

REGULATIONS ON PRIVATE FOREST MANAGEMENT AND USE

General part

1. Private forest is forest holding belonging to citizens based on private ownership right.
2. These regulations control forestry organization in private forests, preparation of their management plans, their use, reforestation and protection, define the rights and obligations of forest owners, related to private forest management and use.
3. Private forest owner must observe Forest Law of the Lithuanian Republic, Land Law and Law on Protected Areas of the Lithuanian Republic, other laws, decisions by the Government of the Lithuanian Republic and other legal acts, these regulations and obligatory requirements for management plans.
4. To manage forestry in a more rational and effective way, forest owners on their will may join cooperatives, establish funds, accumulate resources in other ways for forestry activities.
5. Private forest owners and their cooperatives by the decisions of the Government of the Lithuanian Republic may be provided by State forest service support concerning:
 - 5.1. sanitary forest protection - fight against forest pests and diseases;
 - 5.2. fire - prevention;
 - 5.3. afforestation of eroded or unsuitable for agriculture areas foreseen in territorial planning documents;
6. Forest enterprises and administrations of national parks may provide payable services to forest owners concerning forest use, reforestation and protection (outlining of cutting areas, felling, reforestation, etc.), on the order defined by the Ministry of Agriculture and Forestry.
Private forest owners get free consultations on forest Law of the Lithuanian Republic and these regulations by the officials of State forest service and Advisory Service for Private Owners. For this purpose private forest services may be established at forest enterprises and financed from forest fund resources allotted for State needs as well as from means provided by owners themselves.

Organization of private forestry and forest management plans

7. Private forest is managed, used and reforested according to forest management plan or forest felling and reforestation plan. This plan is made for forest holdings up to 3 ha not in forest tracts and in unprotected areas. It foresees all final, shelterwood and improvement cuttings, forest recreation and environmental measures. Working out management plans in forest enterprises and national parks, a general management plan for private forest within the territory of forest enterprises or national parks is worked out. Each forest holding may have an individual management or forest felling and reforestation plan. Obligatory part of the plan is: ten - year norm of final cuttings (it cannot be exceeded), reforestation and environmental requirements. Forest management plans are implemented and the forests are management by their owners.
8. During state forest inventory in forest enterprises and national parks, all private forests within their territory are inventoried as well. Private forest inventory and preparation of general management plans is done by State Forest Management Institute on state account. The order, periodicity and contents of forest inventory and preparation of management plans for private forests on unprotected areas are ascertained by

the Ministry of Agriculture and Forestry, while for those in protected areas (state parks and strict reserves) - by the Ministry of Agriculture and Forestry together with the Ministry of Environment.

Management plans are agreed upon by forest enterprises, State park administrations, regional departments of the Ministry of Environment. They are approved of and changed by the Government of the Lithuanian Republic. Forest management plans are registered at the State Forest Management Institute.

9. In general management plans, a common forest felling norm, final and intermediate cuttings, reforestation are planned for all private and reserved for privatization forests within the territory of forest enterprises and national parks. Cutting areas for final felling are planned only in private estates, while in those where ownership rights have not been restored, only a list of potential mature stands is given.

Administration of forest enterprises and national parks according to general and individual plans may issue felling permissions. If the general or individual plan is missing, final and shelterwood fellings in private holdings are prohibited.

10. Individual forest management plans for one forest holding or their group (except forests in protected areas) are prepared on account of the ordering person. They are prepared by the State Forest Management Institute or actual and legal persons having a permission by the Ministry of Agriculture and Forestry. Individual plans are prepared for all estates of those owners who have up to 3 ha of forest not in forest tracts and on unprotected areas. Forest felling and reforestation plan for the latter should be agreed upon by the regional (town) agency of the Ministry of Environment and in a month since its presentation has to be approved by the director of forest enterprise or national park. Such a plan may be prepared by the State Forest Management Institute or forestry specialists with higher or special education. All felling and reforestation plans are registered at the State Forest Management Institute.

Individual management plans for forest estates within forest tracts and protected areas have to be prepared independent of their size. In protected areas management plans are prepared on State account.

