

On approval of the Rules for carrying out work in the state forest fund, not related to forestry and forest management

Unofficial translation

Order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated March 31, 2020 No. 85. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 7, 2020 No. 20327.

Unofficial translation

In accordance with subparagraph 18-51) paragraph 1 of Article 13 of the Forest Code of the Republic of Kazakhstan dated July 8, 2003, **I ORDER:**

1. Approve the attached rules carrying out works in the state forest fund that are not related to forestry and forest management.

2. The Committee for Forestry and Wildlife of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan, in the manner prescribed by law, shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) posting this order on the Internet resource of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan after its official publication;

3) within ten working days after the state registration of this order, submission to the Department of Legal Service of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan information on the implementation of the measures provided for in subparagraphs 1) and 2) of paragraph 2 of this order.

3. Control over the implementation of this order shall be entrusted to the supervising vice minister of ecology, geology and natural resources of the Republic of Kazakhstan.

4. This order shall be enforced upon the expiration of ten calendar days after the day of its first official publication.

*Minister of Ecology, Geology
and natural resources
Of the Republic of Kazakhstan*

M. Mirzagaliev

Approved
by order of the Minister of Ecology,
geology and natural resources
Republic of Kazakhstan
dated March 31, 2020 № 85

Rules for conducting work in the state forest fund not related to forestry and forest use Chapter 1. General Provisions

1. These Rules for carrying out work in the state forest fund that are not related to forestry and forest use (hereinafter referred to as the Rules) have been developed in accordance with subparagraph 18-51) article 13 of the Forest Code of the Republic of Kazakhstan (hereinafter - the Code) dated July 8, 2003 and determine the procedure for carrying out works in the state forest fund that are not related to forestry and forest management.

2. The following basic concepts are used in these Rules:

1) common minerals- non-metallic solid minerals used in their natural state or with minor processing and cleaning for construction and other economic purposes and are widespread in the subsoil.

Common minerals include: marbles, quartzites, quartz-feldspar rocks, granites, syenites, diorites, gabbros, rhyolites (liparites), andesites, diabases, basalts, volcanic tuffs, slags, pumice, volcanic glasses and vitreous rocks, pebbles and gravel , gravel-sand (sand-gravel) mixture, sands and sandstones, clays and clayey rocks (loams, siltstones, mudstones, shales), table salt, gypsum rocks, marls, limestones, including shell rocks, chalk rocks, dolomites, limestone-dolomite rocks, siliceous rocks (tripoli, flasks, diatomites), natural pigments, peat, medicinal mud;

2) forest fund of the Republic of Kazakhstan - all forests located on the territory of the Republic of Kazakhstan, as well as forest land, not covered with forest vegetation, but intended for the needs of the forestry of the Republic of Kazakhstan.

The forest fund consists of state and private forest funds.

The state forest fund includes:

forest nature of natural and artificial origin (including forest and non-forest lands) on lands specially protected natural areas;

forests of natural and artificial origin, as well as land plots not covered with forest vegetation, provided for the needs of forestry, for lands of state forest fund;

protective plantations on the right-of-way of railways and highways of general use of international and republican significance, canals, main pipelines and other linear structures with a width of ten meters or more, with an area of more than 0.05 hectares;

3) forest cultures - artificially created plantations of forest trees and shrubs;

4) a state forestry institution (hereinafter referred to as a forestry institution) is an institution established in accordance with the procedure established legislation Of the Republic of Kazakhstan, for the implementation of measures for the protection and protection of the state forest fund, forest reproduction and afforestation, regulation of forest use in accordance with subparagraph 57) article 4 of the Code;

five) authorized body in the field of forestry (hereinafter referred to as the authorized body) - a state body exercising the functions of management, control and supervision in the field of protection, protection, use of the forest fund, reforestation and afforestation;

6) applicant - individuals and legal entities carrying out work in the state forest fund, not related to forestry and forest management.

Chapter 2. The procedure for carrying out work in the state forest fund, not related to forestry and forest management

Note!

Paragraph 3 is envisaged as amended by the order of the Acting Minister of Ecology and Natural Resources of the Republic of Kazakhstan dated 28.06.2024 № 143 (effective from 31.12.2025).

Construction works in the state forest fund, extraction of common minerals, laying of communications, uranium mining by the method of underground well leaching and other works not related to forestry and forest use, if this does not require the transfer of lands of the state forest fund into other categories of lands and (or) their withdrawal, shall be carried out on the basis of the decision of the local executive body of the oblast in coordination with the authorized body upon a positive conclusion of the state forest fund.

4. The applicant shall send copies of the following documents to the authorized body for approval of the work in the state forest fund not related to forestry and forest use:

- 1) written approval of the forestry institution;
- 2) land selection act a plot of the state forest fund;
- 3) copies from a forest map (tablet) at a scale of 1: 10000 from forest management the projection where the boundaries of the requested land plot are indicated;
- 4) written approval of the state body in charge of the forestry institution;
- 5) written approval territorial subdivision departments of the authorized body;
- 6) environmental assessment construction projects for objects of II, III and IV categories in accordance with Regulations execution of expert opinions on urban planning and construction projects (feasibility studies and design estimates) approved by order of the Minister of National Economy of the Republic of Kazakhstan dated April 2, 2015 № 305 (registered in the Register of State Registration of Normative Legal Acts under № 10636);
- 7) at mining uranium and common minerals:

