

MINISTERIAL DECREE OF FORESTRY
OF THE REPUBLIC OF INDONESIA
Number P.87/Menhut-II/2014
ON GUIDELINE OF PLANTING VEGETATION BY THE HOLDER OF PERMIT
OF BORROW-TO-USE AREA OF FOREST
FOR THE SAKE OF REHABILITATION OF RIVER WATERSHEDS

BY THE GRACE OF GOD ALMIGHTY
MINISTER OF FORESTRY OF THE REPUBLIC OF INDONESIA,

Considering:

- a. that based on the provisions of Ministerial Decree of Forestry Number P.63/Menhut-II/2011 it has been regulated about the Guideline of Planting vegetation by the holder of borrow-to-use area of forest for the sake of rehabilitation of river watersheds;
- b. that as cited in Article 20 paragraph (1) letter e of Ministerial Decree of Forestry Number P.16 / Menhut-II / 2014 on Guideline on Borrow-to-use Area of Forest, it is stated that the holder of principle permit for the utilization of area of forest shall submit a map of location for the planting of vegetation for the sake of rehabilitation of river watersheds;
- c. that based on the consideration as cited in letters a and b, it shall be necessary to enact a Ministerial Decree of Forestry on Guideline of Planting vegetation by the holder of borrow-to-use area of forest for the sake of rehabilitation of river watersheds;

Referring to in

1. Law Number 41 Year 1999 on Forestry (State Gazette of the Republic of Indonesia Year 1999 Number 167, Supplement to State Gazette of the Republic of Indonesia Number 3888) as having been amended by Law Number 19 Year 2004 on Government Regulation in Lieu of Law Number 1 Year 2004 on Amendment of Law Number 41 Year 1999 on Forestry, of which is to become a Law (State Gazette of the Republic of Indonesia Year 2004 Number 86, Supplement to State Gazette of the Republic of Indonesia Number 4412);
2. Law Number 32 Year 2004 on Regional Government (State Gazette of the Republic of Indonesia Year 2004 Number 125, Supplement to State Gazette of the Republic of Indonesia Number 4437) as having been amended several times and the latest amendment by Law Number 12 Year 2008 (State Gazette of the Republic of Indonesia Year 2008 Number 59, Supplement to State Gazette of the Republic of Indonesia Number 4844);
3. Government Regulation of the Republic of Indonesia Number 38 Year 2007 on the Split of Governmental Affairs between Central Government and Provincial Government and Local Government of Regency/ Municipality (State Gazette of the Republic of Indonesia Year 2007 Number 82, Supplement to State Gazette of the Republic of Indonesia No. 4737);
4. Government Regulation Number 76 Year 2008 on Forest Rehabilitation and Reclamation (State Gazette of the Republic of Indonesia Year 2008 Number 201, Supplement to State Gazette of the Republic of Indonesia No. 4947);
5. Government Regulation Number 24 Year 2010 on Utilization of Area of Forest (State Gazette of the Republic of Indonesia Year 2010 Number 30, Supplement to State

Gazette of the Republic of Indonesia Number 5112) as having been amended by Government Regulation Number 61 Year 2012 (State Gazette of Republic of Indonesia Year 2012 Number 140, Supplement to State Gazette of the Republic of Indonesia Number 5325);

6. Government Regulation Number 2 Year 2008 on Type and Tariff of State's Non-tax Revenue deriving from Utilization of Area of Forest for Development excluding the Activities of Forestry in the Ministry of Forestry, as having been amended by Government Regulation Number 33 Year 2014 (State Gazette of the Republic of Indonesia Year 2014 Number 107, Supplement to State Gazette of the Republic of Indonesia Number 5538);
7. Presidential Decree (Regulation) Number 47 Year 2009 on Creation and Organization of State Ministries, as having been amended by Presidential Decree Number 13 Year 2014;
8. Presidential Decree of the Republic of Indonesia Number 84 /P Year 2009 on Formation of Indonesian United Cabinet II, as having been amended several times and the latest amendment by Presidential Decree Number 50/P Year 2014;
9. Presidential Decree Number 24 Year 2010 on Positions, Duties and Functions of State Ministries and Organizational Structures, Duties and Functions of Echelons I of State Ministries, as having been amended several times and the latest amendment by Presidential Decree Number 56 Year 2013;
10. Ministerial Decree of Forestry Number P.40 / Menhut-II / 2010 on Organizational Structure and Work Procedure of Ministry of Forestry (State Gazette of the Republic of Indonesia Year 2012 Number 405) as having been amended by Ministerial Decree of Forestry Number P.33/Menhut-II/2012;
11. Ministerial Decree of Forestry Number P.16/Menhut-II / 2014 on Guideline of Borrow-to-use Area of Forest (State Gazette of the Republic of Indonesia Year 2014 Number 327);
12. Ministerial Decree of Forestry Number P.9/Menhut-II / 2013 on Procedure of Implementation, Supporting Activities and Incentives for the Activities of Rehabilitation of Forest and Land Area (State Gazette of the Republic of Indonesia Year 2013 Number 173).
13. Ministerial Decree of Forestry Number P.48/Menhut-II/2014 on Procedure of Implementation of Recovery of Ecosystem in Natural Preserve Area and Preserved Nature (State Gazette of the Republic of Indonesia Year 2014 Number 987);

