

*the Regulation on forest management, issued together with the Prime Minister's Decision No. 186/2006/QĐ-TTg of August 14, 2006, as follows:*

### **Section I**

#### **GENERAL PROVISIONS**

1. Governing scope: This Circular guides in detail a number of provisions of the Regulation on forest management, issued together with the Prime Minister's Decision No. 186/2006/QĐ-TTg of August 14, 2006.

2. This Circular applies to state agencies, domestic organizations, households and individuals, village population communities; overseas Vietnamese, foreign organizations and individuals involved in the protection and development of forests in Vietnam.

#### **THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

#### **CIRCULAR No. 99/2006/TT-BNN OF NOVEMBER 6, 2006, GUIDING THE IMPLEMENTATION OF A NUMBER OF PROVISIONS OF THE REGULATION ON FOREST MANAGEMENT, ISSUED TOGETHER WITH THE PRIME MINISTER'S DECISION No. 186/2006/QĐ-TTg OF AUGUST 14, 2006**

*Pursuant to the 2004 Law on Forest Protection and Development;*

*Pursuant to the Government's Decree No. 23/2006/ND-CP of March 3, 2006, on the implementation of the Law on Forest Protection and Development;*

*Pursuant to the Prime Minister's Decision No. 186/2006/QĐ-TTg of August 14, 2006, promulgating the Regulation on forest management;*

*Pursuant to the Government's Decree No. 86/2003/ND-CP of July 18, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;*

*The Ministry of Agriculture and Rural Development guides the implementation of a number of provisions of*

### **Section II**

#### **SPECIFIC PROVISIONS**

##### **1. Provisions on the division and delimitation of forest and forest land management units**

1.1. Forests and forest land are divided into management units: sub-zone, plot and lot in accordance with Article 42 of the Government's Decree No. 23/2006/ND-CP of March 3, 2006, on the implementation of the Law on Forest Protection and Development.

A sub-zone has an area not exceeding 1,000 hectares within an administrative unit of commune, ward or township (collectively referred to as commune-level). Sub-zones are numbered in Arabic numerals within each province or centrally run city (collectively referred to as provincial-level) from the first sub-zone to the last sub-zone (for example: sub-zone No. 1, sub-zone No. 2).

A plot has an area not exceeding 100 hectares within a commune. Plots are numbered in Arabic numerals within each sub-zone from the first plot to the last plot (for example: Plot 1, Plot 2).

A lot has an area not exceeding 10 hectares with relatively similar forest or forest land status within a commune. Lots are ordered in Vietnamese letters within each plot (for example: Lot a, Lot b). The names of forest lots within a plot must not be identical.

Basically, sub-zones, plots and lots are numbered from high to low, from left to right, except for those which are added latter.

1.2. The determination of boundary markers and signboards shall comply with the Regulation on delimitation of boundaries and demarcation of assorted forests, issued together with the Agriculture and Rural Development Ministry's Decision No. 3013/1997/QĐ-BNN&PTNT of November 20, 1997.

1.3. Provincial/municipal Agriculture and Rural Development Ministry (or the authorized Forestry Sub-Departments in localities where exist Forestry Sub-Departments) shall perform the uniform management of forest and forest land management units, decide on the establishment and adjustment of boundaries of forest and forest land management units at the proposal of local consultancy organizations on forest surveys and plannings.

## **2. Criteria of poor forests and kinds of poor forests permitted for regeneration; forest regeneration methods, order and procedures**

2.1. Regeneration of natural forests under this Circular is understood as the reforestation in poor forests of low productivity or quality so as to replace them with planted forests of higher yield, quality, economic benefits and environmental protection capacity.

2.2. Natural forests to be considered for regeneration are deteriorated or poorly developed ones which are impossible or less possible to recover or develop through the application of bio-forestrial methods such as forest nurturing, forest enrichment or zoning for regeneration, specifically:

a/ For homogeneous timber-tree forests:

- To be-regenerated trees must have a height of

below 5 m and an average diameter of under 6 cm, with a density of less than 800 trees per hectare.

- The timber reserve is under 50 cubic meters per hectare.

b/ For homogeneous bamboo forests:

- For neohouzeaua, dendrocalamus and bambusa. procera forests, the average tree diameter must be under 3 cm and the density must be under 8,000 trees per hectare.

