

REGULATION OF THE MINISTER OF ENVIRONMENT AND FORESTRY

OF THE REPUBLIC OF INDONESIA

NUMBER P.89/MENLHK/SET.JEN/KUM.1/11/2016

CONCERNING

**PLANTING DIRECTIVES FOR HOLDERS OF PERMIT TO BORROW AND USE FOREST
AREA IN THE FRAMEWORK OF REHABILITATION OF WATERSHED**

BY THE GRACE OF GOD THE ALMIGHTY

THE MINISTER OF ENVIRONMENT AND FORESTRY OF THE RI

Considering : a. That based on Government Regulation No.24 Year 2010 concerning the Use of Forest Area, as several times amended lastly with Government Regulation No.105 Year 2015 concerning the Second Amendment to Government Regulation No.24 Year 2010 concerning the Use of Forest Area, among others, the procedure on the use of forest area and the meeting of obligation of planting in the framework of rehabilitation of watershed by holders of permit to borrow and use forest area is regulated;

b. that based on the Regulation of the Minister of Forestry No..P.87/Menhut.II/2014 the provision concerning Planting Directives for Holders of Permit to Borrow and Use Forest Area in the framework of Rehabilitation of Watershed has been determined;

c. that with the stipulated Government Regulation as referred to in letter a, the Regulation of the Minister of Forestry No.P.87/Menhut.II/2014 concerning Planting Directives for Hodlers of Permit to Borrow and Use Forest Area needs to be conformed;

d. that based on consideration as referred to in letter a, letter b and letter c, it is necessary to establish the Regulation of the Minister

of Environment and Forestry concerning Planting Directives for Holders of Permit to Borrow and Use Forest Area in the framework of Rehabilitation of Watershed;

In view of : 1. Law No.4 Year 1999 concerning Forestry (State Gazette of the RI of 1999 No.167, State Gazette Supplement of the RI No.3888) as amended with Law No.19 Year 2004 concerning the provision of Government Regulation in lieu of Law No.1 Year 2004 concerning the Amendment to Law No.41 Year 1999 concerning Forestry into Law (State Gazette of the RI of 2004 No.86, State Gazette Supplement of the RI No.4412);

2. Law No.23 Year 2014 concerning Regional Governance (State Gazette of the RI of 2014 No.244, State Gazette Supplement of the RI No.5587) as amended with Law No.9 Year 2015 concerning the Amendment to Law No.23 Year 2014 concerning Regional Governance (State Gazette of the RI of 2015 No.58, State Gazette Supplement of the RI No.5679);

3. Law No.37 Year 2014 concerning Soil and Water Conservation (State Gazette of the RI of 2014 No.299, State Gazette Supplement of the RI No.5608);

4. Government Regulation No.24 Year 2010 concerning the Use of Forest Area (State Gazette of the RI of 2010 No.30, State Gazette Supplement of the RI No.5112), as several times amended, lastly with Government Regulation No.105 concerning the Second Amendment to Government Regulation No.24 Year 2010 concerning the Use of Forest Area (State Gazette of the RI of 2015 No.327, State Gazette Supplement of the RI No.5795);

5. Government Regulation No.45 Year 2004 concerning Forest Protection (State Gazette of the RI of 2004 No.147, State Gazette Supplement of the RI No.4453); as amended with Government

Regulation No.60 Year 2009 concerning the Amendment to Government Regulation No. 45 Year 2004 concerning Forest Protection (State Gazette of the RI of 2009 No.137, State Gazette Supplement of the RI No.5056);

6. Government Regulation No.76 Year 2008 concerning Forest Rehabilitation and Reclamation (State Gazette of the RI of 2008 No.201, State Gazette Supplement of the RI No.4947);

7. Presidential Regulation No.7 Year 2015 concerning the Organization of State Ministries (State Gazette fo the RI of 2015 No.8);

8. Presidential Regulatiion No.16 Year 2015 concerning the Ministry of Environment and Forestry (State Gazette of the RI of 2015 No.17);

9. Regulation of the Minister of Environment and Forestry No.P.18/MenLHK-II/2015 concerning Organization and Work Arrangement of the Ministry of Envirment (State Bulletin of the RI of 2015 No.713);

10. Regulation of the Minister of Forestry No.P.9/Menhut.II/2013 concerning the Procedure of Implementation, Supporting Activity and Provision of Incentives for Land and Forest Rehabilitation Activities (State Bulletin of the RI of 2013 No.173) as amended with the Regulation of the Ministe of Environment and Forestry No.P.39/Menlhk/Set.Jen/Kum.1/4/2016 concerning the Amendment to the Regulation of the Minister of Environment No.P.9/Menhut-II/2013 concerning the Procedure of Implementation, Supporting Activity and the Provision of Incentives for Land and Forest Rehabilitation Activities (State Bulletin of the RI of 2016 No.580);