DECIDES

To Enact

MINISTERIAL DECREE OF FORESTRY ON GUIDELINE OF PLANTING VEGETATION BY THE HOLDER OF PERMIT FOR THE UTILIZATION OF FOREST FOR THE SAKE OF REHABILITATION OF RIVER WATERSHEDS

CHAPTER I GENERAL PROVISIONS

Part One

Definition

Article 1

In this Ministerial Decree what is meant by:

1. Permit of borrow-to-use Area of Forests (IPPKH) hereinafter referring to IPPKH shall be the permit granted for the utilization of area of forest for the sake of development excluding the activities of forestry without changing the function and designation of area of forest.
2. Utilization of Area of Forest shall be the utilization or use of part of area of forest for other party for the sake of development excluding the activities of forestry without changing the function and designation of area of forest.
3. Principle Permit for the utilization of area of forest hereinafter referring to Principle Permit shall be the permit granted by Minister of Forestry with the imposition of obligations that have to be fulfilled prior to the issuance of IPPKH.
4. River Watersheds hereinafter referring to DAS shall be a land area which is an inseparable part of river and brook (stream) that are functioning to hold, store, and drain water from rainfall to lake or to sea on a natural basis, and the limit of land (border) becomes the topographic divider and the sea boundary is the area of water that is still affected by land-based activities.
5. Forest and Land Rehabilitation (RHL) hereinafter referring to RHL shall be an effort to restore, maintain and improve the function of watersheds so that the carrying capacity, productivity and role in supporting the life system can be well-maintained.
6. Planting vegetation for the sake of rehabilitation of watersheds by the holder of IPPKH hereinafter referring to Planting for Rehabilitation of DAS shall be the planting inside and outside the area of forest, of which is one of the obligations of the holder of permit of borrow-to-use area of forest as in attempt to restore, maintain and improve the functioning of watershed so that the carrying capacity, productivity and role in supporting the system of life can be well-maintained.
7. Area of forest shall be defined as a specific region as determined by the Government, of which the existence as a permanent forest shall be well-maintained.
8. Conservation Forest shall be an area of forest with specific characteristics, which has the principal function of preserving biodiversity of flora and fauna and ecosystem.
9. Protected Forest shall be an area of forest that has a principal function as the protection for the support of life system in controlling the water system, preventing floods, controlling erosion, preventing the intrusion off sea water and maintaining soil fertility.
10. Production forest shall be a forest that has a principal function of producing the produces from forest.
11. Type of wood plant shall be the species of forest plants that produce wood for the construction of building, furniture and household appliances.
12. Type of endemic plant shall be a native species of plant that grows / ever grows in a

certain area.

13. Multi-purpose tree species (MPTS) shall be the type of plant that produces wood and non-wood such as fruit, sap, and bark.
14. Critical land area shall be an area inside and outside the forest whose function has been degrading as a component of production and medium of controlling the system of watersheds.
15. Technical Plan on Rehabilitation of Forest and Area of Watershed (RTK RHL-DAS) hereinafter referring to RTK RHL-DAS shall be an indicative plan on Rehabilitation of Forest and Area (RHL) activities, of which shall be based on physical, social-economic and local culture conditions within an ecosystem unit of DAS / Sub-DAS or Area of DAS.
16. Plan on Forest and Area Management (RPRHL) hereinafter referring to RPRHL shall be a management plan on the implementation of RHL based on the authority of the central government, provincial government and local government of Regency /Municipality as in compliance with the prevailing laws and regulations.
17. Reforestation shall the planting of vegetation of forest tree species in a damaged area of forest like bare land and area of shrubs or bushes in order to restore the function of forest.
18. Urban Forest shall be a stretch of land area that is grown by trees packed together in short distances within an urban area either of State's area of land or area of land rights as determined by the governmental official based on the authority.
19. Mangrove shall be the community of typical vegetation of tropical coast, of which grows and thrives in tidal area, especially in the lagoon, estuaries and beach with mud substrate or sandy mud.
20. Coastal Forest shall be the formation of trees that grow on coastal line above the highest tides such as Sea Pine (*Casuarinas equisetifolia*), "Ketapang" (*Terminalia catappa*), hibiscus tree (*Hibiscus filiacus*), coconut (*Cocos nucifera*) and "Cempedak" (*Arthocarpus altilis*).
21. Green open space shall be an elongated area/ track and / or grouping, of which the utilization is for open space where is growing vegetation naturally or because of having been planted.
22. Peat shall be the substance that was formed from organic materials (litters) such as leaves, stems and branches and roots of plants that were accumulated in an area of inflowing water with little content of oxygen and high acidity, and was formed in a certain location for quite a long time.
23. Border land of coast shall be land area along a coast in proportional width of a shape and physical form of at least 100 meters from the highest point of tides towards the land area.
24. Maintenance of plants shall be the treatment of plants and environment so that the plants can grow healthily and normally by ways of "pendangiran", weeding, replanting, fertilizing and removing of parasites and diseases.