- For indosana amabilis, bamboo and dendrocalamus membranaceus forests, the average tree diameter must exceed 3 cm and the density must be under 3,000 trees per hectare.

c/ For mixed forests of bamboo and timber trees, criteria shall be based on the specific bamboo-to-timber tree ratio. For example: For forests with half bamboo and half timber trees, poor forests to be regenerated may be those with regenerated timber trees of a density of under 400 trees per hectare (or with the timber reserve of under 25 cubic meters) and neohouzeaua trees with a diameter of under 3 cm or a density of below 8,000 trees per hectare (or indosana amabilis and bamboo trees of a density of under 1,500 trees per hectare).

Provincial/municipal People's Committees shall decide on plant species to be regenerated and use the reserve or tree density criterion to decide on forests to be regenerated in conformity with their local practical situation.

### **2.3. Methods for regeneration of poor natural forests**

Depending on the natural conditions and characteristics of trees, either of the following two methods shall be applied:

- Partial regeneration, which means the re-planting of forests in strips or expanses.

- Whole regeneration, which means the replacement of the whole existing forests by replanting plants in the whole lot areas.

### **2.4. Order of and procedures for forest regeneration**

a/ Forest regeneration: Organizations shall prepare

projects while households or individuals shall file an application for forest regeneration to competent authorities for approval.

b/ Forest owners being national parks or non-business units under the Agriculture and Rural Development Ministry shall elaborate and file a report to the Forestry Department for appraisal and submission to the Agriculture and Rural Development Ministry for decision.

c/ Other forest owners shall prepare and submit projects to provincial/municipal Agriculture and Rural Development Services for appraisal and submission to provincial-level People's Committees for decision.

d/ Forest owners being households that wish to regenerate forests of under 5 hectares shall file a forest regeneration application, certified by the local forest protection office and the commune-level People's Committee to People's Committees of districts or towns for consideration and decision. When a to be-regenerated forest has an area of 5 hectares or more, the district-level People's Committee shall forward such an application to provincial/municipal Agriculture and Rural Development Service for appraisal before making approval decision.

### **3. Criteria of planted forests which cannot develop into forests**

Planted forests which cannot develop into forests are forest lots which, after the prescribed investment and nurturing period, have the ratio of alive trees of under 50% against the forest planting regulations applicable to these trees or against the designed density, if no forest planting regulation is available for these trees: trees do not have crown contact and are planted unevenly within lots; the average height of trees is under 2 m and the average stem diameter of under 2 cm.

### **4. Criteria for standard protective forests**

4.1. Headwater protective forests must be concentrated ones with mixed species and different layers, the forest coverage ratio must be 0.6 or higher

so as to preserve and regulate water sources, protect soil and reduce erosion.

4.2. With regard to wind- and sand-shielding protective forests, each must have at least one main forest belt of at least 20 meters in width, combined with auxiliary forest belts to form a closed square; protective forests in service of agricultural production and economic works must be planted in strips or rows, with each forest belt or strip consisting of different rows of trees, which must have both horizontal and vertical crown contact so as to prevent or alleviate harms caused by wind or sand.

4.3. With regard to breakwater and sea encroachment protective forests, each must have at least one forest belt of at least 30 m in width, each consisting of many rows of trees with crown contact. Forest belts must have alternate gates in the main wave direction; forest trees must have a crown contact and a developed root system to help break water, stabilize soil, increase coastal alluvia and prevent or reduce landslides.

4.4. With regard to protective forests for environmental protection, there must be forest belts and strips and greeneries intermingled with residential areas, industrial parks and tourist resorts to prevent air pollution and create a clean environment, combined with recreation, entertainment, and tourism.

### **5. Bio-forestry methods and economic-technical norms for development of production forests**

Over the past years, the Ministry of Agriculture and Rural Development has promulgated several regulations on bio-forestry techniques applicable to several plant species. Provincial/municipal Agriculture and Rural Development Services shall guide the implementation of these regulations in conformity with local natural conditions. For other plant species, provincial/municipal Agriculture and Rural Development Services shall promulgate regulations on bio-forestry techniques or guide bio-forestry methods for application.