11. Regulation of the Minister of Environment and Forestry No.P.50/MenLHK/Setjen/Kum.1/6/2016 concerning Directives for Borrow and Use Forest Area (State Bulletin of the RI of 2016 No.881);

HAS DECIDED

To establish: THE REGULATION OF THE MINISTER OF ENVIRONMENT AND FORESTRY CONCERNING PLANTING DIRECTIVES FOR HOLDERS OF PERMIT TO BORROW AND USE FOREST AREA IN THE FRAMEWORK OF REHABILITATION OF WATERSHED.

CHAPTER I

GENERAL PROVISION

Article 1

In this Ministerial Regulation:

1. The Permit to Borrow and Use Forest Area hereinafter referred to as IPPKH refers to a permit given to use forest area for the interest of development other than forestry activities without changing the function and allotment of forest area.
2. The Use of Forest Area refers to the use of part of a forest area to another party for the interest of development other than forestry activities without changing the status, allotment and function of said area.
3. Watershed hereinafter abbreviated to DAS refers to a land area that constitutes one unity with a river and its tributaries with the function of collecting, storing and flowing water from rainfall to a lake or the sea in a natural way, whose border on land constitutes a topographic

separator and the border at sea up to the waters that are still affected by on land activities.

4. Forest and Land Rehabilitation hereinafter abbreviated to RHL refers to an endeavor to restore, maintain and improve the function of Watershed so that the carrying capacity, productivity and its role in supporting the system of life's mainstay is maintained.
5. Planting for Holders of IPPKH in the framework of Rehabilitation of Watershed hereinafter referred to as DAS Rehabilitation Planting refers to the planting in and outside forest area which constitutes one of the obligations of holders of Permit to Borrow and Use Forest Area in the effort to restore, maintain, and improve the function of watershed, thereby the carrying capacity, productivity and its role in supporting the system of life's mainstay is maintained.
6. Forest Management Unit hereinafter abbreviated to KPH, refers to a forest management area in accordance with its main function and allotment that can be managed efficiently and conserved.
7. Forest Area refers to forest area determined by the government to maintain its existence as permanent forest.
8. Conservation Forest refers to forest area with certain characteristics, that has a main function of preserving the diversity of flora and fauna and its ecosystem.
9. Protected Forest refers to forest area that has a main function as protection of the system of life's mainstay to regulate water system, prevents flood, control erosion, prevents sea water intrusion and maintains soil fertility.

10. Production Forest refers to forest area that has the main function of producing forest produce.
11. Timber Species refer to species of forest plants that produce timber for building constructions, furniture and household articles.
12. Endemic Plant Species refers to species of native plants that grow/happened to grow in an area.
13. Multipurpose Tree Species (MPTS) refer to plant species that produce timber and non-timber, among others fruit, resin, bark.
14. Critical Land refers to land in and outside the forest area whose function as production element and regulating media of water system of the watershed has declined.
15. Forest and Watershed Land Rehabilitation Technique Plan hereinafter abbreviated to RTk RHL-DAS refers to an indicative plan of RHL activities compiled based on physical and socio-economic condition as well as local culture in one DAS/Sub DAS or DAS area ecosystem unit.
16. Forest and Land Rehabilitation Management Plan hereinafter abbreviated to RPRHL refers to a management plan in the framework of carrying out RHL in accordance with the government's, the provincial government's and regency/city governments' competence and the prevailing laws and regulations.
17. Reforestation refers to an endeavor to plant species of forest plants on damaged forest area in the form of vacant land, long grass, or bushes to restore the function of forest.

18. City Forest refers to a spread out land in which trees are growing close together in a city area either on government or individually owned land, determined by a competent official.
19. Mangrove refers to a specific tropical coast vegetation community, which grows and develops in intertidal zone, particularly in laguna, river estuary, coastal area protected by mud substratum or sandy mud.
20. Coastal Forest refers to a formation of trees which grow on the coast above the highest tide line, among others Cemara (*Casuarina equisetifolia*), Ketapang (*Terminalia catappa*), Waru (*Hibiscus filicoides*), Coconut and Cempedak (*Arthocarpus altilis*).
21. Green Open Space refers to a stretched and/or grouped area whose allotment is more open in nature, a place where plants are growing, either naturally or planted on purpose.
22. Peat moss refers to material formed by organic matters such as foliage, twigs and branches and plant roots accumulated in water soaked environment, little oxygen and high acidity formed in a location within a long period.
23. Coastal Border refers to land along the coast with width proportional to the form and physical condition of the coast at least 100 (one hundred) meters from the point of the highest tide in land.
24. Plants Treatment refers to a treatment toward plants and its environment so that plants will have healthy and normal growth through hoeing, weeding, replacing dead plants, fertilizing and pest and disease control.
25. Minister refers to the minister who administers government affairs in the field of environment and forestry.