25. L3 as referring to in Government Regulation Number 33 Year 2014 shall be an area of forest for utilization in one unit of hectare, of which has been permanently damaged in a certain part of location and an optimal reclamation cannot be conducted, and it is part of a plan of baseline for the utilization of forest and subject to a charge of 7 (seven) times of tariff.
26. Minister shall be the Minister who is in charge of governmental affairs in forestry.
27. Director General shall be the Director General who has the task of and responsibility for Watershed Management and Social Forestry.
28. Director shall be the Director who has the task of and responsibility for Forest and Land Rehabilitation.
29. Division of Management of River Watersheds (BPDAS) hereinafter referring to BPDAS shall be a technical unit of Ministry of Forestry that is in charge of the implementation of planning, institutional development and evaluation of watershed management.

Part Two Purpose and objective

Article 2

- (1) The Guideline of planting vegetation by the holder of borrow-to-use area of forest for the sake of rehabilitation of watersheds shall be intended to be used by:
 - a. The holder of principle permit and the holder of IPPKH in Province whose size of area is greater than 30 percent of the area of watersheds, Island and / or the Province;
 - b. Central Government, Provincial Government, Local Government of Regency / Municipality; and
 - c. Another Party;for the implementation of planting of vegetation for the sake of rehabilitation of watersheds.
- (2) The objective of this guideline is:
 - a. for the availability of location for the planting of vegetation by the holder of principle permit and the holder of IPPKH;
 - b. for the realization of the implementation of the planting of vegetation by the holder of IPPKH so that the result of planting can be useful for recovering, maintaining, and improving the function of river watersheds in order that the carrying capacity, the productivity and the role in supporting the system of life can be sustained.

Part Three Obligations of Planting

Article 3

- (1) In order to meet the obligation of planting of the vegetation for the sake of rehabilitation of DAS as in accordance with the provisions, then:
 - a. The holder of Principle Permit shall submit a map of location based on the plan on planting of vegetation for the sake of rehabilitation of river watersheds;
 - b. The holder of IPPKH shall conduct the planting of vegetation for the sake of rehabilitation of DAS prior to the expiration of IPPKH.
- (2) The map of location for the planting as cited in paragraph (1) letter a shall be a map of location for planting for the sake of rehabilitation of DAS as determined by Director General on behalf of Minister.
- (3) The activity of planting for the sake of rehabilitation of DAS by the holder of IPPKH as cited in paragraph (1) letter b shall be carried out in the location as determined.

CHAPTER II DETERMINATION OF LOCATION

Part One Target and Area of Prospective Location of Planting

Article 4

- (1) Target of prospective location of planting for the sake of rehabilitation of watersheds shall be the area outside the location of IPPKH in the same area of river watershed or in different area of river watershed in Province whose area of forest is no greater than 30 percent.
- (2) Target of prospective location of planting in area of river watershed in the downstream shall be prioritized in an area of mangrove/ coastal forest.

Article 5

- (1) Prospective location of planting as cited in Article 4 paragraph (1) shall be a critical land area inside or outside the area of forest preferably in area of compact (dense) vegetation and free from tenurial conflicts.
- (2) Prospective location of planting inside the area of forest as cited in paragraph (1) shall be:
 - a. area of conservation forest except nature reserve and core zone of national park;
 - b. protected forest;
 - c. production forest not imposed by permit/ right of management; or
 - d. mangrove forest, coastal border and area of peat.
- (3) Prospective location of planting inside the area of forest as cited in paragraph (2)

preferably in area of already-formed Forest Management Unit (KPH).

- (4) Prospective location of planting outside the area of forest as cited in paragraph (1) shall be:
- a. green open space and urban forest;
 - b. land area with ownership rights for the sake of the protection of the function as in accordance with the land spatial plan of Province / Regency / Municipality;
or
 - c. mangrove ecosystem, coastal border and peat land.

Article 6

- (1) Critical land area in the prospective location of planting as cited in Article 5, paragraph (1) shall refer to the Technical Plan on Rehabilitation of Forest and Area of Watersheds (RTK RHL DAS).
- (2) In case the prospective location of planting is outside the target of RTK RHL DAS as cited in paragraph (1), then the prospective location of planting can be proposed based on the result of ground inspection.

Article 7

- (1) Size of area of prospective location of planting by the holder of IPPKH for commercial purposes shall be determined at least of the size of area of permit of borrow-to-use area of forest (minimum ratio of 1: 1) plus the size of area as planned for the disturbed area of category L3.
- (2) Size of area of prospective location of planting by the holder of IPPKH for non-commercial purposes shall be determined at the size of area of permit of borrow-to-use area of forest (ratio of 1: 1).
- (3) Proportion of the area of prospective location of planting outside the area of forest as cited in Article 5 paragraph (1) shall be at most 20 (twenty) percent of the total area of planting.

Part Two

Mechanism to Determine Location

Paragraph 1

Proposition for Prospective Location

Article 8

- (1) The holder of principle permit shall be obliged to submit the proposition for prospective location of planting to Director General with carbon copies to Director General of Forestry Planning, Director of RHL and Head of local BPDAS.
- (2) Prior to submitting the proposition for prospective location of planting the holder of principle permit can coordinate with Directorate of RHL or local BPDAS to obtain a map for the prospective location as proposed.

