



FOREST AND NATURE CONSERVATION (AMENDMENT) RULES AND REGULATIONS OF BHUTAN, 2020



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

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DoFPS/KA-3/2020/1390

February 26, 2020

AMENDMENT NOTIFICATION

Subject: The Forest and Nature Conservation (Amendment) Rules and Regulations of Bhutan, 2020

In exercise of the authority conferred by the Forest and Nature Conservation Act, 1995, the Ministry of Agriculture and Forests hereby issues the Forest and Nature Conservation (Amendment) Rules and Regulations of Bhutan, 2020 to facilitate the effective implementation of the provisions of the Forest and Nature Conservation Act, 1995.

The provisions of the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017 has been partially amended and the provisions which have not been amended shall still be valid for implementation. The amendment has been adopted by the Renewable Natural Resources (RNR) Gross National Happiness (GNH) Committee, which is the highest policy making body in the Ministry in its 108th Meeting held on 25 December 2019 and chaired by the Minister. The Forest and Nature Conservation (Amendment) Rules and Regulations of Bhutan, 2020 shall come into force with effect from 1st March 2020.

All concerned agencies with assigned roles and functions as per the Forest and Nature Conservation (Amendment) Rules and Regulations, 2020 shall be responsible for implementation of this Rules and Regulations.

(Yeshey Penjor)
MINISTER

Copy:

1. The Hon'ble Prime Minister, Royal Government of Bhutan, Gyalong Tshogkhang, Thimphu for kind information.
2. The Hon'ble Chief Justice, Supreme Court of Bhutan, Thimphu
3. The Hon'ble Speaker of the National Assembly of Bhutan, Gyalong Tshogkhang



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ROYAL GOVERNMENT OF BHUTAN
Ministry of Agriculture & Forests
Tashichhodzong, Thimphu: Bhutan



4. The Hon'ble Chairperson, National Council of Bhutan, Thimphu
5. The Hon'ble Opposition Leader of the National Assembly of Bhutan, Gyal Yong Tshogkhang
6. All Hon'ble Ministers
7. Dasho Gyalpoi Zimpon, Office of the Gyalpoi Zimpon, Thimphu
8. The Chief Operations Officer, Royal Bhutan Army, Thimphu
9. All Hon'ble Government Secretaries
10. All Heads of the Constitutional Offices
11. The Hon'ble Attorney General, Office of the Attorney General, Thimphu
12. Heads of the Autonomous Agencies
13. Dasho Dzungdags, 20 Dzungkhags
14. Dasho Thrompons of Four Thromdes
15. The Commandant, Royal Body Guards, Thimphu
16. The Chief of Royal Bhutan Police, Thimphu
17. The Chief Executive Officer, Government Corporations
18. The Secretary General, Bhutan Chamber of Commerce and Industry, Thimphu
19. The President, Association of Wood-Based Industries
20. The Secretary, Civil Society Organizations Authority, Thimphu
21. Head of Department(s), Ministry of Agriculture and Forests

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FOREST AND NATURE CONSERVATION (AMENDMENT) RULES AND REGULATIONS OF BHUTAN, 2020

Preamble

In exercise of authority conferred by Forest and Nature Conservation Act, 1995, the Minister, Ministry of Agriculture and Forests hereby formulate and adopt Forest and Nature Conservation (Amendment) Rules and Regulations of Bhutan, 2020 to facilitate the effective implementation of the provisions contained therein. The provisions of the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017 has been amended as follows:

CHAPTER I INTRODUCTORY PROVISIONS

Revocation

2. The Forest and Nature Conservation Rules and Regulations of Bhutan, 2020 shall supersede the Forest Fire Rules 2013, guidelines, notifications and circulars and specific provisions of the Forest and Nature Conservation Rules and Regulations of Bhutan, 2017 amended herein.

CHAPTER II STATE RESERVED FOREST LAND

General Procedure for allotment of State Reserved Forest Land

Criteria for Forestry Clearance

14. The following criteria shall apply for issuance of forestry clearance for allotment of State Reserved Forest Land for the purpose of *Kidu* land, Rehabilitation land, Substitute land, Exchange, Government institutions, *Gerab Dratshang* and Lease.
 - (2) No allotment of land within declared critical watershed area and wetland; or areas containing high forests. Notwithstanding anything contained in Rule 14(2), the Department may issue forestry clearance for construction of transmission line/tower, water pipeline alignment, irrigation channel or road construction in areas containing high forests based on impact assessment;
 - (4) No land shall be considered for allotment if the slope is greater than 45 degrees unless authorized by the Department;
 - (5) Land allotment within 100 feet of the bank or edge of any river, stream, water course, or water source shall not be considered unless authorized by the Department;



