

An illustration of a lush forest scene. In the foreground, several large trees with thick brown trunks and dense green foliage frame a view. A light blue river flows through the center of the forest, winding towards the background. In the distance, a bright yellow sun is visible above a line of trees under a clear blue sky. The overall style is clean and modern with flat colors and simple outlines.

THE NEW FOREST CODE

MAIN RULES ABOUT

PERMANENT PRESERVATION AREAS **(APP)**

LEGAL RESERVE AREAS **(RL)**

RURAL ENVIRONMENTAL REGISTRY **(CAR)**

ENVIRONMENTAL REGULARIZATION PROGRAM **(PRA)**

This material has been developed and published (first printing of the first edition and fourth edition) as a result of the enforcement of the Conduct Adjustment Term (TAC), signed by the Public Prosecutor's Office of Bahia State, in the proceedings of Civil Inquiry 708.1.38107/2005.

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Acknowledgment

To all partners who contributed in the preparation of this material, in the hope that it will be an important instrument in applying Federal Law 12.651/12.

First edition: First printing - 2.000 copies (August 2014); second printing - 5.000 copies (September 2014).

Second edition: First printing - 3.000 copies (June 2015); second printing - 3.000 copies (August 2015).

Third edition: 3.000 copies (June 2016).

Forth edition (english version): 1.000 copies (July 2017).

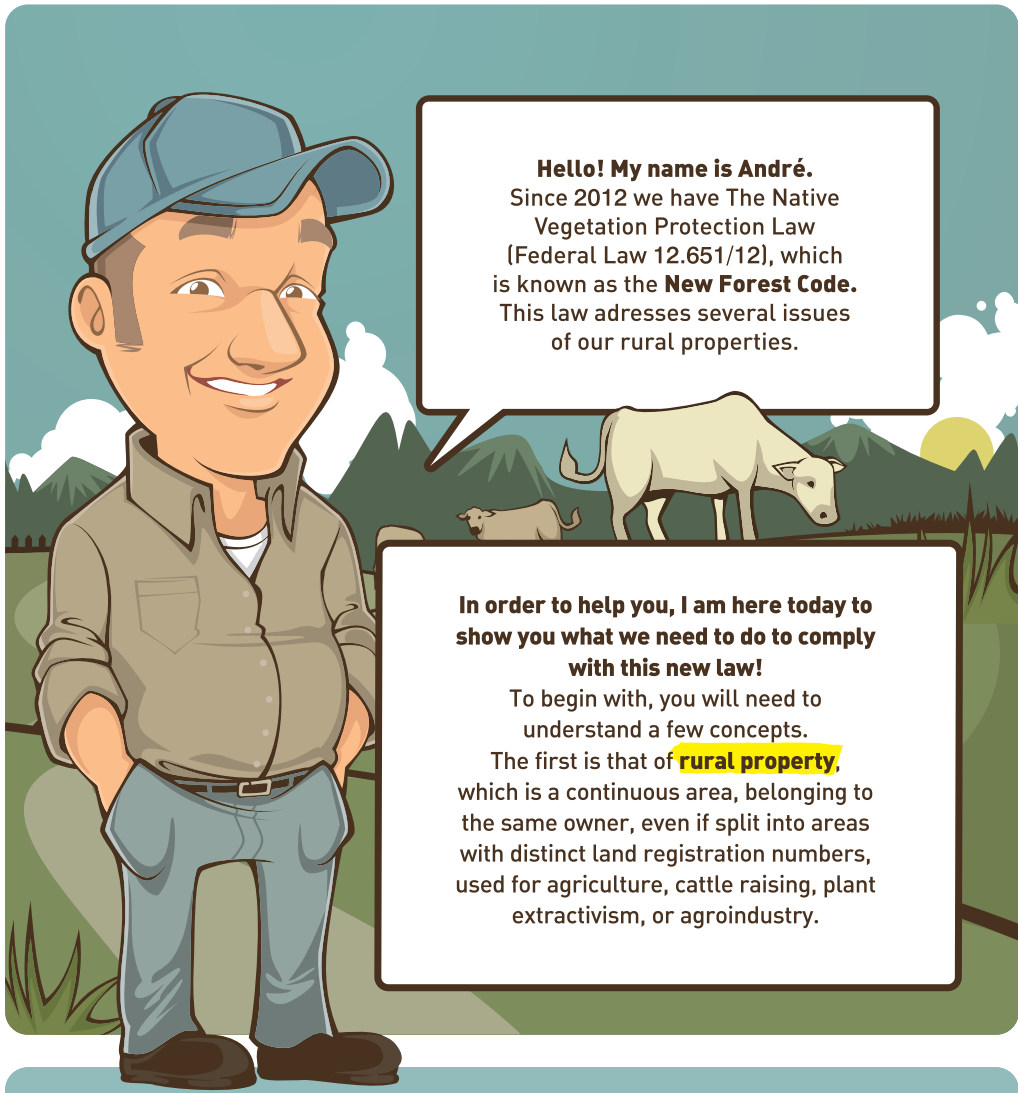
Fifth edition: 4.000 copies (April 2020).

