

[Legal Notice No. 82]

**THE TIMBER (LEVY AND MILL LICENSING) (AMENDMENT)
REGULATIONS 2005**

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PROVISIONS

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[Legal Notice No. 83]

**THE FOREST RESOURCES AND TIMBER UTILISATION ACT
(Cap. 40)**

**THE TIMBER (LEVY AND MILL LICENSING) (AMENDMENT)
REGULATIONS 2005**

I, DAVID HOLOSIVI, the Minister for Forestry, Environment and Conservation, in exercise of the powers conferred on me by section 44 of the Forest Resources and Timber Utilisation Act, make the following regulations.

Dated the thirty-first day of August, 2005.

DAVID HOLOSIVI
Minister of Forestry, Environment and Conservation

[Legal Notice No. 84]

**THE TIMBER (LEVY AND MILL LICENSING) (AMENDMENT)
REGULATIONS 2005**

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| Citation | 1. These regulations may be cited as the Timber (Levy and Mill Licensing) (Amendment) Regulations 2005. |
| Principal Regulations | 2. The Timber (Levy and Mill Licensing) Regulations are in these regulations referred to as the Principal Regulations. |
| New regulation | 3. The Principal Regulations are amended by inserting after regulation 1 the following: |
| "Definitions | <p>"1A. In these regulations, unless the contrary intention appears -</p> <p>'approved timber rights agreement' means an agreement for the sale of timber rights in customary land in accordance with Form 4 in the Schedule to the Forest Resources and Timber Utilisation (Prescribed Forms) Regulations signed and approved in accordance with Part III of the Act;</p> <p>'buffer' means an area referred to in regulation 4B(1);</p> <p>'code of logging practice' means the document known as the "The Revised Solomon Islands Code of Logging Practice" dated May 2002 and published by the Ministry of Forests, Environment and Conservation;</p> <p>'guilly' means a watercourse in which water flows for less than 6 months in a year;</p> <p>'landing' means an area where logs are stored before being transported to a log pond;</p> <p>'licensed mill' means a mill licensed under section 18 of the Act;</p> |

'log pond' means an area that is the main storage area for storing logs awaiting transport;

'roadline' means the total area from forest edge to forest edge comprising the road and cleared area alongside the road;

'stream' means a watercourse in which water flows for at least 6 months in a year;

'whoa boy' means a water bar or cross drain."

new regulations

4. The Principal Regulations are amended by inserting after regulation 4 the following:

"Harvest planning

"4A. (1) This regulation applies to a person who -

- (a) fells 1,000 cubic metres of timber or more in a year to be supplied for milling to a licensed mill; or
- (b) uses extraction machinery for the purposes of operating a licensed mill.

"(2) A person referred to in subsection (1) shall not commence felling timber in a year unless he has prepared, in accordance with the code of logging practice, an annual harvesting plan for the year and the Commission of Forest Resources has approved the plan.

"(3) A person referred to in subsection (1) shall not commence felling operations in a coupe unless he has prepared, in accordance with the code of logging practice, a coupe plan for the coupe and the forest officer authorized to do so has approved the coupe plan.

"(4) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

"Areas where felling not permitted

"4B. (1) Subject to subregulation (2), a person who fells timber to be supplied for milling to a licensed mill shall not allow timber he fells to fall inside, any of the following areas:

- (a) a State Forest or a Forest Reserve;
- (b) areas that have ecological or scientific importance, including outer reef and lagoon islands, swamps, wetlands and mangroves vital for the protection of important marine resources;
- (c) areas which are 400 meters above sea level unless approved by the Commissioner of Forest Resources;
- (d) areas within 30 meters from a tambu area;
- (e) areas within 30 meters from a garden of an owner of the land;
- (f) areas within 100 meters from a village;
- (g) subject to paragraph (h), areas within 100 meters from the ocean, a lagoon or a lake;
- (h) areas within 50 meters from a log pond;
- (i) areas where there is a landslip, including the area where the soil that slipped lies;
- (j) areas within 50 meters from the bed of a stream that is 10 meters or more wide;
- (k) areas within 25 meters from the bed of a stream that is less than 10 meters wide;
- (l) areas within 10 meters from a gully;
- (m) in any other area identified by the owner or owners of the land in the approved timber rights agreement as an area where they do not want felling to occur.