- (6) Land allotment within 600 feet uphill or 300 feet downhill of a motorable road shall not be considered except forests roads unless authorized by the Department;
- (7) Deleted
- (9) If proposed area is other than PA, the concerned Forest Offices shall be empowered to issue forestry clearance for allotment of land, construction of road; or construction or maintenance of transmission line as follows:
 - (i) Range Office: Up to 1 acre of land or up to 1 Km of road.
 - (ii) Division: More than 1 acre up to 5 acre of land or More than 1 Km up to 5 Km of road.
 - (iii) Department: More than 5 acre of land or more than 5 Km of road.
- (9)(A) The conditions prescribed in Rule 9 of this Rules shall be applicable for issuance of forestry clearance for allotment of land or construction of road in the Community Forest subject to clearance of the concerned CFMG based on simple majority.
- (9)(B) The Department shall issue forestry clearance for any developmental activity if proposed area falls under protected area.
- (10) Deleted
- (12) Deleted
- (13) Forestry clearance for creation of Recreation Park within Dzongkhag shall be issued by the Division;
- (14) The Department shall issue forestry clearance required for any developmental activity such as township and industrial area falling within the vicinity or near monastery, monument and Dzong.

General Procedure for Forestry Clearance

15. The applicant shall apply for forestry clearance of SRFL for any activity to the Range Office who shall issue clearance as per Rule 22A of this Rules based on field inspection report as prescribed in *Annexure I*.
16. In the event the Range Office is not empowered to issue such clearances, the Range Office shall then forward the application to the Division or Park along with the field inspection report as per Rule 22A of this Rules.

Issuance or Rejection and Validity or Renewal of Forestry Clearance

17. The Department or Division or Park or Range Office shall issue or reject forestry clearance as per the conditions prescribed in Rule 14 of FNCRR, 2017 and FNCRR (Amendment), 2020.



18. Deleted

19. The forestry clearance shall remain valid for a period of project or activity.

20. Deleted

21. Deleted

22A. The service delivery standard for the issuance of forestry clearance shall be as follows:

Sl. No	Services	Office	Time Frame
1	Upon receipt of application, time required for field inspection, surveying, enumeration, verification, report writing, issuance and rejection of forestry clearance.	Range Office	10 working days
2	Issuance or rejection of forestry clearance upon receipt of inspection report forwarded by the Range Office.	Division	5 working days
3	Issuance or rejection of forestry clearance upon receipt of inspection report forwarded by the Division.	Department	5 working days

Demarcation of State Reserved Forest Land

23. Upon the issuance of forestry clearance and SRF Land approved by National Land Commission Secretariat (NLCS) for allotment, the Range Office and Dzongkhag Surveyor shall jointly and physically demarcate the approved area with the Government approved peg in presence of the applicant. The map of the demarcated area with GPS coordinates of the periphery shall be submitted to the Division.

Procedure for release of State Reserved Forest Land

25. The Range Office shall release the land to the applicant after the land is registered in the applicant's name.

Procedure for disposal of Forest Produce from allotted State Reserved Forest Land

26. The Range Office shall dispose the forest produce from the allotted land within 60 days in one of the following ways:



CHAPTER III
FOREST MANAGEMENT PLANNING AND PLAN IMPLEMENTATION

Roles and Responsibilities of CFMG

88. Deleted

Procedures for Establishment of NWFP Management Group

142. The Range Office shall create awareness on the framework for the management and marketing of potential NWFP. For the establishment of the NWFMG, following procedures shall be followed:

Formation of a NWFP Management Group

- (1) Any village/*Chiwog* consisting of one or more household willing to establish and manage NWFPs, may form a NWFP Management Group and submit application through the *Gup* to Range Office for formation of NWFMG;
- (2) The Range Office shall verify and facilitate the formation of NWFP Management Group;
- (3) In the event, the local community is not interested to form group, the local community shall make affirmation waiving off their right on NWFP. The Range Office may give opportunity to nearby community for management of NWFP;
- (4) In the event, no nearby community is interested, then the Division or Park may entertain individual applicant for the collection of NWFP, involving local residents for the work;
- (5) The application to harvest NWFP by an individual shall be submitted to the Range Office;
- (6) The Range Office shall direct the applicant to the relevant NWFP Management Group for supply if necessary or consider harvesting of desired NWFP based on the availability of resources, if NWFMG is not formed, as per Rule 142(4).

Preparation of NWFP Management Plan

- (9) The Division or Park shall submit such plan to the Ministry through the Department for approval.
- (10) The Range Office shall issue collection permit to the individual or NWFMG.