Bahia. Public Prosecutor's Office. Strategic Management. Lawful Forest Program.
New Forest Code / Public Prosecutor's Office of Bahia State, Strategic Management. Lawful Forest Program.
- Salvador: Public Prosecutor's Office of Bahia State, 2020.
22 pages, illustrated, in color.

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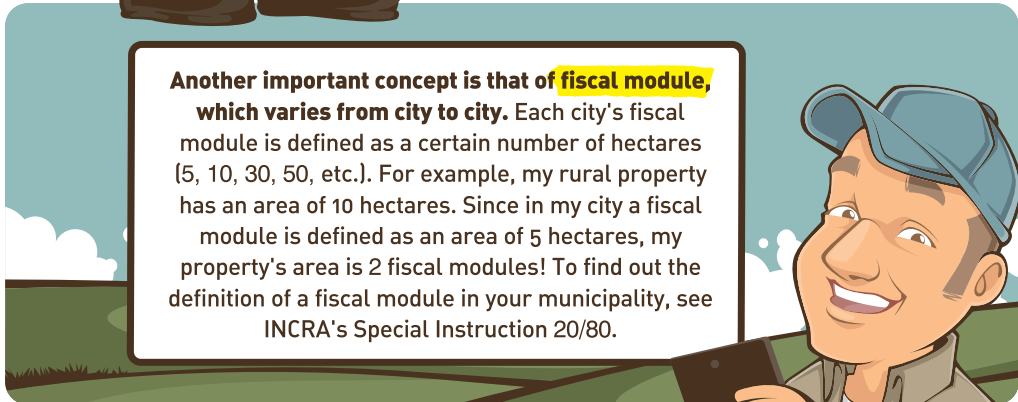
1. Forest Code. I. Public Prosecutor's Office - Bahia. II. Corrêa, Fábio Fernandes. III. Title.

UDC: 341.3475

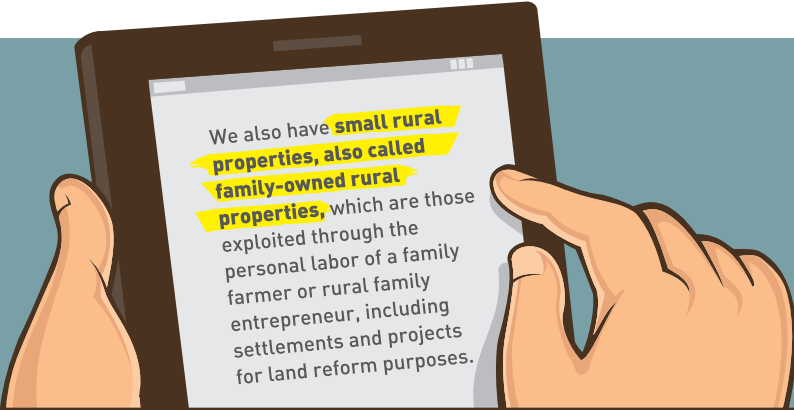


Hello! My name is André.
Since 2012 we have The Native Vegetation Protection Law (Federal Law 12.651/12), which is known as the **New Forest Code**. This law addresses several issues of our rural properties.