26. Director General refers to the Director General who is given the task and responsibility in the field of Controlling the Watershed and Protected Forest.
27. Director refers to the Director who is given the task and responsibility in the field of forest and land rehabilitation as well as soil and water conservation.
28. Provincial Service refers to the service/agency handling provincial forestry affairs.
29. Watershed and Protected Forest Management Unit hereinafter abbreviated to BPDASHL, refers to a technical executing unit in the field of watershed and protected forest under and responsible to the Director General of Controlling Watershed and Protected Forest.
30. Area Functionary/Management refers to an institution assigned the task and responsibility to manage forest area.

Article 2

- (1) This DAS rehabilitation planting directives have the purpose of providing references in executing DAS rehabilitation planting for:
 - a. holders of IPPKH who have the responsibility to carry out DAS rehabilitation planting;
 - b. the Government, Provincial Government, Regency/City Governments; and
 - c. other parties..
- (2) The aim of compiling this directives is for:
 - a. the availability of location for DAS rehabilitation planting for holders of IPPKH; and

- b. materializing the execution of planting by holders of IPPKH thereby the product of planting has the function of restoring, maintaining and improving the function of watershed thereby, the carrying capacity, productivity and role in supporting the mainstay system of life remains safeguarded.

Article 3

- (1) In the realization of planting in the framework of rehabilitating watershed, every holder of IPPKH should:
 - a. submit a location map of planting for the rehabilitation of watershed prior to the issue of the determined IPPKH work area; and
 - b. carry out rehabilitation planting of watershed prior to the termination of the time span of IPPKH.
- (2) Location map of watershed rehabilitation planting as referred to in sub-article (1) letter a, is decided by the Director General on behalf of the Minister.
- (3) The realization of watershed rehabilitation planting as referred to in sub-article (1) letter b, is carried out in the determined location.

Article 4

The imposition of the obligation to carry out rehabilitation planting of DAS for holders of IPPKH as referred to in Article 3 sub-article (1) letter b is implemented in accordance with the provision of laws and regulations in the field of utilization of forest area.

CHAPTER II

DETERMINING THE LOCATION

First Part

Planting Location

Article 5

- (1) The planting location to be for DAS rehabilitation is in the DAS of the same location with the upstream, middle stream and/or downstream IPPKH location.
- (2) In the case the planting location as referred to in sub-article (1) is unavailable in the same DAS area, the planting location to be may be located in another DAS area cross regency/city or province.
- (3) The planting location to be for DAS rehabilitation as referred to in sub-article (1) and sub-article (2) is located in a critical land either inside or outside the forest area which has yet to be /not burdened by permit and is outside the work Area of Perum Perhutani.
- (4) The planting location to be in a forest area as referred to in sub-article (3) is determined in priority sequence:
 - a. protected forest area in Protected KPH (KPHL);
 - b. protected forest area in Production KPH (KPHP);
 - c. protected forest area;
 - d. conservation forest area except nature reserve and core zone of national park;
 - e. mangrove forest, coastal border, river border, lake border and peat moss area;
 - f. restricted production forest area;
 - g. permanent production forest area;
 - h. production KPH area (KPHP); and
 - i. convertible production forest.

- (5) The planting location to be outside forest area as referred to in sub-article (3) is located in:
- a. green open space and City Forest;
 - b. privately owned land functioned as a protection, in compliance with the lay out of provincial, regency/city area; or
 - c. mangrove ecosystem, coastal border, river border, lake border and peat mos land.

Article 6

- (1) Determining a location in critical land as location to be for DAS rehabilitation planting as referred to in Article 5 sub-article (3) refers to RTk RHL DAS.
- (2) In the case the planting location to be is outside RTk RHL DAS as referred to in sub-article (1), the planting locatiion to be may be proposed based on the result of ground check.