**6. Provisions on the construction of infrastructures and the proportion of land areas on which the construction of works is permitted in service of eco-tourism and resorts within special-use forests, protective forests and production forests**

**6.1. For special-use forests:**

a/ In strictly protected sub-zones, it is allowed to build paths and tents or place signboards for patrol and eco-tourist purposes. It is strictly prohibited to alter natural landscape of the forests. The width of a path must not exceed 1.5 m. During the construction process, it is prohibited to commit acts of harming the habitat of animals.

b/ In ecological restoration sub zones, it is allowed to open main routes and build works for forest protection and development in combination with service and tourism activities. For a leased land area of 50 hectares or less in a special-use forest, the maximum proportion of the land area on which the construction of infrastructure is permitted in service of eco-tourism is 20%, of which 5% is used for the construction of architectural works and the remaining 15%, for paths, tents and parking lots. For a leased land area of more than 50 hectares, the maximum proportion of the land area, on which the construction is permitted is 15%, of which 5% is used for the construction of architectural works and the remaining 10%, for paths, tents and parking lots. The land area on which the construction of infrastructure facilities is permitted must be determined on maps and delimited on the field by a system of signboards.

c/ In service-administrative sub-zones, landscape protection zones and forests for scientific research, the proportion of land areas on which the construction of architectural works is permitted must not exceed 20% of land areas for service activities.

**6.2. For protective forests:**

- When combined agro-fishery production is not organized, the provisions of Item b, Point 6.1 shall apply.

- When agro-fishery production is organized in combination with tourism and construction of infrastructure in land areas without forests, the total land areas used for these two purposes must not exceed 25% of leased land areas, for submerged forests, or 20% of land areas, for headwater protection, wind- or sand-shielding areas.

At the same time, protective forests must satisfy the criteria defined in Clause 4, Section II of this Circular.

**6.3. For production forests:**

- When combined agro-fishery production is not organized, the provisions of Item c, Point 6.1 shall apply.

- When agro-fishery production is organized in land areas without forests, the total land areas used for these two purposes must not exceed 25%.

**7. Provisions on combined agro-forestry-fishery production in protective forests**

7.1. Combined agro-forestry-fishery production may not be organized in very important protection areas or mountain tops, within the areas of 30 m away from a river or spring or areas of a steepness of above 30°.

7.2. Protective forest management boards shall plan and determine the location and boundaries of land areas for combined production and coordinate with fishery and agriculture extension agencies in guiding specific models of combined agro-forestry-fishery production for each protective forest. Combined production must be organized in areas with fertile soil and good irrigation. Models of combined agro-forestry-fishery production in protective forests must be those for sustainable cultivation in mountainous land or those for integrated cultivation in coastal areas. Plant and animal species used in models of combined forestry-agro-fishery production must be those which do not cause land erosion, deterioration or desertification, but help stabilize sand warps and are appropriate to environmental conditions.

7.3. Forest owners who organize combined agro-

fishery production in protective forests may enjoy all yields from the combined production process. Forest owners who organize combined agro-fishery production in protective forests shall strictly abide by regulations on management and protection of protective forests.

Land areas used for combined production are specified as follows:

- Forest owners being organizations may use land areas without forests for combined agro-fishery production under plannings already approved by competent state agencies.

- Forest owners being households or individuals may carry out combined agro-forestry production on no more than 25% of submerged land areas without forests or 20% of land areas without forests, for headwater protective forests, wind- and sand-shielding forests.

The locations under combined production in the forests must be stabilized throughout the forest planning period.

7.4. Forest owners that organize combined forestry-agro-fishery production in protective forests may not conduct activities which may adversely affect the growth and development of the protective forests or spoil the natural ecological process of the forests such as building dikes which obstruct the flow of tides in coastal areas or building dams which cause water stagnation in mountainous areas. Forest owners that violate regulations on forest management and protection, causing damage to forest resources, shall be sanctioned in accordance with law.

7.5. The combined agro-forestry-fishery production in protective forests must be organized under plannings approved by provincial/municipal Agriculture and Rural Development Services (or Forestry Sub-Departments as authorized). The plannings must determine the scale and sizes of houses, roads and support works in compliance with current regulations.

People's Committees of districts and provincial towns shall inspect and supervise the implementation.

## **8. Provisions on exploitation of planted forest products according to the degree of importance for protection of production forests**

8.1. The exploitation of timber and other forest products from natural forests shall comply with the Regulation issued together with the Agriculture and Rural Development Ministry's Decision No. 40/2005/QĐ-BNN of July 7, 2005.

8.2. For production forests which are planted forests of less importance for protection, full exploitation may be conducted lot after lot.