In order to help you, I am here today to show you what we need to do to comply with this new law!
To begin with, you will need to understand a few concepts.
The first is that of **rural property**, which is a continuous area, belonging to the same owner, even if split into areas with distinct land registration numbers, used for agriculture, cattle raising, plant extractivism, or agroindustry.



Another important concept is that of fiscal module, which varies from city to city. Each city's fiscal module is defined as a certain number of hectares (5, 10, 30, 50, etc.). For example, my rural property has an area of 10 hectares. Since in my city a fiscal module is defined as an area of 5 hectares, my property's area is 2 fiscal modules! To find out the definition of a fiscal module in your municipality, see INCRA's Special Instruction 20/80.



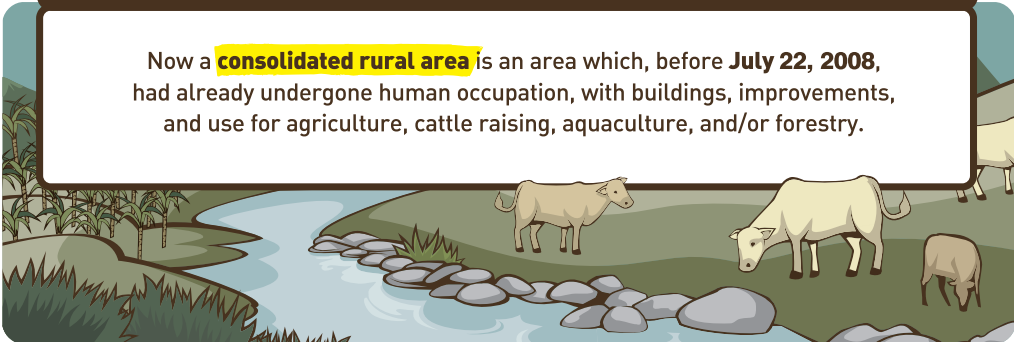
We also have **small rural properties, also called family-owned rural properties**, which are those exploited through the personal labor of a family farmer or rural family entrepreneur, including settlements and projects for land reform purposes.

The New Forest Code has extended the concept of small rural property or family-owned rural property to include properties with areas up to **4 fiscal modules** where agriculture, cattle raising, or forestry is carried out.



In addition, indigenous lands and areas owned by traditional peoples and communities which make collective use of their territory are considered equivalent to small rural properties or family-owned rural properties for the purposes of the New Forest Code.

Now a **consolidated rural area** is an area which, before **July 22, 2008**, had already undergone human occupation, with buildings, improvements, and use for agriculture, cattle raising, aquaculture, and/or forestry.



There are also some abbreviations which are very important to know about:

CAR - Rural Environmental Registry;

PRA - Environmental Regularization Program;

PRADA - Project for the Restoration of Degraded and Altered Area;

CRA - Environmental Reserve Quota.

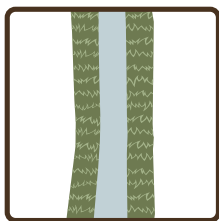
Lastly, **restoration** of an area means the restitution of the ecosystem to a non-degraded, which may be carried out through natural regeneration, planting of seeds or seedlings, or a combination of these two methods.



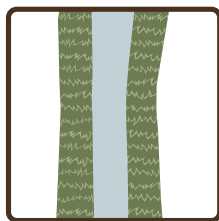
Well, now we should talk about Permanent Preservation Areas, which are referred to as **APP**. These are very important because they help avoid floods, erosion and silting of rivers, dams, and springs, they protect forests and animals, and improve our quality of life! **Let's see where these areas can be found, and what are the general rules which apply to them?**

Do you know that river which crosses your property? How wide is it?

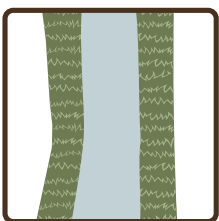
The river's width determines the width of the strips of native vegetation which must exist along its banks, called marginal strips (riparian forests). Their width is measured from the edge of the channel of the regular riverbed.



