



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



No.DoFPS/Ka-3/2012/ 1129

November 12, 2012

1. The Director,
UWICE, Lamegonpa, Bumthang
2. The Program Director,
RNR-RDC, Yusipang
- 3 The Chief Forest Officers,
FPED, WCD, SFED, FRMD, WMD & NRED.
4. The Chief Forest Officers,
All Territorial Forest Divisions & Parks.
5. Dzongkhag Forest Officers, all Dzongkhags

Subject: Procedure for felling of trees in the registered lands.

The procedure for felling of trees from the private/government registered land has been approved by the Hon'ble Minister, Ministry of Agriculture and Forests based on the proposal submitted by the Department of Forests & Park Services **vide notesheet no. DoFPS/Kha-13-28/2012/890 dated 15th October, 2012.**

Henceforth, all the matters pertaining to **felling of trees in the registered lands** should be implemented as per approved procedures with immediate effect. A copy of the approved procedure is attached herewith.

The Procedures are also available on the DoFPS website: www.dofps.gov.bt. *& WWW.moaf.gov.bt*


(Chencho Norbu)
DIRECTOR

CC to:

1. The Hon'ble Minister, MoAF for kind information.
2. The Hon'ble Secretary, NLCS for kind information.
3. The Hon'ble Secretary, MoAF for kind information.
4. The CFO, FRMD to upload the procedure on DoFPS website
5. *The PD, ICS, MOAF for website*

Procedure for felling of trees in the registered lands

1. Background

The Land Act 2007 has given ownership rights to the thram holder over trees growing on the registered land. The Forest and Nature Conservation Rules 2006 was partly amended in 2008 to regulate trees growing on the registered land in accordance with the Land Act. The amended Rules of 2008 authorize DFO/PM to issue forestry clearance for the removal of trees from the registered land. The clearances were issued based on the field report of the Range Officer and the endorsement of registered land by the Gup.

One of the flaws of the 2008 amended rules was that the physical boundary verification of the registered land was difficult. The land owners were either not eligible to apply for forestry clearance as per their entitlement or in some cases, it went beyond their boundaries into GRF areas where clear felling were reported. The prescribed scientific methods of harvesting timber were also not implied.

There is a need to take measures to reduce or stop clear felling of trees on private lands, encroachment into GRF land, and reduce negative impacts on ecosystem services of local landscape; the Department proposes enforcement of these interim rules and procedures.

2. Legal provisions in Forests and Nature Conservation Amended Rules, 2008

The forest produces shall be removed by the land owner from the Private, Government, Organization, and Corporations registered lands only on obtaining forest produces clearance. In case of tree removal the tree has to be marked by forestry official. For a bonafide domestic purposes, no permit and royalty is required, however, for transportation of forest produces the transit permit shall be obtained. In case of commercial purposes, the permit shall be obtained and royalty shall be charged at par with rural house building timber. No person may fell or remove any trees from registered land unless such tree is marked as its base with impression of a valid marking hammer.

3. Interim Rules and working procedures for removal of forests produce from registered land

Procedure to be followed:-

- a) The cadastral map, lagthram, plot number should be verified and endorsed by the Gewog/Thromde authority.
- b) The land requested for removal of forest produce **adjoining GRF land** should be well demarcated with government approved pegs. The demarcation with pegs will however only be along the periphery of the portion of registered land adjoining the GRF.

- c) The physical verification of the land shall be done by Gewog Administration in rural areas and Thromdey Administration in urban areas in presence of concerned forest representatives.

4. Application

- a) The DFO/PM shall entertain the application for the removal of forest produces from private, Government, organizations and corporation's lands 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 - Annexure 18 (c). In case of urban areas (Thromdey), the application for removal of forest produces from private, Government, organizations and corporation's registered lands shall be verified by the Municipal Authority as per the prescribed application form - Annexure 18 (c).

b) Inspection and clearance

The Ranger shall inspect forest produce in question, as per the prescribed format given in Annexure 18 (b). These reports along with a copy of sketch map shall be submitted to the DFO/PM for final forest produces clearance.

5. Management of trees growing in any registered land

- a) Only 25 % of the tree stand should be removed as per thinning guidelines in order to maintain stability of the remaining stands.
- b) In case the thram holder desires to convert his forested land for cultivation of agricultural crops, then a Letter of Undertaking is required from the Department of Agriculture stating that the clear felled land is suitable for agricultural purposes. Based on undertakings the forestry clearances can be issued.
- c) In case the thram holder desires to convert his forested land for infrastructure development that include permanent diversion of land use, then the thram holder should submit approved area development plan and also submit a copy of construction approval from relevant authority and agency.

6. Timber Disposal from registered land

- a) Any tree proposed for commercial consumption from Government registered land shall be marked and handed over to NRDCL for extraction and disposed as per NRPC approved rate through existing timber allotment system.
- b) Any tree proposed for personal use from private registered land shall be marked and handed over to thram holder for extraction.

- c) The selling rate of sawn timber in the market irrespective of origins or mode of transactions shall be at par with latest approved NRPC rate.
- d) The thram holder is not entitled for rural timber subsidy if timbers are sold for commercial purposes from the private forest.

7. Royalty

- a) Commercial rate of royalty shall be levied for any kind of transactions, such as selling and lending.
- b) No royalty shall be levied for personal construction in rural areas. If the timbers are used in commercial areas for personal construction, then commercial royalty shall be levied.

8. Prohibition

Forestry clearance will not be issued for the following activities in the registered lands:

- a) clear felling for trading purposes
- b) clear felling in erosion prone areas
- c) clear felling in critical watershed areas

9. Penalty

- a) The violation of above mentioned rules shall be considered as forest offence and shall be liable for fine and penalty.
- b) The felling of trees without approval, valid permit, and without marking shall be liable for fine of Nu. 100 per cubic foot and the confiscation of forest produce and any equipment including vehicle.



5. Recommendation of the Range Officer

Office No. Date.....

Forwarded to the Head of the Division/Park with the following recommendations:

(a) Recommended for issuing forestry clearance

.....

OR

(b) Recommended for review of point No.....above.....

Signature of the Range Officer

(Office Seal)

Name Place.....

6. Approval or Rejection by DFO/PM

Office No. Date.....

Justification for approval/rejection

Signature of the DFO/PM

Office seal

Name

Place

sy 14/25

APPLICATION FORM FOR REMOVAL OF FOREST PRODUCE FROM REGISTERED LAND

Part A – To be filled in by the Applicant

- a. Name of Applicant
- b. Village
- c. Geog
- d. Dzongkhag
- e. Thram No.
- f. Plot No.
- g. 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 any false or wrong information, I am liable to be penalized under prevailing Forest & Nature Conservation Act and the Rules made there under.



Name & Signature of the applicant

Date

Part B: 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.

Signature & Seal of GYT Chairman