“(2) A person may fell timber to be supplied for milling to a licensed mill in a buffer if he has the approval to do so of the Commissioner of Forest Resources or a forest officer authorized to give approval by the Commissioner of Forest Resources.

“(3) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

"Roads

"4C. (1) A person who fells timber to be supplied for milling to a licensed mill shall construct roads in a manner that complies with the following:

- (a) the survey line along which a road shall be constructed shall be marked out in accordance with the following guidelines;
 - (i) the cleared edge of the road shall be located at least 40 meters from the edge of a buffer;
 - (ii) the road shall not pass over a buffer;
 - (iii) there shall be as few watercourse crossings as possible;
 - (iv) the road shall be located on high ground;
 - (v) the survey line shall avoid side slopes that need side cutting or benching and balance cut and fill;
- (b) the maximum area that shall be cleared for a roadline is 40 meters;
- (c) a road shall be constructed with adequate drainage to avoid erosion, including by using the following drainage systems to prevent water running onto the road and drain water off the road;
 - (i) table or V drains;
 - (ii) drain turnouts;
 - (iii) cross fall from the center of the road to the edge of the road;
 - (iv) culverts for moving water across the road;
- (d) drains shall be constructed so that -
 - (i) they do not run directly into watercourses or onto landings;
 - (ii) they run onto forested areas; and
 - (iii) where possible, they run onto flat areas;
- (e) the road surface shall be compacted with rollers, trucks and any other heavy equipment that is available.

“(2) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

“Landings

“4D. (1) A person who fells timber to be supplied for milling to a licensed mill shall construct landings in a manner that complies with the following:

- (a) the cleared edge of a landing shall be located at least 40 meters from the edge of a buffer;
- (b) a landing shall not be constructed in a buffer;
- (c) a landing shall be located on high ground;
- (d) a landing shall be sloped or constructed with adequate drainage to avoid erosion so that the water runs into forested areas or onto a road;
- (e) the surface of a landing shall be compacted with rollers, trucks and any other heavy equipment that is available;
- (f) the maximum size for a landing is 40 meters by 40 meters;
- (g) a roadside landing shall be measured from the road edge it is contiguous to;
- (h) the maximum area that shall be cleared for a landing is 1,600 square meters and for a roadside landing 80 meters wide by 30 meters long;
- (i) there shall not be more than 5 landings constructed for each 100 hectares of forested land subject to the licence.

“(2) When a person who fells timber to be supplied for milling to a licensed mill will no longer use a landing he must do the following:

- (a) remove from the landing and adjacent forested land any excess bark or waste;
- (b) rip the surface of the landing to a depth of at least 60 centimeters;
- (c) after ripping the surface in accordance with paragraph (b), return topsoil removed during construction of the landing and spread evenly across the ripped surface of the landing;
- (d) ensure that the landing is effectively drained;
- (e) replant the whole or part of it as required by the forest officer who inspects the landing.

“(3) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

“Buffers

“4E. (1) A person who fells timber to be supplied for milling to a licensed mill shall not -

- (a) fell timber in a buffer;
- (b) allow timber felled outside a buffer to fall inside the buffer;
- (c) subject to paragraph (d), operate skidding machinery within a buffer;
- (d) skid timber within a buffer unless using a temporary crossing within the buffer that complies with regulation 4F; or
- (e) conduct any operations within a buffer on the request of the owner of the land unless approved by the Commissioner of Forest Resources or a forest officer authorized to give approval by the Commissioner of Forest Resources.

“(2) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

“Temporary crossings

“4F. (1) A person who fells timber to be supplied for milling to a licensed mill shall not construct or use a temporary cross unless it has, before the person commences felling the timber, been identified on a coupe harvesting plan and marked out on the ground.