- (3) Letter of proposition for prospective location of planting as cited in paragraph (1) shall be attached with a map of the proposed location of planting, of which has to be legalized by the appropriate authority by considering the status of area, and a copy of the principle permit together with a request for verification shall also be submitted.

Paragraph 2
Verification of Prospective Location

Article 9

- (1) Director on behalf of Director General as of the date of receiving the proposition as cited in Article 8 paragraph (3) in no later than 10(ten) working days shall assign Head of Local BPDAS to verify the prospective location as proposed.
- (2) Head of Local BPDAS as of the date of receiving the letter of assignment for the purpose of verification as cited in paragraph (1) in no later than 10 (ten) working days shall create a team of verification.
- (3) The Team of Verification as cited in paragraph (2) shall involve the holder of principle permit, stakeholders of the area of forest, and relevant agencies; and the Team shall comprise as follows:
 - a. Team Leader: Head / Section Head of Program of BPDAS;
 - b. Secretary of Team: Head / Section Head of Division for Stabilization of Forest Area (BPKH);
 - c. Team members determined based on the status of prospective location of planting.
- (4) In regard that of BPDAS there has yet to be BPKH and Division of Monitoring of the Utilization of Production Forest:
 - a. Secretary of Team as cited in paragraph (3) letter b shall be appointed Head of Section / official of Provincial Division of Forestry in charge of measurement and mapping;
 - b. Team member as cited in paragraph (3) letter c for the area of Production Forest shall be appointed official of Provincial Division of Forestry in charge of management of production forest.
- (5) The composition of Team of Verification for the prospective location of planting shall refer to Appendix I.

Article 10

- (1) The verification by the Team shall be implemented by stages as follows:
 - a. Study of map or satellite image/ aerial photographs of prospective location;
 - b. Field verification;
 - c. Mapping of prospective location.

- (2) Study of map and satellite image/ aerial photograph of prospective location as cited in paragraph (1) letter a shall be conducted in order to determine the function of area, the covering of land area, the accessibility and the finding of whether or not there are overlapping with area of activities of RHL (reforestation, “Gerhan”, DAK, and other RHL), and overlapping with the location of permit for the utilization and/or use of area of forest.
- (3) Map of prospective location as proposed for the purpose of planting as cited in paragraph (1) shall be legalized or approved by the appropriate authority based on the status of area as follows:
 - a. in National Park area it shall be approved by Head of Central Division / Division of National Park;
 - b. in Nature Conservation Areas/ Nature Reserve Area it shall be approved by Head of Central Division / Division of Natural Resource Conservation;
 - c. in area of Forestry Park it shall be approved by Provincial Governor / Regent based on the authority c.q. Head of Department / Agency in charge of Forest Grand Park;
 - d. in Area of Forest for special purpose (KHDTK) it shall be approved by Head of Governmental Agency in charge of the area concerned; and
 - e. in areas of Protected Forest, Production Forest and Area of Other Purpose (APL) it shall be approved by Provincial Governor / Regent / Mayor based on the authority c.q. Head of Department / Governmental Agency in charge of the area concerned.
- (4) Field verification as cited in paragraph (1) letter b shall include the activities of survey of biophysical condition, especially for the activity of covering the land area and the economic and social survey of potential area of social conflicts.
- (5) Mapping of the prospective area as cited in paragraph (1) letter c shall be aimed to map the boundaries of location of planting in order to find out the effective area that can be planted.
- (6) The verification as cited in paragraph (1) shall be conducted in no later than 10 (ten) working days after the creation of the Team.

Article 11

- (1) The result of verification shall be submitted in a report and attached with the Official Report and the map of location as resulted from the verification.
- (2) The report as cited in paragraph (1) shall include the description of prospective location such as biophysical and socio-economic situation as outlined in Appendix II.
- (3) The Official Report as cited in paragraph (1) shall at least contain the composition of the Team, the area of prospective location, the result of field verification and the conclusion of verification stating that whether or not the location is appropriate for the planting of vegetation, of which shall be signed by the Team and acknowledged by the

Head of BPDAS, the Head of BPKH/ Division Head of Forestry of Province and the management of the holder of Principle Permit as formatted in Appendix III.

- (4) The map as cited in paragraph (1) shall be a digital map with minimum scale of 1: 50,000.

Article 12

- (1) The result of verification in forms of hardcopy and softcopy as cited in Article 11 shall be submitted by Head of BPDAS to Director.

- (2) Result of verification of prospective location for planting shall include:

a. Letter of support and approval from the stakeholders of area by stating that:

1. the prospective location of planting does not overlap with the location of activities of RHL (reforestation, “Gerhan”, DAK , and other) and the area of permit for other use and/or utilization of forestry;
2. Not being/ will be proposed for the change of function of the area of forest;
3. based on the condition in the field the prospective location must be able to be rehabilitated / planted with vegetation;
4. the ability to conduct the maintenance and protection after the handover of location as shown in the format of Appendix IV.

b. A letter of statement about the ability not to change the designation or not to fell the trees for a period of 15 years from Regent /Mayor of the region and it must be equipped with a map of spatial plan on the area of regency in regard that the prospective location of planting is inside a Production Forest that can be converted (HPK) and outside a forest as depicted in the format of Appendix V.