Article 7

- (1) The size of the planting location to be is determined at least the size of IPPKH concerned with 1:1 ratio.
- (2) In the case 1 (one) or a combined IPPKH with a total size of less than 1 (one) hectare is found, the size of the planting location to be is determined at least 1 (one) hectare.
- (3) Proportion of the size of the planting location to be located outside the forest area as referred to in Article 5 sub-article (3) at the most is 20% (twenty percent) of the total size of the planting obligation.
- (4) Proportion of the size of the planting location to be as referred to in sub-article (3) with the exception of the planting location on Java Island.

Second Part

Mechanism of Determining a Location

Article 8

- (1) DAS rehabilitation location to be refers to the indicative map of DAS rehabilitation planting location.
- (2) Indicative map of DAS rehabilitation planting location as referred to in sub-article (1) is prepared by the Director and the local BPDASHL, in coordination with the map trusteeship agency.
- (3) Map trusteeship agency as referred to in sub-article (2) among others, Forest Area Stabilization Unit, National Land Agency, Regional Development and Planning Body, KPH, Production Forest Management Unit and Provincial Service.

Article 9

- (1) IPPKH holders should submit an application for a planting location to be not later than 30 (thirty) working days since the issue of IPPKH to the Director General with carbon copies to the Director, Head of local BPDASHL, Head of Provincial Service, and functionary/manager of the area.
- (2) Prior to submitting the application for a planting location to be, as referred to in sub-article (1), the holder of IPPKH is in coordination with the local BPDASHL and/or the Directorate of KTA to obtain an indicative map of the planting location.
- (3) BPDASHL or KTA Directorate should provide data access and guiding information of the planting location to be to holders of IPPKH.
- (4) Application for a planting location to be as referred to in sub-article (1) is attached with a copy of IPPKH directive with a request to carry out facilitation and determining the planting location to be.

Third Part

Verification of Location To Be

Article 10

- (1) The Director on behalf of the Director General, not later than 3 (three) working days, since the receipt of application as referred to

in Article 9, instructed the holder of IPPKH to carry out verification with the supervision of the local BPDASHL.

- (2) Supervision by BPDASHL as referred to in sub-article (1) among others in the form of facilitation and supervision.
- (3) In carrying out verification, the holder of IPPKH forms a Team and may be self-managed or by a third party.
- (4) In the case verification is done by a third party, appointment/tender of the third party had been conducted prior to the submission of application for a planting location to be.

Article 11

- (1) Verification as referred to in Article 10 is conducted in stages:
 - a. map study and/or satellite imaging/aerial photo of location to be;
 - b. ground checking; and
 - c. mapping of location to be.
- (2) Map study and/or satellite imaging/aerial photo of location to be as referred to in sub-article (1) letter a, is conducted in order to know the function of the area, land covering, accessibility and whether or not there is overlapping with activities of RHL (Reforestation, *Gerhan*, DAK Activities and other RHL activities) as well as the permit to use and/or take advantage of in other fields of forestry.
- (3) Ground check as referred to in sub-article (1) letter b, is comprised of survey activities of biophysical and socio-economic condition simultaneously used as base for compiling the plan for planting activities.
- (4) Biophysical condition as referred to in sub-article (3) among others position, size, land use, type and fertility of soil, type of climate and rain fall, elevation of site and topography as well as vegetation or land covering.
- (5) Socio-economic condition as referred to in sub-article (3) among others demography, livelihood, means and infrastructure,

accessibility, manpower, community institution, culture as well as social conflict and tenure.

- (6) Mapping of location to be as referred to in sub-article (1) letter c, is made to map the border of planting location and to know the effective size in which planting can be effected.
- (7) Realization of verification as referred to in sub-article (1) is executed at the latest 5 (five) working days after the issue the instruction for verification as referred to in Article 10 sub-article (1).

Article 12

- (1) The result of verification embodied in the form of report attached with official report and location map the result of verification.
- (2) The report, as referred to in sub-article (1), contains a description of the location to be among others biophysical and socio-economic condition in the same manner as the outline included in Appendix I which constitutes an inseparable part of this Ministerial Regulation.
- (3) The official report, as referred to in sub-article (1) at least contains the verification team, the size of location to be, the result of field verification, and the conclusion of the result of verification which states whether or not it is suitable to be determined as a planting location acknowledged by the president director/chief of IPPKH holder and the Head of BPDASHL in the same manner as the format included in Appendix II which constitutes an inseparable part of this Ministerial Regulation.
- (4) The map as referred to in sub-article (1) is the map acknowledged by the president director/chief of IPPKH holder and Head of BPDASHL with a minimal scale 1:50,000.

Article 13

- (1) The result of verification as referred to in Article 12 is submitted by the president director/chief of IPPKH holder to the Director with carbon copy to the Head of BPDASHL not later than 30 (thirty)

working days since the instruction for verification was issued as referred to in Article 10 sub-article (1) in the form of printed and electronic copies.