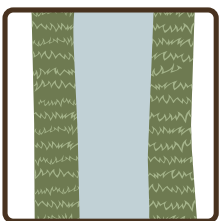
- Width of water course < 10 m
- Width of marginal strips 30 m



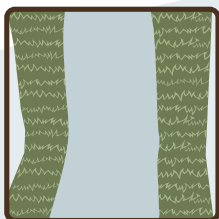
- Width of water course 10 to 50 m
- Width of marginal strips 50 m



- Width of water course 50 to 200 m
- Width of marginal strips 100 m



- Width of water course 200 to 600 m
- Width of marginal strips 200 m



- Width of water course > 600 m
- Width of marginal strips 500 m



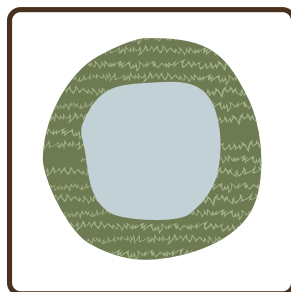
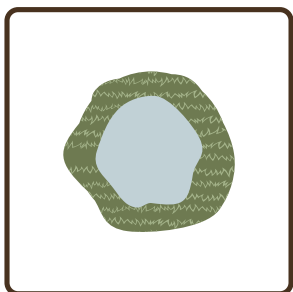
An APP exists on the marginal strips of any natural water course, both perennial and intermittent; ephemeral water courses do not possess an APP.

A **perennial** water course is one which naturally displays water flow during the entire year. An **intermittent** water course is one whose water flow naturally stops during certain periods of the year. An **ephemeral** water course only displays water flow during or immediately after rains.

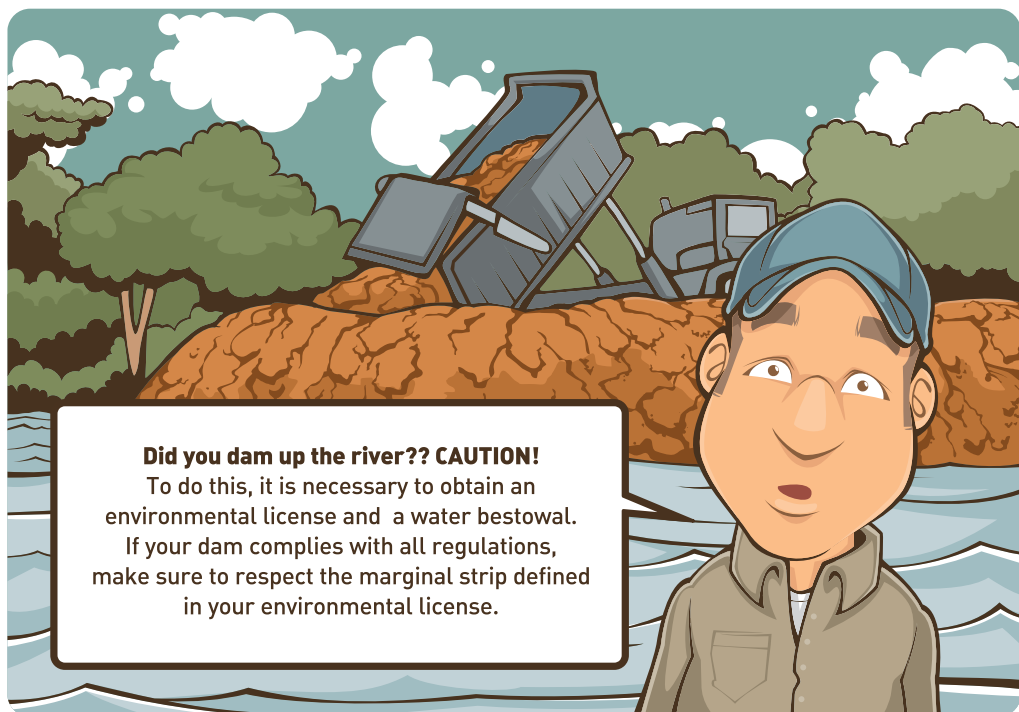
And what about that natural lake? What is the area of its water surface?