Paragraph 3 Determination of Location

Article 13

- (1) Director as of the date of receiving the result of verification as cited in Article 12 paragraph (1) in no later than 10 (ten) working days shall conduct a technical review and complete the administration.
- (2) If based on the result the verification has yet to be appropriate and yet to be complete, then Director shall instruct the Head of BPDAS to complete and/ or to re-verify it.
- (3) In regard that the result of verification has already been complete and appropriate, Director shall invite the Head of BPDAS together with the holder of principle permit to discuss it with Director General or an official as assigned.
- (4) The discussion of the result of verification as cited in paragraph (3) shall be for the area of location of more than 50 hectares.

- (5) The prospective location of planting in a size of area from 10 hectares to 50 hectares shall be discussed with BPDAS by inviting personnel from the Directorate.
- (6) For prospective location of planting in area of less than 50 hectares there shall be no discussion and it can simply be decided by the team of verification in the field.
- (7) The result of discussion concerning the result of verification shall be submitted in an Official Report equipped with a map of location with scale of at least 1:50,000 and signed by the team of verification as cited in Article 11 paragraph (4).
- (8) The result of verification that has been appropriate and complete, or has already been discussed, in 5 (five) working days Director shall make preparation of the concept of Ministerial Decree on the determination of location of planting for the sake of rehabilitation of watersheds as equipped with a map of scale of at least 1: 50.000 and then submit it to Director General.

Article 14

Director General on behalf of Minister shall determine the location of rehabilitation of DAS in no later than 10 (ten) working days from the date of receiving the draft of Ministerial Decree as cited in Article 13 paragraph (8).

CHAPTER III IMPLEMENTATION OF PLANTING FOR REHABILITATION OF DAS

Part One General

Article 15

- (1) The holder of principle permit who has obtained IPPKH hereinafter referring to Holder of IPPKH shall carry out the activity of planting of vegetation for the sake of rehabilitation of DAS.
- (2) The rehabilitation of watershed (DAS) as cited in paragraph (1) shall be conducted through the following stages:
 - a. Planning;
 - b. Planting the seedlings; and
 - c. Evaluation of plants.

Part Two Plan

Paragraph 1 Preparation of Plan

Article 16

- (1) The holder of IPPKH shall be obliged to prepare a plan on planting the vegetation for

the sake of rehabilitation of DAS, of which includes:

- a. Annual plan on planting;
- b. Design of planting;

in the location that has been determined as cited in Article 14.

- (2) Preparation of annual plan on planting as cited in paragraph (1) letter a shall be in form of matrix of at least containing the size of area, the time of completion of planting, the maintenance and the handover of overall results including a map of scale of at least 1: 50,000.
- (3) Preparation of annual plan on planting as cited in paragraph (1) shall be based on the time of completion of planting for the sake of rehabilitation of DAS.
- (4) Annual plan on planting as prepared by the holder of IPPKH shall be acknowledged by Head of BPDAS and the stakeholders of the area based on the format in Appendix VI.

Article 17

- (1) The plan on planting vegetation as cited in Article 16 paragraph (1) letter b shall be prepared for each site/block of area of planting based on the annual plan on planting as cited in Article 16 paragraph (2).
- (2) Design of the activity of planting as cited in paragraph (1) shall include the details of size of area (acreage), status of occupation of land area, function of area, land covering condition, type and number of plants, pattern of planting, facilities/infrastructure, manpower, cost, schedule of time, map of situation with minimum scale of 1: 10,000 and map of planting per block with scale of at least 1: 5000.
- (3) The condition of land covering as cited in paragraph (2) shall also include areas that are still thick or dense (number of trees, poles, and stakes of more than 700 stems per hectare), sufficiently thick (number of trees, poles and stakes of 200 stems per hectare) and less thick (number of trees, poles and stakes of less than 200 stems per hectare), of which shall be used as a basis for determining the pattern of planting and number of plants as designed.
- (4) The determination of plant species in the design shall be based on as follows:
 - a. Area of conservation forest that shall be planted with species of wood plants that are endemic/native to the location and multi-purpose tree species (MPTS);
 - b. Area of protected forest that shall be planted with species of wood plants and multi-purpose tree species (MPTS); of which the wood is not for industrial purpose;
 - c. Area of production forest that is not equipped with permit for the utilization of wood plants of long trunks that have high economic value and multi-purpose tree species (MPTS), of which the wood has yet to be utilized for a long period of time;

- d. Area/ ecosystem of mangrove that shall be planted with plant species such as Avicennia, Rhizophora, Bruguiera, and palm trees;
- e. Coastal border area that shall be planted with other species of plants like pine, “ketapang”, hibiscus and “nyamplung”;
- f. Area/ location of peat that shall be planted with species of plants like swampy “jelutung”, “perepat”, “belangiran”, “perupuk”, swampy “pulai”, “rengas” and “terentang”;
- g. Open and green space and urban forest that shall be planted with wood plants and multi-purpose tree species (MPTS) for the sake of micro climate control, aesthetics and water catchment.

