

ESTABLISHMENT OF FOREST MANAGEMENT UNIT

(Regulation of the Minister of Forestry Number P.6/Menhut-II/2009, dated January 29, 2009)

WITH THE BLESSING OF THE ONE AND ONLY GOD

MINISTER OF FORESTRY,

Considering:

- a. that under Article 28 Government Regulation Number 44 Year 2004 concerning Forestry Planning, establishment of forestry management unit is based on criteria and standard stipulated by the Minister;
 - b. that under Article 3 Government Regulation Number 6 Year 2007 concerning Forest Layout and Compilation of Forest Management, Forest Utilization, and all forest areas shall be divided into forest management units;
 - c. that under Article 7 Government Regulation Number 3 Year 2008 concerning Amendment to Government Regulation Number 6 Year 2007 concerning Forest Layout and Compilation Plan for Forest Management and Forest Utilization, determination of regional area for forest management units shall be governed by the Minister of Forestry;
 - d. that based on the consideration referred to in letters a, b and c, it is necessary to stipulated Regulation of the Minister of Forestry concerning Establishment of Forest Management Unit Area.
3. Law Number 41 Year 1999 (*BN No. 6412 pages 1A-6A and so forth*) concerning Forestry (SB of R.I. Year 1999 Number 167, SSB of R.I. Number 3888) as amended by Law Number 19 Year 2004 (*BN No. 7143 pages 1A-11A and so forth*) concerning Stipulation of Government Regulation in Lieu of Law Number 1 Year 2004 concerning Amendment to Law Number 41 Year 1999 concerning Forestry being changed to Law (SB of R.I. Year 2004 Number 86, SSB of R.I. Number 4412);
 4. Law Number 32 Year 2004 (*BN No. 7183 pages 1A-11A and so forth*) concerning Regional Government (SB of R.I. Year 2004 Number 125, SSB of R.I. Number 4437) as amended by Law Number 8 Year 2005 concerning Stipulation of Government Regulation in Lieu of Law Number 3 Year 2005 (*BN No. 7218 pages 20A-21A*) concerning Amendment to Law Number 32 Year 2004 concerning Regional Administration to become Law (SB of R.I. Year 2005 Number 108, SSB of R.I. Number 4548);
 5. Law Number 26 Year 2007 (*BN No. 7599 pages 10A-30A and so forth*) concerning Space Layout (SB of R.I. Year 2007 Number 68, SSB of R.I. Number 4725);
 6. Government Regulation Number 44 Year 2004 concerning Forestry Planning (SB of R.I. Year 2004 Number 146, SSB of R.I. Number 4452);
 7. Government Regulation Number 6 Year 2007 (*BN No. 7529 pages 1A-21A and so forth*) concerning Forest Layout and Compilation of Forest Management Plan, and Forest Utilization (SB of R.I. Year 2007 Number 22, SSB of R.I. Number 4696) as amended by Government Regulation Number 3 Year 2008 (*BN No. 7676*

In view of:

1. Law Number 5 Year 1990 concerning Preservation of Biological Natural Resources and Ecosystem (Statute Book of R.I. Year 1990 Number 49, Supplement to Statute Book of R.I. Number 3419);
2. Law Number 23 Year 1997 (*BN No. 6092 pages 19A-21A and so forth*) concerning Living Environment Management (SB of R.I. Year 1997 No. 68, SSB of R.I. Number 3699);

- pages 10A-25A*) (SB of R.I. Year 2008 Number 16, SSB of R.I. Number 4814);
8. Government Regulation Number 38 Year 2007 (BN No. 7576 pages 1B-6B) concerning Distribution of Administration Affairs between the Central Government, Provincial Government and Regency/Municipality Administration (SB of R.I. Year 2007 Number 82, SSB of R.I. Number 4737);
 9. Government Regulation Number 26 Year 2008 (*BN No. 7734 pages 1A-9A and so forth*) concerning Rencana Tata Ruang Wilayah Nasional (SB of R.I. Year 2008 Number 48, SSB of R.I. Number 4833);
 10. Regulation of the Minister of Forestry Number P.13/Menhut-II/2004 concerning Organization dan Working Procedure of the Department of Forestry, as amended several times and finally amended by Number P.64/Menhut-II/2008.

