

法規名稱 Regulations for Management of Protection Forest

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法規沿革 1. Promulgated on September 11, 1998.

(Legislative) 2. Amendment to Articles 3, 10~14 promulgated on November 30, 1999

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3. Amendment to Article 12 promulgated on January 31, 2000.

4. Amendment to all Articles promulgated on December 31, 2003.

法規內文 Article 1

(Content) : These Regulations are enacted pursuant to the provisions of the second paragraph of Article 24 of the Forestry Act (hereinafter "Act").

Article 2

The following terms as used herein are defined as follows:

1. "Cutting area" means, for the purpose of conducting selection cutting or clear

cutting, each of the cutting operation areas divided from the operable standing

timber areas of the protection forest according to the applicable operation method

of the protection forest concerned.

2. "Selection cutting area" means the area in which selection cutting is conducted.

3. "Clear-cutting area" means the area within the cutting area, the square of the

bamboos and/or trees where clear cutting may be conducted.

4. "Cutting age" means the number of years scheduled for the bamboos and/or trees

to mature from cultivation to availability for utilization.

5. "Selection cutting percent" means the quotient of the volume of wood obtained

from selection cutting divided by the total volume of wood of that specific

selection cutting area as expressed in percentage.

6. "Cutting cycle" means the interval scheduled for between two selection cutting

operations of the same selection cutting area.

### Article 3

Protection forest are classified into the following types according to the purposes provided in Article 22 of the Act:

1. Flood control protection forest;
2. Windbreak protection forest;
3. Tide protection forest;
4. Salt protection forest;
5. Smoke protection forest;
6. Headwater protection forest;
7. Erosion control protection forest;
8. Draft sand stabilization protection forest;
9. Rock falling prevention protection forest;
10. Snow or avalanche prevention protection forest;
11. National security protection forest;
12. Health protection forest;
13. Navigation protection forest;
14. Fishery protection forest;
15. Landscape protection forest; and
16. Nature conservation protection forest.

The method of operating each type of protection forest provided

in the preceding paragraph shall be announced by the central competent authority.

#### Article 4

A number shall be assigned to each protection forest in accordance with the regulations prescribed by the central competent authority.

The competent authority conduct an inspection and review of the protection forest according to their numbers every ten years, or at a shorter interval where necessary. The inspection and review shall be conducted in general consideration of the original purpose of such protection forest, the results of the survey of the forest stand and the status of the forest, the status of the land and the cadastral registration. The conclusion of such inspection and review shall be reported to, approved and published by the central competent authority.

The regulatory agency of the national and/or public forest concerned shall prepare a protection forest management plan according to the conclusion of the inspection and review provided in the preceding paragraph and report the same to the central competent authority for implementation.

#### Article 5

Where necessary, a national protection forest may be entrusted to the municipal government, county (city) government or other legal entities for management and operation.

#### Article 6

The protection forest shall be bounded by natural topograph. Absent such topographical boundary-line, fixed artificial boundary settlement shall be set up at conspicuous locations. The

regulatory agency shall erect basic control posts by reference to the rules governing cadastral survey.

The regulatory agency shall erect signs giving exposition of the protection forest at the conspicuous location of each protection forest with an assigned number and convenient traffic in accordance with the form and specification prescribed by the central competent authority.

#### Article 7

Where the protection forest is situated on high and precipitous terrain of fragile rock mass, where erosions and/or collapses easily occur or where reforestation is difficult, the renewal work shall be performed by nature regeneration; protection forest situated on a flat terrain or gentle slope shall be regenerated by selection cutting.

#### Article 8

Except in cases of any of the following, no protection forest may be cut:

1. Where cutting is necessary for regeneration and/or tending of the forest and the  
competent authority has approved such cutting;
2. Where cutting is necessary for strengthening the functions of the protection forest  
and the competent authority has approved such cutting;
3. Where salvage cutting is necessary to remove bamboos and/or trees which was  
stricken by diseases and pests or toppled down by wind, burned down in a forest  
fire, or suffering withering and/or other disasters and the  
competent authority has

approved such withering;

4. Where cutting is necessary for purposes of performing emergency rescue by the

government and/or national security ;

5. Where cutting is necessary for purposes of conducting forestry experiments.

6. Where cutting is necessary to remove obstructing bamboos and/or trees on the

land used for public utilities, public facilities, public construction, prospecting

mineral deposits, mining or quarrying and the competent authority has approved

such cutting.

#### Article 9

Selection cutting of national protection forest shall be operated in accordance with the national forest management plan. The total area for selection cutting each year shall not exceed the quotient of the total operable standing timber area of the protection forest concerned divided by the applicable cutting cycle. The total selection cutting volume shall not exceed the product of the total volume of the that selection cutting area multiplied by the applicable selection cutting percent which shall not be larger than one third.