(2) The result of verification of planting location to be should be completed with:

- a. a statement of support and agreement from the functionary/manager of the area in the same manner as the format included in Appendix III letter A which constitutes an inseparable part of this Ministerial Regulation;
- b. a statement of support from the community or farmers group or Head of the village around the location in the same manner as the format included in Appendix III letter B which constitutes an inseparable part of this Ministerial Regulation;
- c. a statement of readiness to carry out planting by the president director/chief of IPPKH holder in the same manner as the format included in Appendix III letter C which constitutes an inseparable part of this Ministerial Regulation; and
- d. a statement of not changing its allotment or not felling within a period of 15 (fifteen) years from the local regent/mayor and completed with a map of a layout plan of the regency area concerning the planting location to be in Production Forest that could be converted (HPK) and outside the forest area in the same manner as the format included in Appendix III letter D which constitutes an inseparable part of this Ministerial Regulation.

Fourth Part

Determining a Location

Article 14

(1) The Director, since receiving the result of verification, as referred to in Article 13 sub-article (1), within a period of not later than 3

- (three) working days examines the technical conformity and administrative completeness.
- (2) In the case the result of verification is not in conformity yet and not complete yet, the Director, in not later than 1 (one) working day, orders the holder of IPPKH to complete and/or repeat the verification.
 - (3) In regard to the result of verification which is already complete and in conformity, the Director, in a period of not later than 3 (three) working days, invites the holder of IPPKH/executor of verification along with the Head of BPDASHL to make a discussion.
 - (4) Discussion on the result of verification as referred to in sub-article (3) is effected for a location to be the size of which is more than 50 (fifty) hectares.
 - (5) Discussion on the planting location to be with a size of up to 50 (fifty) hectares is conducted at BPDASHL, by including the personnel of the Directorate.
 - (6) The result of discussion over the result of verification is embodied in the official report.
 - (7) In regard to the result of verification which had been discussed, the Director, within a period of not later than 3 (three) working days, prepares and submits a concept of the decision concerning the determining of a location for DAS rehabilitation planting attached with a map of minimal scale 1:50,000, to the Director General.
 - (8) The Director General, on behalf of the Minister, determines the location of DAS rehabilitation in not later than 3 (three) working days since the date the decision on the concept as referred to in sub-article (7) was received.

CHAPTER III

REALIZATION OF PLANTING IN THE FRAMEWORK

OF DAS REHABILITATION

First Part

General

Article 15

- (1) The holder of IPPKH, after obtaining the determined DAS work area, should carry out DAS rehabilitation planting.
- (2) DAS rehabilitation planting as referred to in sub-article (1) is carried out in stages:
 - a. compiling planting plan;
 - b. realization of planting; and
 - c. plants evaluation.
- (3) DAS rehabilitation planting as referred to in sub-article (2) is carried out by technical personnel possessing certificate of competence owned by IPPKH Holder.

Second Part

Planting Plan

Article 16

- (1) Prior to realizing DAS rehabilitaton planting on the determined location, as referred to in Article 14 sub-article (8), the holder of IPPKH should compile the plan for DAS rehabilitation planting.
- (2) The planting plan as referred to in sub-article (1) is comprised of:
 - a. annual planting plan; and
 - b. planning of planting activitie.s

Article 17

- (1) Compiling of DAS rehabilitation planting plan as referred to in Article 16 may be self-managed or by a third party who owns technical personnel possessing certificate of competence.

- (2) In the case of self-managed it may be done in pure self-managed or in coordination with a university.
- (3) In the case it is done by a third party it may be conducted by a planning consultant which has a legal entity or experienced in the field of RHL planning.

Article 18

- (1) Compiling an annual planting plan as referred to in Article 16 sub-article (2) letter a, is composed in matrix form at least containing size and time arrangement for the completion of planting, maintenance and surrender of product wholly complete with map of minimal scale 1:50,000.
- (2) Compiling an annual planting plan as referred to in sub-article (1) refers to the time span of completing DAS rehabilitation planting.
- (3) The annual planting plan as referred to in sub-article (1) is acknowledged by the Head of BPDASHL and functionary/manager of the area, in the same manner as the format included in Appendix IV which constitutes an inseparable part of this Ministerial Regulation.