11. Forestry organization in private forests, which have no general plans or are not fully legalized, is defined by the Ministry of Agriculture and Forestry.

12. Private forests are attributed to forest groups according to the order defined by the Government of the Lithuanian Republic.

In forests of some groups the following restrictions on final cuttings are applied:

12.1. In the forests of group II final fellings are not performed. Allowed are shelterwood cuttings in stands of natural maturity, and all kinds of improvement, sanitary and landscape formation cuttings. National maturity age of pine and ash stands - 170 years, spruce - 120 yr., oak - 200 yr., birch and black alder - 90 yr., aspen - 60 yr., white alder - 50 years. In erosion - preventing forests clear shelterwood cuttings are forbidden.

12.2. In forests of group III non - clear and final on smaller areas as well as improvement and sanitary cuttings are allowed.

In cases when cutting areas of neighbouring holdings adjoin each other, their total areas cannot exceed maximal cutting areas defined by the Forest Law of the Lithuanian Republic, while in individual forest holdings clear cutting area according to management plans is allowed up to 3 ha.

In separate up to 5 hectares in area field - protecting forests, located more than 400 m away from the nearest forest, final cuttings are forbidden. This regulation is not applied to pure pine, aspen, black alder and grey alder stands. In these stands clear final cuttings are allowed on smaller than 2 ha cutting areas, applying to pine stands 15 - year, while to stands of other species 10 - year leaning period. A separate up to 2 ha forest may be clear cut by 2 cutting areas, while larger ones - by not less than 3 cutting areas.

12.3. In forest of group IV all cuttings are allowed. In forest holding up to 25 ha one area of clear final cuttings cannot exceed 5 ha, in a bigger holding - cannot exceed 8 ha. When the cutting areas adjoin each other, their total area cannot exceed maximal area (10 ha) defined by the Forest Law of the Lithuanian Republic.

13. Minimal final cutting and natural maturity age (in years) of stands is given in table:

Tree species	Final cutting age			Natural maturity (schelterwood cutting) age
	forests outside protected areas	forests within protected areas		
		III group	IV group	
Pine, larch, ash, maple, elm	101	120	105	170
Spruce	75	85	85	120
Oak	121	140	125	200
Birch, lime, black alder, hornbeam	61	65	65	90
Aspen (mixed stand), poplar	41	45	45	60
Aspen (pure stand)		cutting age is not defined		
White alder, willow		cutting age is not defined		

In private estates (III - IV group forests), where there are no mature stands, final (clear and non - clear) cuttings (pine, ash minimal age limit - 85 yr., spruce - 65 yr., birch, black alder - 55 yr., aspen (mixed stand - 35 yr.) for construction of private buildings or capital reconstructions according to available projects and the order defined by the Ministry of Agriculture and Forestry may be allowed in undermature stands by making in the estate clear cut area up to 0.5 ha is size. According to the same order selective final cuttings may be allowed by felling out mature and overmature trees in undermature stands. In this case stand stocking level cannot be left less than 0.5.

14. Ten - year norm of final cuttings is determined taking into account felling age, felling method, allowable cutting area, leaning time, the state of forests and adjacent forest holdings.

According to the defined for a decade cutting rate, stands may be cut every year by felling out one - tenth of the norm over several times or at once, if the annual cutting area does not exceed 3 ha. If the area exceeds 3 ha, it must be felled over not less than 2 times. The second time may be not earlier than after 5 years. The area of cutting sites over each 5 - year period cannot exceed the defined half of cutting area. The area of non - clear final cuttings is not limited. It is forbidden to exceed the cutting norm defined for a decade.

Total annual felling norm of the country cannot exceed in private forests their annual timber increment.

Forest use and reforestation

15. Forest land can be transformed into other land use categories only in exceptional cases, co - ordinating the interests of the State, forest owner and society, according to the order defined by the Government of the Lithuanian Republic. Forest felling for forestry technological and production needs (establish nurseries, construct forest roads, establish fire - prevention and technological corridors, camp sites, timber yards, etc.) is not considered as forest land transformation into other land uses.