Paragraph 2
Evaluation and Approval of the Design of Activity

Article 18

- (1) Design of planting activity in area of National Park shall be evaluated by Head of BPDAS/ Head of Mangrove Forest Management and approved by Head of Central Division/ Division of National Park as outlined in Appendix VII.
- (2) Design of planting activity in Nature Preservation Areas/ Nature Reserve Area shall be evaluated by Head of BPDAS / Head of Mangrove Forest Management and approved by Head of Central Division / Natural Resource Conservation Center.
- (3) Design of planting activity in area of Forest Grand Park shall be evaluated by Head of BPDAS / Head of Mangrove Forest Management and approved by Head of Division/ agency in charge of Forest Grand Park. www.peraturan.go.id 2014, No.1494 16
- (4) Design of planting activity in area of forest for specific purpose (KHDTK) shall be evaluated by Head of BPDAS/ Head of Mangrove Forest Management and approved by Head of Agency in charge of the area concerned.
- (5) Design of planting activity in area of Protected Forest, Production Forest, and area for other utilization or purpose (APL) shall be evaluated by Head of BPDAS / Head of Mangrove Forest Management and approved by Head of Central Division / agency in charge of the area concerned.

Article 19

Preparation of annual plan on the planting and the design of planting activity shall be completed in no later than 30 (thirty) working days since the issuance of IPPKH.

Part Three
Implementation of Planting

Paragraph 1
General

Article 20

- (1) The planting of vegetation shall be implemented based on the design of activity which has been evaluated and approved by the competent authority as cited in Article 18.
- (2) The planting of vegetation for the sake of rehabilitation of DAS as cited in paragraph (1) shall be conducted by stages as follows:
 - a. the supply of seeds;
 - b. the planting;
 - c. the maintenance or taking care of the plants; and
 - d. the protection and safety.

Article 21

- (1) The planting of vegetation shall be implemented in no later than 30 (thirty) working days after the approval of the design of activity of planting.
- (2) The activity of planting shall be concluded in no later than half of the period of time of IPPKH based on the plan on planting that has already been prepared as cited in Article 16.
- (3) In regard that the period of time of IPPKH is five years or less, the planting shall be concluded in no later than the half of the period of time of IPPKH plus one year.

Article 22

- (1) The seeds as cited in Article 20 letter a can be supplied by creating a self-managed area of seeds with the establishment of nurseries and/or the seedlings can also be provided by a supplier/ vendor.
- (2) Criteria, standard and certification of quality of seeds shall be in compliance with the prevailing laws and regulations.

Paragraph 2 Planting

Article 23

- (1) Planting in area of forest shall be conducted with an intensive method of planting and / or enrichment of plants based on the design of activities.
- (2) In thick or dense area as cited in Article 17 paragraph (3) there shall be only the activity of protection and safety and no need of planting.
- (3) In areas of Natural Preservation and Natural Conservation the activities shall be carried out for the sake of rehabilitation by planting and / or enriching the species of plants.

Article 24

- (1) The activity of planting outside the area of forest shall be carried out in:
 - a. area of urban forest;
 - b. area for green open space.

- (2) The implementation of planting in urban forest shall be at least of 1,600 stems per ha based on the design of activities.
- (3) Planting in open green space as cited in paragraph b with a method of planting in green open space, the social facility and public facility and the land area with property rights shall have the function of protection based on the spatial plan of Province/Regency/Municipality.

Article 25

- (1) Planting in area of ecosystems/ mangrove forest shall be conducted in area whose condition of vegetation in the location has been withered and /or deforested.
- (2) Planting in coastal border of critical area shall be of at least 100 (one hundred) meters from the highest tides towards the land area that is not part of the habitat/ecosystem of mangrove.
- (3) Planting in area of peat shall be with a method of intensive cultivation and/ or enrichment of species of plants.

Paragraph 3 Maintenance, Protection and Safety of Plants

Article 26

- (1) Maintenance or taking care of the plants shall be the treatment of plants and environment so that plants can grow healthily and normally by ways of “pendangiran”, weeding, replanting, fertilizing and removing pests and diseases.
- (2) Maintenance as cited in paragraph (1) shall be preceded by evaluation of plants in order to determine the intensity of maintenance.
- (3) Maintenance of plants shall include:
 - a. Maintenance of plants in the current year, of which shall be conducted at end year of planting by ways of fertilizing, replanting, weeding, “pendangiran” and removing pests and diseases;
 - b. Maintenance I and II shall be conducted in the second and third years by ways of fertilizing, replanting, weeding, “pendangiran” and removing pests and diseases.

Article 27

- (1) Protection and safety of plants shall be conducted in thick or dense area as cited in Article 17 paragraph (3).
- (2) The holder of IPPKH shall be obliged to conduct the protection and safety of the result of planting for the sake of rehabilitation of watersheds (DAS) until the time of the handover to the stakeholders of area.