Article 19

- (1) Compiling planting activity plan as referred to in Article 16 sub-article (2) letter b, is compiled for each planting area based on the annual planting plan as referred to in Article 16 sub-article (2) letter a.
- (2) Planting activity planning as referred to in sub-article (1) contains details among others size of area, status of land possession, function of area, condition of land covering, species and number of plants, pattern of planting, means/infrastructure, workforce, cost, time arrangement, situation map of minimal scale 1:10,000 and planting

map of minimal scale 1:5,000 with format as included in Appendix V which is an inseparable part of this Ministerial Regulation.

(3) Determining plant species in the planting activity plan is made with the following provision:

- a. conservation forest area uses plant species of local native/endemic trees and multi purpose tree species/MPTS;
- b. protected forest area uses tree species and multi purpose tree species/MPTS whose timber is not for production purposes;
- c. production forest area not burdened by permit to use tree species of long cycle as well as high economic value and multi purpose tree species/MPTS whose timber is not utilized within a certain time span;
- d. mangrove area/ecosystem uses among others, *Avicennia*, *Rhizophora*, *Bruguiera* and nipah species; .
- e. coastal border area uses among others *cemara*, *ketapang* and *nyamplung* species;
- f. peat moss area/land uses among others *jelutung rawa*, *perepat*, *belangiran*, *perupuk*, *pulai rawa*, *rengas* and *terentang* species; and
- g. green open space and city forest use trees and multi purpose tree species/MPTS for the interest of controlling micro climate, esthetics and water absorption.

Article 20

(1) Compiling annual planting plan and planting activity plan should have been completed in not later than 20 (twenty) working days since the planting location is determined.

(2) In the case a change happens to the annual planting plan as referred to in Article 16 sub-article (2) letter a and the planting

activity plan as referred to in Article 16 sub-article (2) letter b, it should be reported to the Director.

Article 21

- (1) The annual planting plan and planting activity planning which had been compiled by the holder of IPPKH as referred to in Article 16 sub-article (2) letter a and Article 16 sub-article (2) letter b are evaluated by the Head of BPDASHL and legalized by the area functionary/manager.
- (2) Evaluation and legalization of the annual planting plan and the planting activity planning as referred to in sub-article (1) should have been completed within a time span of not later than 5 (five) working days since the submission of the planting activity planning by the holder of IPPKH.
- (3) Evaluation and legalization of the planting activity planning as referred to in sub-article (2) are made through joint discussion between holder of IPPKH, BPDASHL and area functionary/manager or related agency/institution.

Third Part

Planting Realization

Article 22

- (1) Planting realization should have been begun within a time span of not later than 30 (thirty) working days since the legalization of the planting activity planning and/or since the issue of the determined IPPKH work area.
- (2) Planting realization as referred to in sub-article (1) is carried out in the early local rainy season.
- (3) Completion of planting is realized at the latest a half of IPPKH time span since the IPPKH concerned work area is determined based on

the planting plan already compiled as referred to in Article 16 sub-article (2) letter a.

- (4) In the case the validity period of IPPKH is 5 (five) years or less than 5 (five) years since the IPPKH work area is determined, the completion of planting is realized at the latest a half of the time span of IPPKH plus 1 (one) year.
- (5) In the case the holder of IPPKH does not realize planting in 1 (one) year at the latest since the IPPKH work area is determined, BPDASHL may submit a cancellation of the location which had already been determined.

Article 23

- (1) Planting realization as referred to in Article 22 may be self-managed and/or by a third party.
- (2) In the case planting realization is self-managed it can be in the form of pure self-managed or in cooperation with the area manager.
- (3) In the case of purely self-managed it may be done with the following provisions:
 - a. The holder of IPPKH should own a work unit which handles the realization of DAS rehabilitation planting;
 - b. The work unit may be developed from a division which handles rehabilitation and reclamation activities or sets up a new division; and
 - c. Owns technical personnel possessing certificate of competence.
- (4) Cooperation with area manager as referred to in sub-article (2) is in operational cooperation form.
- (5) In the case planting realization is done by a third party it may come from a BUMN/BUMD and/or developer which has a legal entity, owns technical personnel possessing certificates of competence as well as experienced in rehabilitation/planting.

Article 24

- (1) Planting is done using the planting pattern of intensive or pure planting.
- (2) Intensive planting as referred to in sub-article (1) is made on open area/bushes or sapling stands of at least 200 (two hundred) stands per hectare with at least 1,100 (one thousand one hundred) plants per hectare.
- (3) Planting in Nature Reserves Area and Nature Preservation Area is done by rehabilitation.

Article 25

- (1) Planting outside forest area is done in:
 - a. city forest; and
 - b. green open space.
- (2) Planting realization in city forest and green open space at least 625 (six hundred and twenty five) plants per hectare.
- (3) Planting in green open space as referred to in sub-article (1) letter b is planting in social and public facilities, as well as on land burdened with private ownership with protective function, in accordance with the layout plan of the provincial or regency/city area.