16. Forest felling permissions for forest owners are issued by the administration of forest enterprises and national parks or commissioned by them - forest districts. Permissions are issued for not longer than one

year period and are valid till December 31 of the year. Permissions can be prolonged, but not longer then for 6 months. In all cases permissions are issued only after having presented material on outlined cutting areas and their taxation.

The order of issuing permissions is defined by the Ministry of Agriculture and Forestry. Felling permissions are not obligatory for tending young (up to 20 years) stands, sanitary cuttings when only dry trees are felled out, and for cutting inventoried pure white alder, aspen and willow stands. In these cases trees to be cut may be selected by the owner himself, but, tending young stands, perspective trees of the main species cannot be removed, while stocking level should remain not less than 0.6.

17. Final cutting areas are outlined, trees of 16 cm in diameter and thicker ones, meant for non - clear final, improvement and sanitary cuttings, except tending of young (up to 20 years) stands, are marked by the officials of state forest service or no - state forest service specialists having higher or special education, as well as forest owners who have graduated from special courses. Trees selected for non - clear cuttings are marked by state forest service officials with special stamp, by other persons - with personal marker (stamp). Examples of these markers (stamps), the order of their registration and use is defined by the Ministry of Agriculture and Forestry.

The work of state forest service officials in private forests is paid by owners through the administrations of forest enterprises and national parks according to the order defined by the Ministry of Agriculture and Forestry.

Responsibility for proper outlining of cutting areas and selection of trees lies on persons directly involved in the work, while for damages during felling - on forest owners.

18. Transporting timber, forest owners have to fill out transportation documents according to the defined order.

19. The right to fell forest is lost after felling term expiration, or when forest felling requirements, rules and environmental requirements are not fulfilled.

20. Forest owners observing laws, decisions by the Government of the Lithuanian Republic, other legal acts, requirements of territorial planning, may use smaller natural resources and forest for recreation.

21. Private forest is leased for hunting and used according to laws.

22. Forest owners may pasture cattle in their forests, except cutting areas and planted as well as natural young stands up to 20 years.

23. Citizens have the right of free access to private forests, may gather herbs, fruit, nuts, berries and mushrooms (this regulation does not apply to forests up to 100 m around owner's farm - stead and forests where this activity is restricted by other laws).

Due to important reasons (risk of fire, specialized areas, protected objects, forest business development), administrations of districts (towns), forest enterprises and national parks, agencies of the Ministry of Environment may prohibit or restrict access to forest and gathering of herbs, mushrooms, berries and other forest products.

Nearby forests, where attendance is prohibited or restricted, the owners should set information signs. Forests (except nurseries, seed - plots, plantations, forest cultures and areas up to 100 m around farm - steads) cannot be fenced around. Fencing forest up to 100 m around forest owner's farm - stead, roads, paths to water basins and other objects of common use should be left out.

24. Cutting and burned areas have to be reforested by sowing or planting on them tree species suitable for the site. An area is reforested, if in the first year after defined reforestation term there remains the following number of seedlings of perspective tree species: 3000 oaks, 4000 ashes, 3000 spruces, 4000 pines (in

sphagnum 6000), 3000 black alders, 2000 larches, or in sites left for natural regeneration there is evenly distributed the following number of perspective natural seedlings: 5000 oaks, 7000 ashes, 5000 pines (in sphagnum and bilberry pinewood 7000), 6000 spruces, 4000 black alders, 5000 birches, 10000 aspen trees and white alders.

Felled out oak, ash, maple, lime and pine stands on suitable for them sites should be regenerated by sowing or planting seedlings of the same species. Dead plantations should be renewed over 2 years. Administrations of forest enterprises and national parks provide information on available seedlings and help forest owners (first of all, local ones) to obtain them.