“(2) A person who fells timber to be supplied for milling to a licensed mill shall construct a temporary crossing in a manner that complies with the following:

- (a) temporary crossings shall be located in the flattest location possible;
- (b) temporary crossings should be constructed with logs or piped logs;
- (c) temporary crossings that are constructed with logs shall not be covered with soil;

“(3) When a temporary crossing that is constructed with logs is no longer being used, the licensee shall remove the logs.

“(4) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

“Skidding

“4G. (1) A person who fells timber to be supplied for milling to a licensed mill shall carry out skidding operations in a manner that complies with the following:

- (a) the width of the skid blade shall be not more than 4.5 meters wide;

- (B) reading blades shall not be used as skid blades in forested areas;
- (c) subject to paragraph (d), a skid track shall be 5.5 meters or less wide;
- (d) if side cutting is required, the area disturbed by the skidder shall be not more than 7 meters wide;
- (e) the skidder shall travel back and forth on the same skid track;
- (f) if skidding on a slope that is less than 12 degrees, the skidding must be done with the blade raised;
- (g) if skidding on a slope that is 12 degrees or more, the skid blade may be used but its use should be kept to a minimum.

“(2) When a person who fells timber to be supplied for milling to a licensed mill has finished using a skid track he must -

- (a) if the skid track is on a slope that is less than 10 degrees, construct at least one whoa boy every 40 meters along the skid track; or
- (b) if the skid track is on a slope that is 10 degrees or more, construct at least one whoa boy every 20 meters along the skid track.

“(3) In addition to complying with subregulation (2), the person shall construct a whoa boy where there is any change in slope along the skid track.

“(4) A Person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.

“Avoiding
wasting timber

“4H. (1) A person who fells timber to be supplied for milling to a licensed mill shall conduct his felling operations in a manner that maximizes log value and avoids wastage of timber, including by -

- (a) directionally felling trees to minimise crown and truck breakage;
- (b) directionally felling trees so they are in position for easy skidding;
- (c) directionally felling trees into the same gap to minimise canopy opening;
- (d) keeping stumps as low as possible;
- (e) ensuring log ends are cut straight, not at an angle;
- (f) trimming side branches and buttresses; and
- (g) maximising the highest value log length before the tree is cross cut.

“(2) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months

“Weather
restrictions

“4I. (1) A person who fells timber to be supplied for milling to a licensed mill shall not conduct his felling operations in weather conditions that increase the risk of personal injury occurring and the level of damage to soil, water and forest resources to more than the usual risk or level of damage expected for well planned harvest operations.

“(2) Examples of weather conditions when operations shall cease are when -

- (a) the wind strength prevents accurate directional falling of timber;
- (b) the ground becomes too slippery for chainsaw operators to move easily and quickly;
- (c) water flows along any length of a skid track;
- (d) water lies on the surface of a landing; and
- (e) a truck is not able to move along a road without the assistance of other machines.

(3) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months

“Decommissioning
log ponds”

“4J. (1) When a person who fells timber to be supplied for milling to a licensed mill completes his operations in a log pond he must do the following:

- (a) remove from the log pond and adjacent forested land any excess bark or waste;
- (b) rip the surface of the log pond to a depth of at least 60 centimeters;
- (c) after ripping the surface in accordance with paragraph (b), return topsoil removed during construction of the log pond and spread evenly across the ripped surface of the log pond;
- (d) ensure that the log pond is effectively drained;
- (e) replant the whole or part of the log pond as required by the forest officer who inspects the landing.

“(2) A person who contravenes this regulation commits an offence.

Penalty: \$100 or imprisonment for 3 months.”

Second Schedule

5. The Second Schedule to the Principal Regulations is amended by omitting “(Where the Licensee is not authorized to fell trees)” and substituting “(Where the licensee is not authorized to fell trees by a licence issued under section 5 of the Act)”.

Third Schedule

6. The Third Schedule to the Principal Regulations is amended by omitting “(Where the Licensee is not authorized to fell trees)” and substituting “(Where the Licensee is not authorized to fell trees by a licence issued under section 5 of the Act)”.