Article 26

- (1) Planting in mangrove ecosystem/forest is done in an area in which the condition of its vegetation had been opened and/or deforested, by planting at least 1,100 (one thousand one hundred) plants per hectare.
- (2) Planting in coastal border is done on critical land of at least 100 (one hundred) meters wide from the highest tide point inland which does not belong to a mangrove habitat/ecosystem, with at least 1,100 (one thousand one hundred) plants per hectare.

Article 27

Planting in peat moss area/land is done on the area which has 200 (two hundred) original stands per hectare at the most, with at least 500 (five hundred) plants per hectare.

Article 28

- (1) In realizing DAS rehabilitation planting, the holder of IPPKH should carry out:
 - a. plants treatment; and
 - b. plants protection and safeguarding.
- (2) Plants treatment, protection and safeguarding as referred to in sub-article (1), are exercised on the result of DAS rehabilitation planting up to the transfer to the area manager/functionary or the agency concerned.
- (3) Plants treatment as referred to in sub-article (1) letter a, is comprised of:
 - a. Treatment in the running year is done at the end of the planting year comprising fertilizing, replacing dead plants, weeding, hoeing and pest and disease control; and
 - b. First and second treatment are done in the second and third year with work components of fertilizing, replacing dead plants, weeding, hoeing and pest and disease control.
- (4) Protection and safeguarding as referred to in sub-article (1) letter b consist of among others prevention and control of fire and animal herding.

Fourth Part

Plants Evaluation

Article 29

- (1) Plants evaluation is done to know the degree of success of planting in the framework of preparing for evaluation and transfer of plants yield.
- (2) The criterion of success used in evaluating plants in the third year is at least 90 (ninety) percent of the number of plants that should be planted as referred to in Article 24 up to Article 27.

CHAPTER IV

EVALUATION OF SUCCESS OF PLANTING AND MANAGEMENT OF PLANTING RESULT

Article 30

- (1) The holder of IPPKH who had realized planting, treatment as well as protection and safeguarding of plants is responsible for the success of planting up to the transfer to the area manager/functionary or the agency concerned.
- (2) The success of DAS rehabilitation planting constitutes one of the requirements in the extension and relinquishment of IPPKH.

Article 31

- (1) In order to know the success of DAS rehabilitation planting, evaluation of success in DAS rehabilitation planting activity is effected.
- (2) Evaluation of success in DAS rehabilitation planting activity as referred to in sub-article (1) is effected through submission of application by the holder of IPPKH to the Director General.

c..Echelon IV Official of related Ministry's UPT;

d.Other related elements considered necessary.

(2) In performing its task the Integrated Team, as referred to in sub-article (1) is assisted by the Secretariat coordinated by the Head of Sub-Directorate handling DAS rehabilitation planting.

Article 34

- (1) The result of evaluating the success of planting is embodied in the form of Official Report attached with map signed by the Chairman and all members of the Integrated Team as included in Appendix VI which constitutes an inseparable part of this Ministerial Regulation.
- (2) The result of evaluation is reported to the Director General with carbon copies to the holder of IPPKH and area functionary.

Article 35

- (1) Based on the report on the evaluation of success as referred to in Article 34 sub-article (2) so:
 - a. In regard to the evaluation which was stated have yet to be successful or did not succeed, the Director General ordered the holder of IPPKH to carry out further treatment of plants yield until it is declared successful; and
 - b. In regard to the result of evaluation which declares successful, the holder of IPPKH submits the result of planting to the Director General on behalf of the Minister with an Official Report of Transfer in the same manner as the format included in Appendix VII letter A which constitutes an inseparable part of this Ministerial Regulation.
- (2) The Director General submits the result of planting which was declared successful as referred to in sub-article (1) letter b,

embodied in the Official Report of Transfer of the Result of Planting, for further management to the functionary/manager of the area or the agency/institution responsible for handling the matter:

a. The Head of Natural Resources Central Unit/Conservation Unit in Nature Preserve/Nature Reserve Area;

b. The Head of Central Unit/National Park Unit in National Park Area;

c. The Head of Service/Agency in charge of Botanical/Zoological Forest in Botanical/Zoological Forest Area.

d. The Head of Service/Agency in charge of the area mentioned in Protected Forest Area, Production Forest and area of Other Uses (APL);

e. The Head of an agency in charge of Forest Area with Certain Purpose (KHDTK) in KHDTK; and

f. The Head of KPH in an area in which KPH had been established; and

g. The Format of Official Report on the Submission and Management of Planting Result as included in Appendix VII letter B which constitutes an inseparable part of this Ministerial Regulation.