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF FORESTRY CONCERNING ESTABLISHMENT OF FOREST MANAGEMENT REGIONAL UNIT.

CHAPTER I

GENERAL PROVISION

Part One

Interpretation

Article 1

What is meant in this Regulation by:

1. Forest shall be ecosystem unit of spread out of land containing biological natural resources dominated by trees associated with nature and its environment which is inseparable from each other.
2. Forest zone shall be certain region which existence is designated and/or determined by the Government to be preserved as permanent forest.
3. River Flow Area shall be any land area which constitutes a unit of river and its brooks bordering the topographic division by the back of a hill or mountain functioning to accommodate water originating from rain and other water sources, naturally depositing and flow it to the land or sea.
4. Forest Management Unit hereinafter referred to as KPH shall be forest management area according to the main function and its allocation that may be managed efficiently and continuously.
5. Preserved Forest Management Unit shall be forest management unit which entire area is dominated by preserved forest zone.
6. Protected Forest Management Unit shall be forest management unit which entire area is dominated by protected forest zone.
7. Producing Forest Management Unit shall be forest management unit which entire area is dominated by producing forest zone.
8. Plan and develop KPH shall be KPH area plan containing result of initial identification and delineation of an area to be established to be KPH area on the map and its description.
9. Director for KPH reservation shall be certificate and direction map for KPH reservation that constitutes the result of review of KPH plan and develop based on the stipulated criteria.
10. Any proposed KPH shall be determined based on the result of establishment of KPH by the Governor that constitutes the result of review of the plan and develop based on the direction on KPH reservation.

11. Any decision on KPH area must be approved by the Minister.
12. KPH Model shall be the initial phenomenon of KPH which is developed in phases based on the actual situation and condition of KPH Organization at site level.
13. Minister shall be minister responsible in Forestry.

Part Two

Purposes and Objectives

Article 2

The purpose of governing the establishment of KPH area is to provide guideline for establishment of forest management unit.

Article 3

The objective of governing the establishment of KPH area is to accomplish forest management unit that can support implementation of efficient and continuous forest management.

CHAPTER II

ESTABLISHMENT OF KPH AREA

Part One

General

Article 4

- (1) KPH shall cover:
 - a. Preserved KPH K(KPHK)
 - b. Protected KPH (KPHL)
 - c. Producing KPH (KPHP)
- (2) KPH shall be determined in one or more forest main function and in one administrative area or government administrative cross area.
- (3) If KPH consists of more than one forest main functions, determination of KPH shall be based on the main function of the forest which area is dominant.

Part Two

Criteria and Indicator

Article 5

- (1) Establishment of KPH area shall take the following into consideration:
 - a. characteristic of the land;
 - b. type of forest;
 - c. Fungsi hutan;
 - d. condition of river flow area;
 - e. social condition, culture, economy of the people;
 - f. local community institution including community of customary law;
 - g. limit of government administration;
 - h. geographically the spread of land is one unit;
 - i. natural border or artificial border is permanent; and
 - j. control of land.
- (2) Based on the consideration referred to in paragraph (1), criteria of establishment of KPH area shall be as follow:
 - a. assurance on manageable area;
 - b. feasibility of ecology;
 - c. Feasibility on forest management institution; and
 - d. feasibility on development of forest utilization.

Article 6

- (1) Assurance indicator of are under management referred to in Article 5 paragraph (2) letter a, shall be as follows:
 - a. existing in permanent forest zone after showing or border layout or determination phases of forest zone;
 - b. has clear and relatively permanent site, area and border; and
 - c. each unit area for utilization and use of forest zone must be registered in the KPH area;

- d. the border of KPH area must comply with the border made by nature.
- (2) Indicator of ecology feasibility referred to in Article 5 paragraph (2) letter b, consists of:
- a. the position and location of the KPH area shall consider its justification with the River Flow Area or River Sub-Flow Area or DAS or Sub DAS;
 - b. consider the homogeneity, geomorphology and type of forest; and
 - c. the nature of the area is ideal seen from ecological aspect, such as it is more compact area rather than fragmented and round shape rather than stretching along the length;
- (3) Feasibility indicator of institutional development of forest management referred to in Article 5 paragraph (2) letter c, consists of:
- a. the area of KPH shall be optimum within the stretch border under control;
 - b. the area of KPH shall consider the management intensity seen from production aspect; and
 - c. shall consider the entirety of the limit of forest utilization and use of forest zone, and other existing forest management institution.
- (4) Feasibility indicator of forest utilization development referred to in Article 5 paragraph d, consists of:
- a. consideration of any possibility to utilize the potential forest resource;
 - b. is compact area or low level fragmented area; and
 - c. has satisfactory level of accessibility.