Obligations of forest owners

25. Forest owner must:

25.1. protect forest against fires, pests and diseases, illegal cuttings, violations of forest use and other activities causing damages to forest;

25.2. carry out fire - prevention works foreseen in forest management plans (establish and take care of fire - prevention, maintain roads, clean up littered forests, etc.) as well as immediately inform fire - prevention services about forest fires, state forest managers, municipality, and extinguish fire himself;

25.3. carry out timely sanitary forest cuttings, extract timber from the forest, inform the officials of state forest services about the outbreaks of pests and diseases;

25.4. replant cutting and burned out areas not later than over two years after their appearance, keeping to the requirements of item 24 in these regulations (except cases when the forest was felled by state forest service since 11 March 1990 until it was regained by the owner);

25.5. carry out forest use, reforestation and maintenance by ways, technologies and machinery which could eliminate adverse effects on the environment, preserve soil productivity and biological diversity (observing requirements foreseen in these regulations and other legal acts);

25.6. keep to obligatory requirements of forest management plans;

25.7. carry out timely tending of forest plantations and young stands;

25.8. ensure maintenance of boundary signs, cutting out and renewal of boundary lines;

25.9. at the end of the year present statistical data on cuttings and reforestation according to the order defined by the Department of Statistics at the Ministry of Agriculture and Forestry and the Government of the Lithuanian Republic.

Rights of forest owners

26. Forest owner has the right to:

26.1. buy, sell, transfer gratuitously, exchange, lease, mortgage forest land or make up other agreements according to the order defined by Land Law of the Lithuanian Republic, Civil Code of the Lithuanian Republic, Land Renting Law, Law on Protected Areas of the Lithuanian Republic, other laws, decisions by the Government of the Lithuanian Republic and other legal documents;

26.2. receive compensation according to the order defined by the Government of the Lithuanian Republic, if he has losses due to restrictions on management activities;

26.3. lease according to the defined order forest areas for hunting, recreation, research, use of smaller natural resources;

26.4. on mutual agreement sell or otherwise allow to harvest stumpage for other forest producers, if there is a permission to fell forest, or cuttings which don't need permission are performed. In such cases forest owner is responsible for logging damages, while other producers - for violations of safety requirements and accidents;

26.5. apply for permission according to the defined order to allow transformation of forests into other land use categories and afforest non - forest land;

26.6. get free of charge consultations on forest management questions from advisory service for private owners, forest enterprises and administrations of state parks;

26.7. in case forest enterprises or the administration of national park groundlessly refuse to issue cutting permission, their decision may be appealed against to the Ministry of Agriculture and Forestry, while decisions of the latter - according to judicial order;

26.8. use and dispose the forest belonging to him according to cases and conditions foreseen by other laws;

26.9. afforest non - agricultural land.

State control of forest condition, use, reforestation and protection

27. State control of private forest condition, use, reforestation and protection is performed by the officials of state forest service as well as chief district officer.

28. Regulation on use of state natural resources in private forests and protection control of the forests is conducted by the Ministry of Environment according to its competence.

29. Carrying out state control of forest condition, use, reforestation and protection, it is checked:

29.1. if defined final felling norms are observed and location of cutting areas as well as cutting methods conform to forest management plan;

29.2. if correctly are chosen trees for felling, if their felling is well - based;

29.3. if conditions of cutting permission are met and cutting areas are cleaned;

29.4. what is the sanitary condition of forests;

29.5. if the terms of cutting and burned out areas reforestation are fulfilled, what is the quality of work done, if they are reforested by obligatory tree species;

29.6. fire - prevention state of forests;

29.7. if special land and forest use conditions pointed out in land ownership document and forest management plan as well as other environmental requirements are observed.

30. Forest owner is informed about a planned state forest control 3 days before. Checking results in all cases are documented.

Responsibility for violation of these regulations

31. Forest owners who have themselves violated requirements of these regulations and disobey obligatory forest use, reforestation and environmental requirements pointed out in management plans, are made to answer according to the order defined by laws.

32. Legal and actual persons, having damaged private forest, are made to answer according to the order defined by laws.

33. Officials who have issued cutting permissions violating these regulations and requirements of other legal acts, as well as state forest service officials and other persons who made false outlining of cutting areas and selection of trees for felling, are made to answer according to the order defined by laws.