If it is less than 1 hectare, you only need to preserve the native vegetation which already exists in its vicinity.

FOR WATER SURFACES OF LARGER SIZES, THE MARGINAL STRIP OF NATIVE VEGETATION IS DETERMINED AS FOLLOWS:

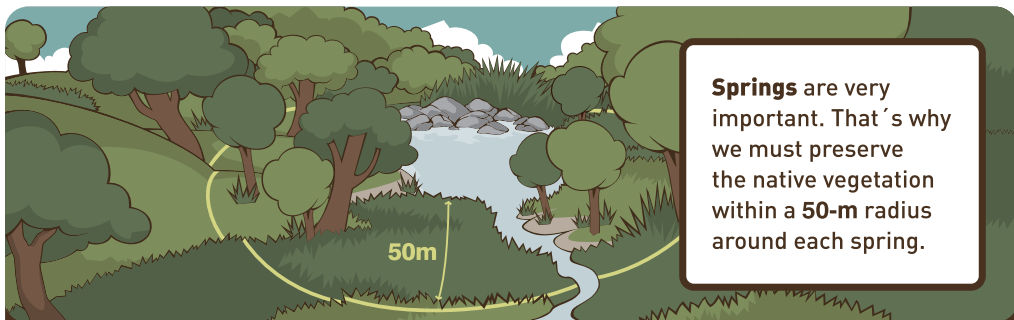


- Natural lakes and ponds with water surfaces from **1 to 20 hectares, located in rural areas**
- Width of marginal strip **50 m**
- Natural lakes and ponds with water surfaces **> 20 hectares, located in rural areas**
- Width of marginal strip **100 m**



Did you dam up the river?? CAUTION!

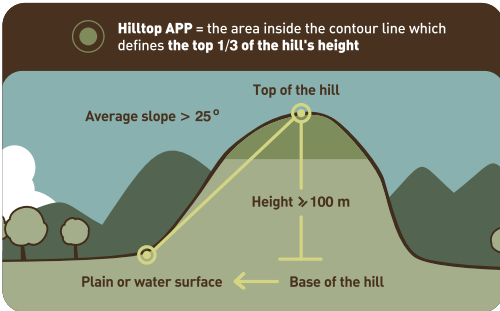
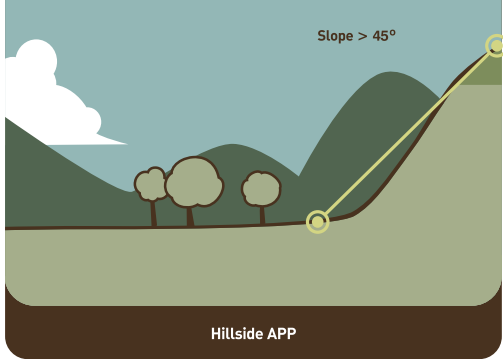
To do this, it is necessary to obtain an environmental license and a water bestowal. If your dam complies with all regulations, make sure to respect the marginal strip defined in your environmental license.



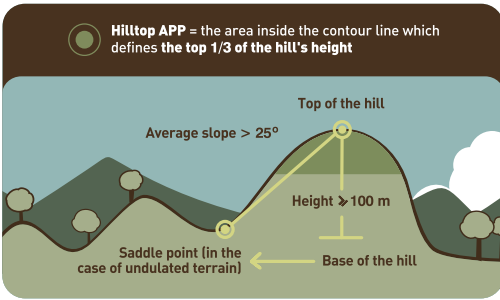
Springs are very important. That's why we must preserve the native vegetation within a **50-m** radius around each spring.

Springs, even if they are intermittent, are surrounded by Permanent Preservation Areas (APP).

Now the top* and the slopes of that beautiful hill in your rural property need to be protected. Any area above **1.800 m** altitude is also considered **APP**.



*For a more precise definition of hilltop, mountains, and ridges, see Article 4, Item IX of Federal Law 12.651/12.