- a. plan and develop KPH;
- b. direction for KPH reseveration;
- c. proposed determination of KPH; and
- d. determination of KPH area.

Part Two
Plan and Develop
Article 8

Based on the criteria referred to in Article 5 paragraph (2) phases of compilation of plan and develop KPH shall be as follows:

- a. identification of forest zone by:
 - 1) studying the maps below:
 - 1. map showing Forest Zone and Waters;
 - 2. for province not having a Map that shows Forest Zone and Waters, may study the TGHK map or RTRWP map;
 - 3. Thematic Basic Map of Forestry, Earth Profile / Topographic Map / Joint Operation Geographic Map;
 - 4. Map of Government Administrative Border;
 - 5. Map of River Flow Area;
 - 6. Map of Forest Utilization Progress and Use of Forest Zone;
 - 7. Map of Border System Growth;
 - 8. Vegetation Map; and
 - 9. Road Map and PWH and Other Infrastructure.
 - 2) Based on the result of scrutiny on the maps referred to in point (1), may be identified:
 - 1. outer border of forest zone;
 - 2. limit of forest zone function;
 - 3. border of DAS/Sub DAS area;
 - 4. Border of provincial and regency/municipality government administrative area;

CHAPTER III

PROCEDURE FOR ESTABLISHING KPH AREA

Part One

General

Article 7

Establishment of KPH area in phases:

- 5. border of work permit areas for forest utilization and use;
 - 6. developing border system;
 - 7. types of forest and human resource potentiality;
 - 8. condition of soil cover; and
 - 9. roads network, opening of forest area and other infrastructure.
- b. Based on the result of identification referred to in paragraph (1) letter a, further delineating the KPH area in the form of map by giving outer border of KPH area and KPH naming according to the main function of the forest which area is dominant.
 - c. Delineation map of KPH area is described comprehensively in book form.
 - d. Delineation map of KPH area and book containing KPH description is document containing plan and develop of KPH.
 - e. If preserved forest is to be included in the KPHP area or KPHL area, it is necessary to obtain technical consideration from the Director General of Forest Protection and Natural Conservation.
 - f. If producing forest and protected forest are to be included in KPHK area, it is necessary to obtain recommendation from the Governor.

Article 9

- (1) The plan and develop of KPH referred to in Article 8 for KPHK shall be compiled by the Head of Technical Operating Unit for Natural Resource Conservation with supporting data and information from the Forest Zone from the Forest Zone Stabilization Public Hall and interest holders.
- (2) The plan and develop of KPHK referred to in paragraph (1) by the Head of Technical Operating Unit of Natural

Conservation shall be submitted to the Director General of Forest Protection and Natural Conservation.

- (3) The Director General of Forest Protection and Natural Conservation shall review and submit the plan and develop of KPHK referred to in paragraph (2) to the Minister to obtain directive for reservation with copy to the Director General of Forestry Planology.

Article 10

- (1) The plan and develop of KPH referred to in Article 8 for KPHL and KPHP shall be compiled by the Head of Service Office in charge of Forestry matters in the province with due observance of the consideration of the Regent/Mayor, with supporting data and information from the Forest Zone Stabilization Public Hall and interest holders.
- (2) The plan and develop of KPHL and KPHP referred to in paragraph (1) by the Head of Service Office in charge of Forestry matters in the province shall be submitted to the Governor for approval.
- (3) The Governor shall submit the plan and develop of KPHL and KPHP referred to in paragraph (2) to the Minister to obtain directive for reservation with copy to the Director General of Forestry Planology, Director General of Forestry Produce Management and the Director General of Forest Protection and Natural Conservation.