NWFP Management Certificate

143. The Division or Park in compliance to the procedure set forth under this Chapter, shall issue “NWFP Management Certificate” to the NWFMG as per *Annexure X*. The certificate shall be valid for a period of five years.

Management and Use of NWFP

148. The NWFPs from the private registered land shall be allowed for collection and marketing after field verification by the Range Office.

Trade and Transit of NWFP

149. The NWFMG or any member of the NWFMG shall obtain transit permit for movement of NWFP for commercial purposes from the Range Office as per *Annexure XII, XIII* and any other requirement specified by the Department.

Validity of NWFP Management Plan

154. The NWFP Plan shall be valid for a period of 5 years and based on the findings of monitoring and evaluation report, the plan shall be reviewed to check the feasibility for renewal.

Authority of the Division or Park

155. The Division or Park shall:

Cancellation of NWFP Management Certificate

157. In the event the members of the NWFMG decide to cancel NWFP Management certificate in accordance with this Rules, the NWFP Management Certificate shall be deemed cancelled on the date of such decision being notified to Range Office in writing and the NWFMG shall surrender the Certificate to the Division or Park.
158. The Range Office shall have the right to enquire about the reason for such cancellation to ensure that no offence has been committed and shall notify the NWFMG on the cancellation of the certificate.

Import of NWFP

- 159(3) The importer shall apply to the Range Office for issuance of in-lieu permit to import NWFP;



159(4) The Range Office after scrutiny of relevant documents shall permit the import as per *Annexure XI*; and

159(5) The Division or Park shall realize import permit fee and any other applicable charge at rates notified by the Ministry.

Export of NWFP

160. The Department may approve the export of any NWFP and its product from SRF Land, for those species listed in the schedule approved by the Ministry.

Traditional Uses of Wild Plants

163. The collection and use of wild plants for traditional purpose shall be as per the guidelines issued by the Department. Such collection shall be allowed only upon issuance of permit from the Division or Park.

Commercial Use of Wild Plants

164. The Range Office may issues permit for harvesting of wild plants for commercial use upon approval of the Division or Park. The royalty shall be levied on commercial rate prescribed by the Ministry from time to time.

CHAPTER V FOREST BASED INDUSTRY

Licensing Clearance Procedure

175. The Department shall grant clearance to avail license for primary processing plant for any forest produce only if there is adequate and sustainable supply of forest produce and in accordance with management plans, wherever applicable. No clearance from the Department is required for establishing secondary wood processing plant.

176. Any juristic person interested to establish any primary wood-based industry shall submit project report to the Department.

177. Deleted



Types of Wood Based Industry

178. The Wood Based Industry shall be classified as primary and secondary wood-based industry as follows but not limited to:

Primary Wood-Based Industry:

(1) Stationary Sawmill (2) Veneer Factory (3) Ply Wood Factory (4) Mobile Sawmill (5) Particle Board Factory (6) Paper Factory (7) Green Charcoal Manufacturing Unit (8) Incense Manufacturing Unit (9) Handicraft Units (10) Forest bio-refinery (11) Chipping Unit

Secondary Wood-Based Industry:

(1) Chopstick Unit (2) Wood Pellet (3) Furniture Unit (4) Tooth Pick (5) Wood Briquette (6) Ear Bud Unit (7) Block Board (8) Fibre Mill (9) Wood Lamination (10) Wood Joinery (11) Packing Cases & Crates (12) Cable Drum Flange & Bobbin (13) Wooden Photo Frames

Operation of Stationary Sawmill, Mobile Sawmill, Cable Crane and Power Chain Saw

179. Only licensed stationary and mobile sawmill shall be permitted to saw timber.

179A. Mobile sawmill shall be permitted to saw rural subsidized timber under strict monitoring of the Range Office.

182. The power chain owner shall register with the Division or Park for operating power chain saw and obtain certificate of registration. The Division or Park shall ensure that the equipment or saw is environment friendly with regard to the equipment standard.

187. The Range Office shall strictly monitor the operation of stationary sawmill, mobile sawmill, cable crane and power chain saw.

Certification and Registration of Mobile Sawmill and Power Chain Saw

190. Deleted

191. Upon transfer of mobile sawmill or power chain saw, the license or letter of registration shall be produced on demand by any forest officials.

Registration and Renewal Fee

195. The registration of mobile sawmill and power chain saw shall be renewed annually and the renewal fee shall be levied as per the schedule of fee.



Procedure for sawing Rural House Building Timber

198. Registered stationary sawmill, mobile sawmill or power chain saw shall be allowed to saw rural house building timber.