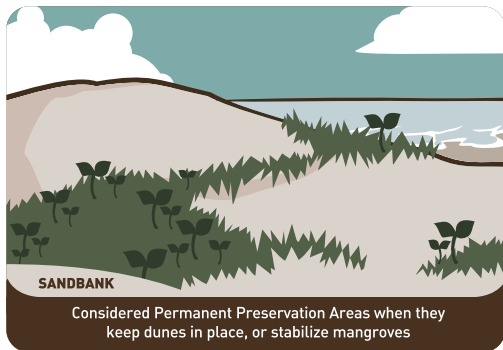
Areas with slopes between 25° and 45° are not Permanent Preservation Areas (APP), but are considered **restricted use areas**. In these areas, sustainable forestry management, agriculture, cattle raising, forestry are permitted, along with maintaining existing infrastructure. Unless authorized by the responsible institution, the conversion (that is deforestation and subsequent land use) of new areas is forbidden!



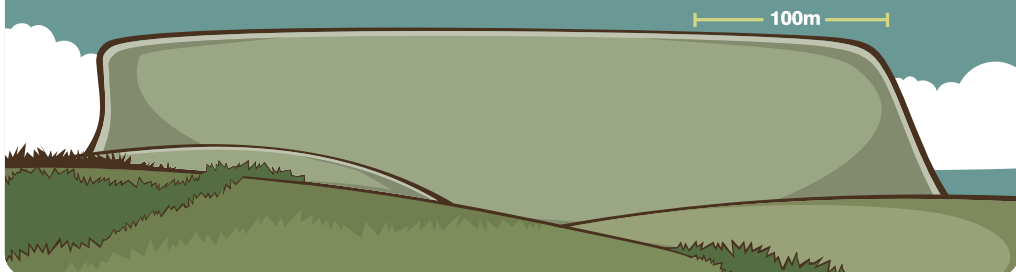
Wetlands and swampy plains are also considered restricted use areas. Ecologically sustainable exploitation is permitted, as long as it respects the recommendations of official research institutions. New suppressions of native vegetation for alternative land uses may only be carried out if such recommendations are respected and an authorization from the competent state-level environmental institution is obtained.



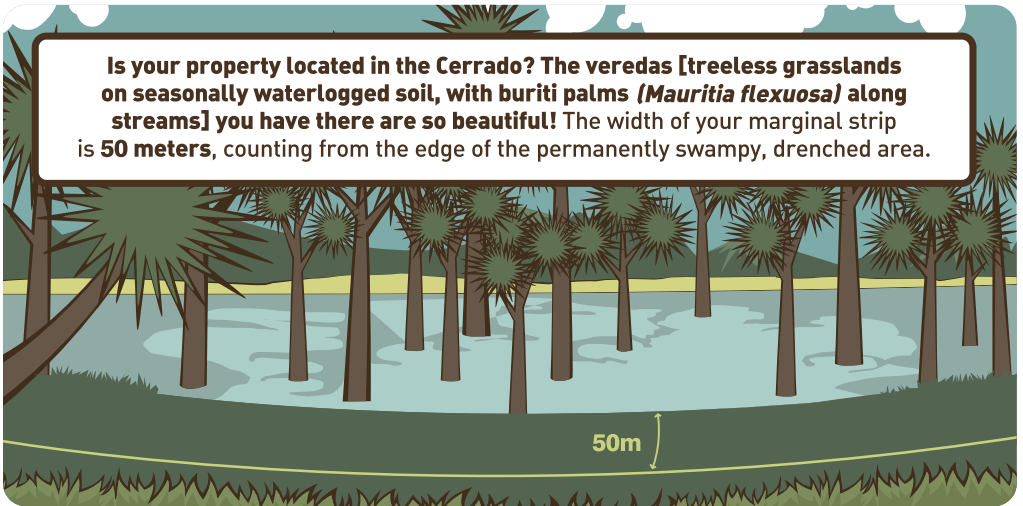
Gee, it's great that you have sandbank and mangrove areas in your property. They are important Permanent Preservation Areas for marine life, pest control, and reducing the risk of floods, among other benefit.