Part Three

Evaluation of Plants

Article 28

- (1) The evaluation of plants is aimed to know the level of successful implementation of the planting.
- (2) Based on the objective the evaluation of plants shall include as follows:
 - a. The evaluation of planting of Years I and II shall be aimed to know the percentage of the growth of plants and also to know the intensity of maintenance on each plot;
 - b. Evaluation of planting in Year III shall be aimed to know the level of success of planting and to handover the result of planting.
- (3) the criteria of success in evaluating the result of planting at end year III:
 - a. For the activity of planting in area of forest, the final number of plants, either of native plants or new plants, shall be at least 700 (seven hundred) stems per ha;
 - b. For the activity of planting in area of urban forest, the final number of plants, either of native plants or new plants, shall be at least 1,100 (seven hundred) stems per ha;
 - c. Planting in open green space whose area is equipped with property rights and of the function of protection, the final number of plants, either of native plants or new plants, shall be at least 400 (four hundred) stems per ha;
 - d. For the planting of mangrove forest, the final number of plants of mangrove, either of native plants or new plants, shall be at least 3,300 (three thousand three hundred) stems per ha;
 - e. For planting at coastal border and area of peat, the final number of plants, either of native plants or new plants, shall be at least 600 (six hundred) stems per ha;

Part Four Implementation of Pattern

Article 29

The implementation of planting of vegetation for the sake of rehabilitation of watersheds (DAS) shall include the activities of:

- a. Planning;
- b. Implementation; and
- c. Evaluation.

Article 30

- (1) The activity of planning as cited in Article 29 letter a shall be carried out based on self-management or by a third party.
- (2) In regard of the activity of self-management it can be purely self-managed or in cooperation with universities.
- (3) In regard of being carried out by a third party, it can be handled by a consultant of planning that has a legal status, competence and experience in RHL planning.

Article 31

- (1) The activity of planning as cited in Article 29 letter a shall be carried out based on self-management or by a third party.
- (2) In regard of the activity of self-management it can be purely self-managed or in cooperation with the stakeholders of area.
- (3) In regard of the activity that is purely self-managed, the conditions shall be met as follows:
 - a. The holder of IPPKH is required to have a work unit that handles the implementation of planting in order to rehabilitate the watershed (DAS);
 - b. The work unit can be created from a division that handles the rehabilitation and reclamation or there will be a creation of a new division.
- (4) Cooperation with the stakeholders of area can be conducted in form of operational cooperation.
- (5) In regard that the activity is carried out by a third party, the party shall derive from BUMN / BUMS and/ or contractor that has a legal status, competence and experience in rehabilitation/planting.

Article 32

- (1) The activity of evaluation of planting as cited in Article 29 letter c shall be self-managed or handled by a third party.
- (2) In regard of the activity of self-management, it can be carried out as follows:
 - a. The activity of pure self-management can be carried out independently by the holder of IPPKH;
 - b. It can be self-managed in co-operation with universities.
- (3) In regard of the activity carried out by a third party, it can be assigned and implemented by a consultant of monitoring that has a legal status, competence and experience in RHL evaluation.
- (4) In regard of the evaluation of planting as cited in paragraph (1) the implementation can be coordinated with the local BPDAS.

CHAPTER VI
EVALUATION OF SUCCESS OF PLANTING
AND MANAGEMENT OF PLANTING RESULT

Part One
General

Article 33

- (1) The holder of IPPKH who has carried out the planting and maintenance shall be responsible for the success of planting until the handover to the stakeholders of area.
- (2) The success of planting for the sake of rehabilitation of watersheds (DAS) shall become one of requirements for the extension and return of IPPKH.

Part Two
Procedure of Evaluation

Article 34

- (1) The holder of IPPKH shall request for the evaluation of the success of planting activities for the sake of rehabilitation of watersheds (DAS) to Director General.
- (2) The evaluation of the success of planting activities for the sake of rehabilitation of watersheds (DAS) shall be conducted by a Joint Team as determined by Director on behalf of Director General.
- (3) The evaluation of the success of planting activities shall be conducted by evaluating the most rapid growth of plants at end of Year III by using the parameters of evaluation as follows:
 - a. area of planting;
 - b. number of plants and composition of species of plants per hectare.
- (4) Size of area of planting as cited in paragraph (3) letter a shall be the size of area of planting as per request for evaluation.
- (5) The number of plants per hectare as cited in paragraph (3) letter b shall be the number of plants either of native plants or new plants that are growing healthily, of which should have existed in every hectare with the success criteria as cited in Article 28 paragraph (3).

Part Three
Team of Evaluation

Article 35

- (1) The Joint Team for the evaluation of success of planting as cited in Article 34 paragraph (2) shall include the stakeholders of area and relevant governmental agencies with the following formation:

Chairman: Official of Echelon III of Provincial Division
in charge of forest and land rehabilitation

Secretary: Head of Section for Evaluation of BPDAS

Members:

- a. Official of Echelon IV of Provincial Division in charge of forest and land rehabilitation;
 - b. Official of Echelon IV of Division of Regency/Municipality in charge of forest and land rehabilitation;
 - c. Official of KPH in case the KPH has already been created;
 - d. Official of Echelon IV of UPT of Ministry of Forestry;
 - e. Others when considered necessary.
- (2) In doing its duty the Joint Team as cited in paragraph (1) shall be assisted by Secretariat and coordinated by Head of Sub-directorate in charge of planting for the sake of rehabilitation of watersheds (DAS).

