
2. If Company, please indicate Bahamas Business Licence No.....
3. Permanent Street Address of Applicant (or company):.....
.....
4. P. O. Box.....
5. Telephone No. (s):.....
6. Fax No. (s).....
7. E-mail address:.....

B. Location

8. Name of forest estate:.....
.....
9. Location and acreage of proposed activity:.....
.....
[Please provide GPS co-ordinates and/or GIS map depicting exact location in the forest area]
10. Nearest Settlement:.....
11. Island:.....

C. Specific Information

11. Is this your first application for a Prescribe burning permit?

Yes No

If no, state:

(i) Application No.....

(ii) Date of application:.....

12. Was the application successful?

Yes No

If yes, state

(i) Permit No:.....

(iii) Date of issue:.....

13. Please indicate whether a prescribe burn plan is attached, in compliance with requirements of Regulation 17 (2) (b).

Yes No

14. State whether the owners or occupiers of adjoining property have been notified of the proposed Prescribe Burn activity

.....

D. Declaration

I certify that to the best of my knowledge and belief the information supplied by me above is accurate and complete. I understand that any misrepresentation made by me in this regard may result in the disqualification of this application. I also certify that I will serve notice on the occupiers of adjoining private lands of the intent to carry out a prescribe burn and the proposed dates and times of burning.

Signature of Applicant/agent on behalf of the Applicant/Company

Date

(Regulation 17)

FORM NO. 8

Burning Permit to light a fire for a prescribe burn in the Forest Estate

Permit No. _____

File Ref No......

Date

THIS PERMIT IS HEREBY GRANTED to [name of applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation], pursuant to Regulation 17 of the Forestry Regulations, 2011, to carry out the following activity namely:

[state the nature of the activity that is to be carried out, where this is to be done including the name of the forest estate, location, acreage, nearest settlement and island]

[The area(s) so affected by this Permit is annotated on map(s) attached as Annex – 1]

Director of Forestry

Date

CONDITIONS:

.....
.....

Exclusion Clause

Neither a burning permit holder nor his or her agent, is liable for fire and smoke damages, or injury caused by a prescribe burn conducted in accordance with provisions of regulation 17, unless gross negligence is proven.

(Regulation 17)

FORM NO. 9

Application for a Burning Permit for a charcoal kiln in a Forest Estate

Application File ref. No......

Date:.....

A General Information

1. Full Name of Applicant (or company):.....
2. If Company, please indicate Bahamas Business Licence No.....
3. Permanent Street Address of Applicant (or company):
.....
.....
4. P. O. Box.....
5. Telephone No. (s):.....
6. Fax No. (s).....
7. E-mail address:.....

B. Location

8. Name of forest estate:.....
9. Location of proposed activity:.....
.....
[Please provide GPS co-ordinates and/or GIS map depicting exact location in the forest area]
10. Nearest Settlement:.....
11. Island:.....

C. Specific Information

11. Is this your first application for a burning permit for a Charcoal Kiln?
Yes No

If no, state:

- (i) Application No.....
- (ii) Date of application:.....

12. Was the application successful?

Yes No

If yes, state:

- (i) Permit No:.....
- (ii) Date of issue:.....

13. Please indicate whether a management plan is attached, in compliance with requirements of Regulation 17 (3) (b).

Yes No

14. Please indicate the type (s) (species) and the source of fuel wood to be used in the proposed activity.....

.....

15. State whether the owners or occupiers of adjoining property have been notified of the proposed Charcoal kiln activity.....

.....

D. Declaration

I certify that to the best of my knowledge and belief the information supplied by me above is accurate and complete. I understand that any misrepresentation made by me in this regard may result in the disqualification of this application. I also certify that I will at the time of charcoal kiln activity remove trash and all flammable materials from this space as well as serve notice on the occupiers of adjoining private lands of the intent to carry out a charcoal kiln burn and the proposed times and dates of burning.

Signature of Applicant/agent on behalf of the Applicant/Company

Date

(Regulation 17)
FORM NO. 10

Burning permit to light a charcoal kiln in the Forest Estate

Permit No. _____

File Ref No......

Date:.....

THIS PERMIT IS HEREBY GRANTED to [name of applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation], pursuant to regulation 17 of the Forestry Regulations, 2011, to carry out the following activity namely:

[state the nature of the activity that is to be carried out, where this is to be done including the name of the forest estate, location, nearest settlement and island]

[The area so affected by this Permit is annotated on map attached as Annex –I]

Director of Forestry

Date

CONDITIONS:

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

Exclusion Clause

Neither a burning permit holder nor his or her agent, is liable for fire, smoke damages or injury caused by the lighting and operation of a charcoal kiln conducted in accordance with the provisions of regulation 16, unless gross negligence is proven.

SECOND SCHEDULE
(Regulations 4, 5, 6, 7, 10, 17 and 40)

Application fee to obtain a Permit to fell, collect, remove and transport timber and other forest produce (area less than 1,000 acres)

Permit fee to fell, collect, remove and transport timber and other forest produce (area less than 1,000 acres)

Permit Renewal fee

Application fee for Licence to Harvest and Remove Timber or Non-Timber Forest Produce (area 1,000 acres or greater)

Licence fee to harvest and remove timber or non-timber forest produce (area 1,000 acres or greater)

Licence Renewal fee – (Subject to Periodic Review)

Application fee for a Permit to use fire for a charcoal kiln

Permit to use fire for a charcoal kiln

Permit Renewal fee to use fire for a charcoal kiln

Application fee for a Permit to carry out prescribed burning

Permit fee to carry out prescribed burning

Permit Renewal fee to carry out prescribed burning

Application fee for Permit to use or
Transport a Power Saw in the Forest Estate

Permit fee to use or Transport a

Power Saw in the Forest Estate

Permit Renewal fee to use or Transport
a Power Saw in the Forest Estate

Application fee for a permit to harvest a protected tree

Permit to harvest a single protected tree

Permit to harvest multiple protected trees

Photocopy fee of any document in its entirety, lodged
for recording in the register at all offices of the Forestry
Unit

MADE THIS **DAY OF** **, 2011.**

MINISTER RESPONSIBLE FOR FORESTRY