Do you have a mesa or tablelands in your rural property?
 If yes, you will need to preserve a **100-m** wide strip along its edge, following the line where the terrain breaks.



Is your property located in the Cerrado? The veredas [treeless grasslands on seasonally waterlogged soil, with buriti palms (*Mauritia flexuosa*) along streams] you have there are so beautiful! The width of your marginal strip is **50 meters, counting from the edge of the permanently swampy, drenched area.**



So far we have seen the general rules which apply to Permanent Preservation Areas (APP). However, things work differently if we have a **consolidated rural area within an APP**, that is, an area which before **July 22, 2008** was already occupied by people, with buildings, improvements, and agriculture, and cattle raising, and/or forestry activities.

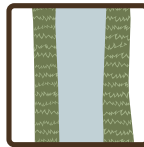
In this case, we will have a mandatory **recomposition** of the marginal strips, whose width will depend on the number of **fiscal modules** comprised by your rural property. Consider a river, for example:



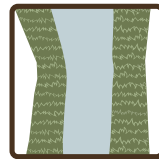
- Area of rural property: **up to 1 fiscal module**
- Width of marginal strips: **5 m**



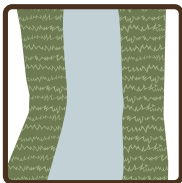
- Area of rural property: **1 to 2 fiscal modules**
- Width of marginal strips: **8 m**



- Area of rural property: **> 2 to 4 fiscal modules**
- Width of marginal strips: **15 m**



- Area of rural property: **> 4 fiscal modules**
- Width of marginal strips: **20 to 100 m**, according to the Environmental Regularization Plan (PRA)



- Area of rural property: **> 4 to 10 fiscal modules** (for water courses up to **10 m** wide)
- Width of marginal strips: **20 m**

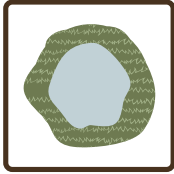


Remaining cases:
Width of marginal strips: **half the width of the water course, with a minimum of 30 m and a maximum of 100 m**

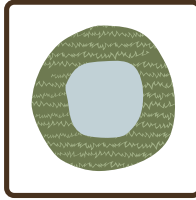
ATTENTION: DO NOT GET CONFUSED!

If the rural area is not consolidated, the marginal strips (APP) along rivers will be as defined on page 6. If it is a consolidated area, the APP width is just the same, but the width of the strip in which recomposition must be made is different, given by the above diagrams!

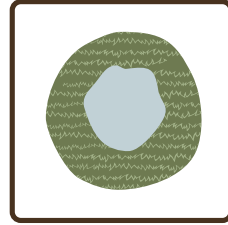
The same rules apply to natural ponds. If there **are consolidated rural areas** in your APP, one needs to consider the property's area expressed in fiscal modules in order to determine the width of the marginal strips in which recomposition must be made. Keep in mind that for ponds with a water surface of less than 1 hectare, it is only necessary to preserve the native vegetation surrounding it.



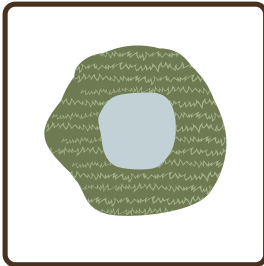
- Area of the rural property: **up to 1 fiscal module**
- Width of marginal strips: **5 m**



- Area of the rural property: **>1 to 2 fiscal modules**
- Width of marginal strips: **8 m**