Part Four Official Report on Result of Evaluation

Article 36

- (1) The result of evaluation shall be included in the Official Report and attached with a map and signed by the Chairman and all the members of the Joint Team as stated in Appendix VIII.
- (2) Official Report on Result of Evaluation shall be submitted to Director General with carbon copies to the holder of IPPKH and the stakeholders of area.

Part Five Handover and Management of Result of Planting

Article 37

- (1) Based on the report of evaluation over the success of planting, then:
 - a. in case that the result of evaluation is declared not to be successful yet or is definitely unsuccessful, Director General shall instruct the holder of IPPKH to conduct a further maintenance of the result of planting up to the time it will have been declared successful;
 - b. in case that the result of evaluation is declared to have already been successful; the holder of IPPKH shall handover the result of planting to Director General together with an Official Report on the Handover.
- (2) Director General or Director shall handover the result of planting that has been declared successful as cited in paragraph (1) letter b, of which is stated in an Official Report on

the handover of the results of planting for the sake of further management, to those of the agency/institution that is in charge of the affairs, such as:

- a. Head of Central Division / Natural Resource Conservation Center/National Park; or
- b. Head of Provincial Division in charge of forestry, for National Grand Park; or
- c. Head of Division of Regency/ Municipality in charge of forestry, for Forest Grand Park, production forest, protected forest and outside area of Forest; or
- d. Head of Unit of Conservation Forest Management, Unit of Protected Forest Management and Unit of Production Forest Management.

Format of Official Report on the Handover and Management of the Result of Planting is stated in Appendix IX.

CHAPTER VII MONITORING, TECHNICAL GUIDANCE AND REPORTING

Article 38

- (1) Monitoring and Technical Guidance shall be implemented by Director General, Head of Provincial Division in charge of forestry, Head of Division of Regency/ Municipality in charge of forestry based on the authority.
- (2) Monitoring and Technical Guidance as cited in paragraph (1) shall be implemented for the sake of improvement so that the holder of IPPKH can fulfill the obligations as having been determined.
- (3) Monitoring and Technical Guidance shall be implemented at least once in a year.
- (4) The holder of IPPKH shall provide an easy access to the officials from both the central and local governments in charge of forestry when they conduct the monitoring and technical guidance in the field.

Article 39

- (1) The holder of IPPKH shall prepare quarterly and annual reports.
- (2) Any of the reports shall be submitted to Director General with carbon copies to Director General of Forestry Planning, Head of Provincial Division of Forestry, Head of Division of Regency/Municipality in charge of forestry, Head of BPDAS and related agencies, as stated in the format of Appendix X.

CHAPTER VIII FINANCING

Article 40

All the costs incurred in the activity of planting for the sake of rehabilitation of watersheds (DAS) shall be borne by the holder of principle permit or the holder of IPPKH; including

in the costs are those of:

- a. the verification of location of planting;
- b. the preparation of Plan, Implementation and Evaluation of Planting;
- c. the evaluation of the Success of Planting.

CHAPTER IX SANCTION

Article 41

- (1) In case that the holder of IPPKH carries out no activity of planting or carrying out an activity of planting but not in compliance with the prevailing regulations, there shall be an imposition of administrative sanction.
- (2) The administrative sanction as cited in paragraph (1) shall be imposed on in form of 3 (three) times of warnings in sequences for a period of 30 (thirty) working days by Director General on behalf of Minister.

Article 42

If the holder of permit of borrow-to-use area of forest fails to fulfill what has been required in the administrative sanction as cited in article 41, the further sanction will be a revoke of IPPKH as in compliance with the prevailing laws and regulations.

CHAPTER X TRANSITIONAL PROVISION

Article 43

As of the effectiveness of this Ministerial Decree, then:

- a. The holder of IPPKH who has yet to apply for the prospective location of planting, the procedure for request and the determination of location of planting shall further comply with Ministerial Decree of Forestry Number P.63/Menhut-II / 2011.
- b. The holder of IPPKH who has already applied for the prospective location of planting but has yet to obtain the determination about the location of planting, the determination on the location of planting shall be in compliance with Ministerial Decree of Forestry Number P.63 / Menhut-II / 2011.

CHAPTER XI CLOSING

Article 44

With the enactment of this Ministerial Decree, consequently Ministerial Decree of Forestry Number P.63 / Menhut-II / 2011 on Guideline of Planting by the holder of Permit of Borrow-to-use Area of Forest for the sake of rehabilitation of Watersheds (DAS) shall be declared no longer effective.

Article 45

This Ministerial Decree shall be effective as of the date of enactment. That everybody shall be aware of and the enactment of this Ministerial Decree shall be published in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
Dated September 29, 2014
MINISTER OF FORESTRY
THE REPUBLIC OF INDONESIA,

ZULKIFLI HASAN

Legislated in Jakarta
Dated October 7, 2014
MINISTER OF JUSTICE AND HUMAN RIGHTS
THE REPUBLIC OF INDONESIA,

AMIR SYAMSUDIN