Supply of Raw Material to Wood Based Industry

203. Any timber requirement from SRF Land shall be met through the allotment system approved by the Department. Any firewood and woodchips requirement shall be met directly through the government authorized agency.

Supply of Raw Material to Non-Wood Based Industry

208. Any request from the Non-Wood Based Industry for NWFP from the area, where there is no NWFMG, the Department may allot raw material from SRFL upon payment of commercial royalty.

CHAPTER IX ALLOTMENT OF TIMBER AND OTHER FOREST PRODUCE

Schedule for Allotment

310. The timeline for allotment and extraction of rural subsidized timber shall be as per the schedule in Table below:

Sl. No.	Activity	Time Frame	Responsible Agency
1	Submission of application and verification of construction sites.	June to September	<i>Gewog</i> administration
2	Issuance of permit, marking and felling of trees.	October to December	CC or Division and Park or applicant
3	Extraction and transportation to construction site or sawmill	January to June	Applicant (Obtain COSDTMO & ITMO)
4	Monitoring and reporting	July to December	Division or Park
5	Submission of construction or renovation completion report to CFO	Within two years after construction approval.	<i>Gewog</i> administration and applicant



Form, Quantity and Periodicity of Timber Allotment

311. Subsidized rural timber shall be allotted in log form from NRDCL depot or on standing tree form.

312. The maximum quantity of subsidized rural timber for new construction of rural house shall be in either of the following forms:

Option	Type of House	Timber Type & Quantity	Frequency
A	2 storied	4000 cft (log form) from NRDCL Depot or 18 Drashing (standing tree)	Once in 25 years
B	1 storied	2000 cft (log form) from NRDCL Depot or 09 Drashing (standing tree)	Once in 25years

313. Subsidized rural timber shall be supplied up to the maximum limits specified below for repair, renovation or extension of rural houses:

Option	Timber Type & Quantity	Remarks
A	700 cft (log form) from NRDCL Depot or 03 Drashing (standing tree)	Once in 12 years

314. For other rural constructions, such as construction of sheds for livestock, storehouse, farm guard or watch tower, toilet and machinery, the following provisions shall apply:

- (1) An applicant shall be entitled for timber allotment for the above construction once in 5 (Five) years;
- (3) The actual quantity of timber required, subject to the ceiling prescribed, shall be approved by the Range Office after verification;
- (5) Application for allotment of subsidized rural timber for other construction in rural areas shall be submitted in the prescribed form in *Annexure XXIV Part A*.

319. Deleted

Validity of the Permit

321. The time extension of permit may be considered by Division or Park after necessary field verification.

Use of Rural Timber

322. Use of subsidized rural timber shall comply to the following Rule:



(2) Deleted

(3) Deleted

(4) Deleted

(5) Deleted

(6) The trees allotted but could not be converted into specified form due to defects, shall be disposed by the Range Office upon approval by the CFO and shall then allot replacement of the trees to applicant.

(7) The Range Office shall allow loaning of subsidised rural timber for rural house construction only from rural to rural within the same Chiwog upon signing undertaking by the proponent.

Royalty on Rural Timber

323. The royalty shall be levied as per the schedule of royalty rates prescribed for forest produce notified by the Ministry from time to time.

Commercial Construction in Urban Area

343. Deleted

344. Deleted

345. Deleted

Construction of Dzong, Monastery and Other Religious Construction

346A. Timber for new construction, repair, re-construction, renovation or restoration of Dzong, Monastery or other religious structure in remote location not connected by motorable road shall be supplied on realization of commercial royalty.

Other religious Purpose

346B. The Division or Park shall allot one standing tree or 100 cft of timber for Sokshing, Zhungshing or Lepshing at commercial royalty.

346C. The Division or Park shall allot 3 truckloads of firewood for national *Kureem*; 4 cubic meter (1 cubic meter special class and 3 cubic meter other class) for cremation purpose, where there is no authorized government agency.



Forest Produce for Emergency (Local Level as well as National Level)

350. The CFO may sanction 200 cft of timber in sawn or equivalent form for repair or construction of public bridge per occasion during the emergency on the payment of rural royalty in rural areas.

350(1). Deleted

350(2). Deleted

350(3). Deleted

350(4). Deleted

**CHAPTER XIV
MISCELLANEOUS**

Definitions

436(76) "High Forests" shall mean trees raised by means of natural seedling and when the crown cover of the forest is 40% and more.

436(77). "Simple majority" shall mean decision made by more than 50% of the members present, who cast a vote to agree in order for the entire body to make decision on the measure being voted on.