Part Two

Directive for Reservation

Article 11

- (1) The Minister shall assign the Director General of Forestry Planology to compile directive for KPHK reservation originating from plan and develop KPHK proposed by the Director General of Forest Protection and Natural Conservation, and directive for reservation of KPHP

and KPHL originating from plan and develop KPHP and KPHL proposed by the Governor.

- (2) The Director General of Forestry Planology shall compile directive for reservation of KPH by discussing and reviewing the proposed plan and develop KPHK, KPHL and KPHP by involving the relevant Echelon I.
- (3) In existence of conservation zone within the plan and develop KPHL and KPHP areas, the Director General of Forestry Planology shall ask technical consideration from the Director General of Forest Protection and Natural Conservation.
- (4) In existence of producing forest zone and protected forest within the plan and develop KPHK area, the Director General of Forestry Planology shall ask technical consideration from the Governor.
- (5) Compilation of directive for KPH reservation shall use the criteria referred to in Article 5 paragraph (2).
- (6) Directive for KPH reservation that has been compiled as referred to in paragraph (2) for KPHL and KPHP shall be submitted to the Governor.
- (7) The directive for KPHK reservation shall be submitted to the Minister as the basis for determination of KPHK area.

Part Three

Proposed Determination

Article 12

- (1) The Governor shall assign the Service Office in charge of Forestry matters in the province to review and improve the plan and develop KPHL and KPHP based on the directive for reservation referred to in Article 11 paragraph (4).
- (2) The re-improved plan and develop of KPHL and KPHP referred to in paragraph (1) shall be made by review with the relevant agency in the Area that obtained

supporting data and information from the Forest Zone Stabilization Public Hall.

- (3) Based on the result of improvement referred to in paragraph (1), the Governor shall submit proposal on determination of KPHL and KPHP areas to the Minister.
- (4) The proposed determination of KPHL and KPHP by the Governor referred to in paragraph (3) shall be submitted to the Minister within six (6) months as of the issue of directive for KPHL and KPHP reservation.

Part Four

Determination of KPH Area

Article 13

- (1) Based on the proposed determination of KPHL and KPHP areas referred to in Article 12 paragraph (3) and the directive for KPHK reservation referred to in Article 11 paragraph (5), the Minister shall assign the Director General of Forestry Planology to compile draft of Decision of the Minister and prepare map for determination of KPH area by review with the relevant Echelon I.
- (2) The Director General of Forestry Planology shall submit the draft to the Minister for review from juridical aspect and further submit the draft decision to the Minister for stipulation.
- (3) If within the time limit referred to in Article 12 paragraph (4) the Governor fails to propose determination for KPHL and KPHP, the Minister shall determine KPHL and KPHP areas based on the directive for KPHL and KPHP areas.
- (4) In the preparation for accomplished KPH area the Minister may determine area for KPH Model that constitutes either part of the KPH area in the Province.

CHAPTER IV

TRANSITIONAL PROVISION

Article 14

- (1) Any province receiving directive for reservation of KPHL and KPHP prior to stipulation of this Regulation of the Minister within six (6) months as of its issue the Minister shall submit the proposed determination referred to in Article 12 paragraph 3.
- (2) Determination of KPH area existing prior to this Regulation of the Minister is enforced shall be declared survives.
- (3) The establishing process of KPH area still guided by Decision Letter of the Minister of Forestry Number 230/Kpts-II/2003, effective as of this Regulation of the Minister is enforced shall be adjusted in phases.

CHAPTER V

CLOSING PROVISION

Article 15

With this Regulation of the Minister comes to force, Decision Letter of the Minister Number 230/Kpts-II/2003 concerning Establishment of Producing Forest Management shall be declared null and void.

Article 16

This Regulation of the Minister shall take effect on the date it is stipulated.

For public cognizance, this Regulation of the Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On January 29, 2009

MINISTER OF FORESTRY,

ttd.

H. M.S. KABAN

Enacted in Jakarta

On January 30, 2009

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

Sgd.

ANDI MATTALATTA

STATE GAZETTE OF THE STATE OF
THE REPUBLIC OF INDONESIA YEAR 2009 NUMBER 14

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