CHAPTER V

MONITORING, TECHNICAL NURTURING AND REPORTING

Article 36

- (1) Monitoring is carried out by the Head of Provincial Service.
- (2) Technical Nurturing is performed by the Director General and staffers.

- (3) Monitoring and Technical Nurturing as referred to in sub-article (1) and sub-article (2) are performed at least once in one year,
- (4) The holder of IPPKH should provide access on data and information to forestry apparatus either from the central or regional government at the time of performing monitoring and technical nurturing in the field.

Article 37

- (1) The holder of IPPKH should make a sixmonthly and annual report.
- (2) The report is forwarded to the Director General with carbon copies to the Director General of Forestry Planning and Environmental Layout, Head of Provincial Service, Head of BPDASHL, area manager/functionary and related agencies, reporting format as included in Appendix VIII which is an inseparable part of this Ministerial Regulation.

CHAPTER VI

FINANCING

Article 38

All costs, which arise in DAS rehabilitation planting activities, the burden of IPPKH holder are comprised of:

- a. verification facilities of planting location to be;
- b. compilation of activity plans, realization and planting evaluation; and
- c. appraisal of success.

CHAPTER VII

SANCTION

Article 39

- (1) In the case the IPPKH holder does not carry out planting or carries out planting but does not comply with the provision already determined, an administrative sanction will be imposed.
- (2) The administrative sanction, as referred to in sub-article (1) is given in the form of reprimand 3 (three) times in succession each for a time span of 30 (thirty) working days, by the Director General.

Article 40

In the case the reprimand as referred to in Article 39 sub-article (2) is unheeded by the holder of IPPKH, the Director General conveys a recommendation to the Director General of Forestry Planning and Environmental Layout to impose the sanction of revoking the IPPKH.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 41

With this Ministerial Regulation becomes effective:

1. The order which had been issued and field verification has yet to be carried out, the realization of verification and conveyance of the result of verification refer to the Regulation of the Minister of Forestry No.P.87/Menhut-II/2014 concerning The Planting Directives for the Holder of Permit to Borrow and Use Forest Area in the Framework of Rehabilitation of Watershed.
2. Planting location which had been determined and compilation and legalization of planting activity plan had been effected, yet no planting had been done prior to the promulgation of this Regulation, the

realization of planting refers to the Regulation of the Minister of Forestry No.P.87/Menhut-II/2014 concerning The Planting Directives for the Holder of Permit to Borrow and Use Forest Area in the Framework of Rehabilitation of Watershed.

3. Planting location which had been determined prior to the issue of this regulation, yet no compilation and legalization of planting activity plan had been effected, the compilation of planting activity plan may refer to the Regulation of the Minister of Forestry No.P.87/Menhut-II/2014 concerning The Planting Directives for the Holder of Permit to Borrow and Use Forest Area in the Framework of Rehabilitation of Watershed, with the provision that realization of planting is carried out at least 1 (one) year since the promulgation of this regulation.

4. Regarding the planting location which had been determined prior to the promulgation of this Regulation, yet no planting had been carried out after the promulgation of this Ministerial Regulation, BPDASHL may propose the cancellation of the determined planting location.

5. In the case a change happens to the spatial design toward the planting location which had been determined, then:

a. on the location where planting had been effected, evaluation and transfer may immediately be conducted.

b. on the location where planting has yet to be done, the planting location is moved to another location.

CHAPTER IX

CONCLUDING PROVISION

Article 42

With this Ministerial Regulation being established, the Regulation of the Minister of Forestry No.P.87/Menhut-II/2014 concerning The Planting Directives for the Holder of Permit to Borrow and Use Forest Area in the Framework of Rehabilitation of Watershed is revoked and is declared null and void.

Article 43

This Ministerial Regulation becomes effective on the date of its promulgation.

In order that it may be known to all, the promulgation of this Ministerial Regulation is ordered to be published in the State Bulletin of the RI.

Established in Jakarta

On November 22, 2016

THE MINISTER OF ENVIRONMENT AND FORESTRY OF THE RI

Signed

SITI NURBAYA

Promulgated in Jakarta

On November 23, 2016

THE DIRECTOR GENERAL OF LAWS AND REGULATIONS

MINISTRY OF JUSTICE AND HUMAN RIGHTS OF THE RI

Signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE RI YEAR 2016 NO.1781

For copy conform,

Head of Legal Bureau

Signed

Krisna Rya