Contract for subsoil use when mining uranium by in-situ leaching or license for subsoil use in the extraction of widespread minerals;

positive conclusion of the state ecological expertise in the form according to appendix 2 to the Rules for Conducting State Environmental Expertise approved by order of the Minister of Energy of the Republic of Kazakhstan dated February 16, 2015 № 100 (registered in the Register of State Registration of Normative Legal Acts № 11021) and sanitary and epidemiological expertise in the form according to appendix 17 to the order of the Minister of National Economy of the Republic of Kazakhstan dated May 30, 2015 № 415 (registered in the Register of State Registration of Normative Legal Acts under № 11626).

a draft agreement with a forestry institution for compensation planting of forest plantations during the first three years of subsoil development in double the size of the area used and their maintenance before transferring to a forested area when using areas of the state forest fund for uranium mining by in-situ leaching.

5. The authorized body, within ten working days from the date of receipt of the documents, submits to the applicant a reasoned response on the results of the approval for carrying out work in the state forest fund, not related to forestry and forest use.

If the authorized body returns the documents for revision, the applicant re-sends the documents to the authorized body after their revision.

6. In case of receiving the approval of the authorized body, the applicant attaches copies of the documents specified in paragraph 4 of these Rules sends him to the local executive body of the region for making a decision on the provision of lands of the state forest fund for carrying out work not related to forestry and forest use.

7. The local executive body of the region, within ten working days after receiving the documents from the applicant, makes a decision on the provision of lands of the state forest fund for work not related to forestry and forest use.

The decision of the local executive body of the region indicates the names of the work carried out, the terms, their conditions fulfillment, environmental protection requirements Wednesday activities reclamation land plots and the timing of their implementation, places compensation planting of forest plantings.

8. Work in the state forest fund, not related to forestry and forest management, is carried out in accordance with the working draft, passed state environmental and sanitary and epidemiological or environmental impact assessment.

9. Planting compensatory forest plantations is carried out in accordance with Regulations forest reproduction and afforestation and control over their quality, approved by order of the Minister of Agriculture of the Republic of Kazakhstan dated December 22, 2014 № 18-02 / 681 (registered in the Register of State Registration of Normative Legal Acts № 10119).

10. If it is necessary to cut down plantations, the felling is carried out by the forest institution, from the territory of which the land plots of the forest fund are provided, the resulting wood is subject to transfer to the balance of the forest owner.

The felling of forest plantations is carried out in accordance with Regulations supply of standing timber on the plots of the state forest fund approved by the order of the Acting Minister of Agriculture of the Republic of Kazakhstan dated February 27, 2015 № 18-02 / 178 (registered in the Register of State Registration of Normative Legal Acts under № 10679).

In the presence of forest crops, the calculation of compensation for losses, with the exception of uranium mining by in-situ leaching, is determined according to the form in accordance with appendix2 to the Rules for compensation for losses and losses of forestry production, approved by order of the Minister of Agriculture of the Republic of Kazakhstan dated May 20, 2019 № 203 (registered in the Register of State Registration of Normative Legal Acts № 18723).

The act on the selection of the land plot of the forest fund

Republic of Kazakhstan _____ region _____
district _____ of the year _____ month _____ day.

The representative of the forestry institution represented by the acting on the basis of

_____ (position, surname, name, patronymic (if any)) provisions
(charter) on the one hand, and a representative of a state body, physical or legal
persons (hereinafter referred to as the applicant) _____

_____ (position, surname, name, patronymic (if any))

_____ acting on the basis of a regulation (charter) on the other hand,
drew up this act on the following: According to the received application from

_____ (surname, name, patronymic (if any) of an individual or
name of the state body or legal entity) the examination was carried out
in kind of the specified area.

The examination revealed:

1. The site is located in _____ quarters _____
forestry _____
(name of the forestry institution)

2. The surveyed area has an area of _____ hectares, including:
forest, forested _____ hectare,
forest, not covered with forest: _____ hectare,
including forest crops _____ hectare,

land _____ hectares,
 hayfields _____ hectares,
 not convenient (swamps and others) _____ hectare,
 pasture _____ hectares,
 roads _____ hectare,
 other land _____ hectares.

3. The forested area consists of:

Tract	Quarter number	Highlighted	Land area	Structure	Age class	Completeness	Stock of wood	
							business	firewood

4. Category of the forest fund _____

5. Forestry features of the site _____

6. The site is suitable (not suitable) for application purposes, has the following soil and geological characteristics: _____

7. Availability and location of land plots previously provided from lands of the forest fund for carrying out work in the state forest fund that are not related with forestry and forest management: _____

(indicate the number of the quarter, forestry, the purpose of the transfer and the name organizations to whom the plots are transferred)

8. Purpose of use of land plots planned for transfer, justification about the possibility or impossibility of using the requested site and the lack of other options: _____

9. Forest cover of the administrative region _____

10. Conditions for the transfer of the requested area:

a) transfer time _____

b) the size of the permissible trimming and stubbing _____

c) obligation of the recipient of the plot _____

11. When drawing up the act, the following comments and suggestions were made:

Signatures:

Representative of the forestry institution: _____

(position, signature, surname, name, patronymic (if any))

Applicant: _____

(position, signature, surname, name, patronymic (if any))

Head of the forestry institution _____

(signature, surname, name, patronymic (if any))

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