The total area for clear cutting each year of a public or private protection forest or a national protection forest operated by lease shall not exceed the quotient the total operable standing timber area of the protection forest concerned divided by the applicable cutting age. The total clear cutting area shall not exceed one third of the total cutting area. Where selection cutting is adopted instead, the provision of the preceding paragraph shall govern mutatis mutandis.

No selection cutting may be repeated in the selection cutting area provided in the first paragraph except where at least one cutting cycle has lapsed.

#### Article 10

Where it is difficult to regenerate the protection forest by selection cutting, horizontal cutting by strips or clear cutting by strips or group-selection perpendicular to the monsoon may be performed instead. Where the total clear cutting area for the year shall exceed three hectares, the clear cutting shall be dispersed with the area of each cutting spot not exceeding three hectares.

Where the total clear cutting area of the protection forest provided in the preceding paragraph is less than three hectares in the year, partial clear cutting may be performed instead at the interval of less than three years.

The dispersion of clear cutting spots provided in the first paragraph shall apply *mutatis mutandis* to partial clear cutting at an interval of less than three years.

#### Article 11

The object bamboos of selection cutting shall be those which are three years of age or older. The total amount of bamboos subject to selection cutting each year shall not exceed one fourth of the total amount of bamboos in that selection cutting area.

Where the selection cutting provided in the preceding paragraph is difficult to perform, partial clear cutting may be performed instead with the prior approval of the competent authority. The total area of such partial clear cutting each year shall not exceed three hectares or one fourth of the cutting area.

#### Article 12

The reforestation, tending, protection, and cutting/logging of the protection forest shall be properly managed in accordance with the applicable laws and regulations, and operation method. Where the protection forest should be operated as a multi-layer forest with two or more species of trees, the preparation for reforestation shall be carried out horizontally banding the hillside or perpendicular to the monsoon.

Leased reforestation areas within the preparation forest which impose no danger to soil and water conservation or preservation of the integrity of national lands shall not be bound by the restriction provided in the preceding paragraph.

#### Article 13

For conducting mineral-deposits prospecting, mining or quarrying within a protection forest, the developer shall submit the relevant development plan to the central, municipal or county (city) competent authority for examination, who shall invite the end business competent authority, relevant agencies, scholars, experts and the representative resident recommended by the local hsiang (town, city) to conduct an on-site inspection. Where such protection forest is considered geologically stable, and the contemplated mineral-deposits prospecting work, mining or quarrying will not obstruct the integrity of the national lands and forestry management, the boundary of the work then may be designated in accordance with Article 9 of the Act, and the relevant environmental impact evaluation and the soil/water conservation plan may then be carried out in accordance with the Environmental Impact Assessment Act and the Soil and Water Conservation Law.

The person obligated to deal with the soil/water conservation treatment and maintenance of the mining area and the quarrying area provided in the preceding paragraph shall do so in accordance with the relevant laws and regulations governing soil/water conservation and subject to the monitoring by the central, municipal, county (city) end business competent authority in conjunction with the central, municipal, county (city) forestry competent authority. If such person fails act in accordance with the approved plan, the relevant provisions of the Forestry Act and the laws and regulations governing soil/water conservation shall govern.

#### Article 14

The total length of the roads built within the protection forest for use for prospecting mineral deposits, mining or quarrying shall not exceed five kilometers per mining or quarrying area except as otherwise approved by the central forestry competent authority after being approved by the central, municipal, county (city) end business competent authority.

The road provided in the preceding paragraph must not built in the land of native Taiwan yellow cypress, red cypress, Taiwan yew, and such precious and rare species of plants as legally announced or such wildlife protection areas and important wildlife habitats as announced pursuant to the Wildlife Conservation Act.

#### Article 15

Mineral-deposits prospecting and/or mining work to be conducted within the protection forest shall be conducted within a tunnel. Notwithstanding, phased open-cut mining may be adopted where the prospecting and/or mining work cannot be conducted in a tunnel

and such is affirmed by the relevant assessment by the scholars/experts invited by the competent mining authority and approved by the central competent authority.

Where the minefield provided in the preceding paragraph is the self-provided minefield of a cement business and where the total area of each open-cut area thereof amounts to 10 hectares or more, shaft mining shall be adopted except in cases where it is not possible to adopt shaft mining and such is affirmed by the relevant assessment of the scholars/experts invited by the competent mining authority and approved by the central competent authority.

#### Article 16

These Regulations shall come into force on the day of promulgation.