8.3. For production forests which are planted forests of importance for protection, it is permitted to exploit 50% of the total area according to forest strips or expanses, specifically:

- The width of a to be-exploited forest strip must not exceed 60 m. A to be exploited forest strip must not be adjacent to a non-exploited one, which are both parallel to the landline.

- The area of the largest to be-exploited expanse must not exceed 5 hectares. It is not allowed to exploit two adjoining expanses;

- It is permitted to further exploit the remaining strips and expanses only after forest trees planted in the strips or expanses where trees were felled have crown contact.

## **9. Order of and procedures for compilation of dossiers on management and use of natural resources in special-use forests**

9.1. Each special-use forest management board shall compile a forest management dossier comprising data on forest areas, forest status and the situation of forest management, enclosed with a map showing each lot, plot and sub-zone in the forest. Dossiers must be regularly and promptly updated and preserved and managed in the form of paper materials and computer data, with the following contents:

a/ Mapping: Maps used for the management of

special-use forests are precise topographic ones, with the scale of 1/10,000, for special-use forests of under 5,000 hectares; of 1/25,000, for special-use forests of between 5,000 and 10,000 hectares; and of 1/50,000, for forests of over 10,000 hectares with full topographic details, which will serve as a basis for determination of sub-zones, plots and lots.

b/ Division of functional sub-zones of special-use forests: The division of functional sub-zones of special-use forests shall comply with Article 14 of Decision No. 186/2006/QĐ-TTg; forest management units such as sub-zones, plots and lots are specified at Point 1.1, Clause 1, Section II of this Circular.

9.2. Special-use forest management boards shall collect information on each lot, plot and sub-zone, covering the following contents: area; forest status; coverage; preponderant plant species, animal species appearing in the plots, and signs of and information on harmful organisms. Data must be stored on papers and in computers and updated on maps.

9.3. Special-use forest management boards shall determine forest areas that require special management and protection and monitor the natural ecological succession of the forests. For sub-zones planned for tourism development such as administrative and service sub-zones and eco-tourist routes, it is necessary to assess impacts on the natural ecological succession of the forests and propose forest management and protection plans.

9.4. Order of and procedures for compilation of dossiers on the use of natural resources in special-use forests:

a/ Cutting down forests for nurturing: After obtaining the Agriculture and Rural Development Ministry's permits for cutting down forests for nurturing, for special-use forests under the management of the Ministry, or provincial/municipal People's Committees' permits, for special-use forests managed by provinces or centrally run cities, forest owners shall make designs.

Designing contents:

- Determination of boundaries and areas of each lot, plot and sub-zone;

- The volume of products which can be used in terms of timber size, category and group.

- Designs of bio-forestry techniques (cutting down forests for nurturing).

Approval procedures:

- The Forestry Department shall approve designing dossiers for the application of the method of cutting down forests for nurturing for special-use forest under the management of the Agriculture and Rural Development Ministry.

- Provincial/municipal Agriculture and Rural Development Services shall approve designing dossiers for the application of the method of cutting down forests for nurturing for special-use forests under the management of provinces or centrally run cities.

Principles to be applied during the process of cutting down forests for nurturing:

- The cutting down of forests for nurturing shall comply with prescribed procedures and processes in order to ensure regeneration, and restrict to the utmost adverse impacts on remaining trees. It is not allowed to open new roads or build new warehouses or yards. Existing works or paths should be made use of for transportation.

- The cutting down of forests for nurturing must be carried out in proper locations, proper areas and with proper trees as approved and permitted by competent authorities. It is strictly prohibited to cut down timber trees in other areas and carry them into areas where forests are permitted to cut down for nurturing.

b/ Full extraction:

- To compile full extraction dossiers (for forests with dead and fallen timber trees in service-administrative sub-zones and ecological restoration sub-zones).

After obtaining the Agriculture and Rural Development Ministry's permits for full extraction, for special-use forests under the management of the Ministry, or provincial/municipal People's Committees'

permits, for special-use forests under the management of provinces or centrally run cities, forest owners shall carry out the extraction in each lot, gather timber along the boundary of each lot, plot and sub-zone, make statistics on the number of logs, segments, trees or planks; measure dimensions and calculate volumes of timber according to the categories of timber extracted from each lot, plot and sub-zone.

Approval procedures:

- The Forestry Department shall approve designing dossiers and issue full extraction permits for special-use forests under the management of the Agriculture and Rural Development Ministry;

- Provincial/municipal Agriculture and Rural Development Services shall approve designing dossiers and issue full extraction permits for special-use forest under the management of provinces or centrally run cities.

Organization of full extraction:

- Full extraction must be carried out in prescribed places, within the prescribed areas and with prescribed trees as permitted by competent authorities.

- It is strictly prohibited to carry timber from other places into the areas where full extraction is permitted.

**10. Provisions on the release of wild animals into forests**

10.1. Wild animals caught in law violations: Healthy and disease-free animals must be promptly released into the natural environment suitable to their habitat and feed sources. When wild animals are unhealthy (ill or wounded), it is necessary to make a minutes to transfer these animals to a wild animal salvage center (if conditions permit) for them to be cared for and then released into the natural environment.

When wild animals die or are incurably wounded, it is necessary to make a minutes to hand over these animals to a scientific research agency for use as scientific research specimens (if any), to organize the cull of these animals so as to keep the environment clean or to sell these animals for consumption (if food

safety and hygiene conditions are fully meet).

10.2. Wild animals from salvage centers: The order and procedures for the release of animals into the natural environment are as follows:

- A document on the delivery and receipt of wild animals, made by the conservation zone management board.

- The evaluation council of the salvage center's assessment minutes certifying that wild animals can live in the natural environment. The assessment minutes must clearly state the names of animal species, their health conditions and biological behaviors.

- A competent agency's decision on the release of wild animals; the animal health agency's quarantine minutes and a permit for transport of wild animals according to current regulations.

**11. Provisions on the preservation and collection of specimens and gene sources of organisms in special-use forests**

11.1. Special-use forest management boards may organize scientific research activities to collect specimens and gene sources of forest organisms under plans approved competent agencies. The Agriculture and Rural Development Ministry shall approve plans for special-use forests under its management. Provincial-level People's Committees shall approve plans for special-use forests under their management.

11.2. Before conducting the collection of specimens, organizations and individuals must have their scientific research programs, projects or schemes approved by competent authorities (of school, institution or higher level), which clearly state the contents of collection of specimens and gene sources. Scientific research, teaching and practicing activities in special-use forests shall comply with the provisions of Article 54 of Decree No. 23/2006/ND-CP.

11.3. The collection of specimens of ordinary wild fauna and flora species in service of scientific research must be permitted by special-use forest management boards or units. The collection of specimens and rare

and precious forest fauna and flora species in service of scientific research must be approved by the Agriculture and Rural Development Ministry.

11.4. The collection of specimens and gene sources is subject to the supervision by special-use forest management boards or units. For specimens and gene sources of ordinary wild flora and fauna species, each scientific research unit or organization may collect only three specimens of each species. In special cases where it is necessary to collect more specimens, the approval of the special-use forest management boards is required. After conducting scientific research and identification, one specimen must be returned to the special-use forest management boards (for forest management boards having museums capable of preserving specimens). For other researches such as chemical, biological and medical analysis, a brief report on the research results must be sent to the special-use forest management boards within 90 days after the date of collection of specimens.

11.5. For specimens of wild plants or animals of which scientific assessment cannot be conducted at home, if organizations or individuals wish to send them abroad for assessment, they must obtain the Agriculture and Rural Development Ministry's approval. The number of specimens to be sent for overseas assessment must not exceed three for each species (in special cases, scientific explanations are required). After the assessment is completed, at least two specimens already exported must be returned to Vietnam, together with the assessment results.

11.6. Copyright to specimens and gene sources collected in special-use forests are agreed upon by the special-use forest management boards and organizations and individuals engaged in scientific research and stated in the scientific research programs or schemes.

11.7. The collection of specimens and gene sources of forest saplings shall comply with the Regulation on management of forestry saplings, issued together with the Agriculture and Rural Development Minister's

Decision No. 89/2005/QĐ-BNN of December 29, 2005.

### **Section III**

#### **ORGANIZATION OF IMPLEMENTATION**

This Circular takes effect 15 days after its publication in "CONG BAO."

Ministries, ministerial-level agencies, government-attached agencies, provincial/municipal People's Committees, directors of provincial/municipal Agriculture and Rural Development Services, heads of agencies and units under the Ministry shall implement this Circular.

Any difficulties or problems arising in the course of the implementation should be reported to the Ministry of Agriculture and Rural Development for timely amendment or supplementation.

**For the Minister of  
Agriculture and Rural Development  
Vice Minister  
HUA DUC NHI**