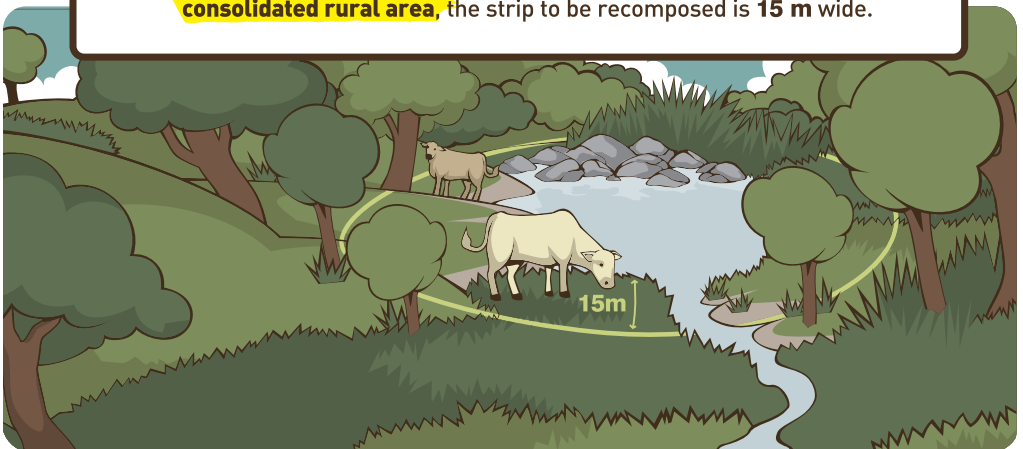


- Area of the rural property: **> 2 to 4 fiscal modules**
- Width of marginal strips: **15 m**



- Area of the rural property: **more than > 4 fiscal modules**
- Width of marginal strips: **30 m**

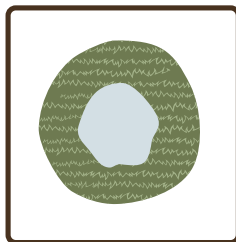
In an APP around a spring which is adjacent to or surrounded by a **consolidated rural area**, the strip to be recomposed is **15 m** wide.



The fiscal module is damn important, isn't it? It also determines the width of the marginal strips to be recomposed in the veredas which contain **consolidated rural areas**.



- Area of rural property: up to **4 fiscal modules**
- Width of marginal strips: **30 m**



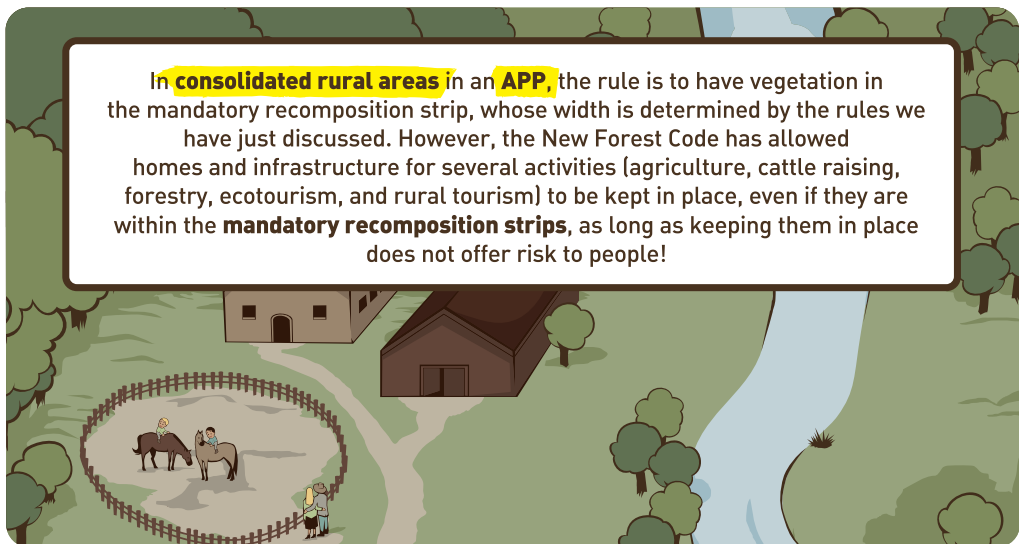
- Area of rural property: more than **> 4 fiscal modules**
- Width of marginal strips: **50 m**

BUT PLEASE PAY ATTENTION:

When you determine the widths of the **marginal strips** in **consolidated rural areas**, using the previous rules, you need to use the area of your property, expressed in fiscal modules, on **July 22, 2008**. If the property has been broken up into smaller properties after that date, the areas of these smaller properties must not be used to determine the widths of marginal strips!



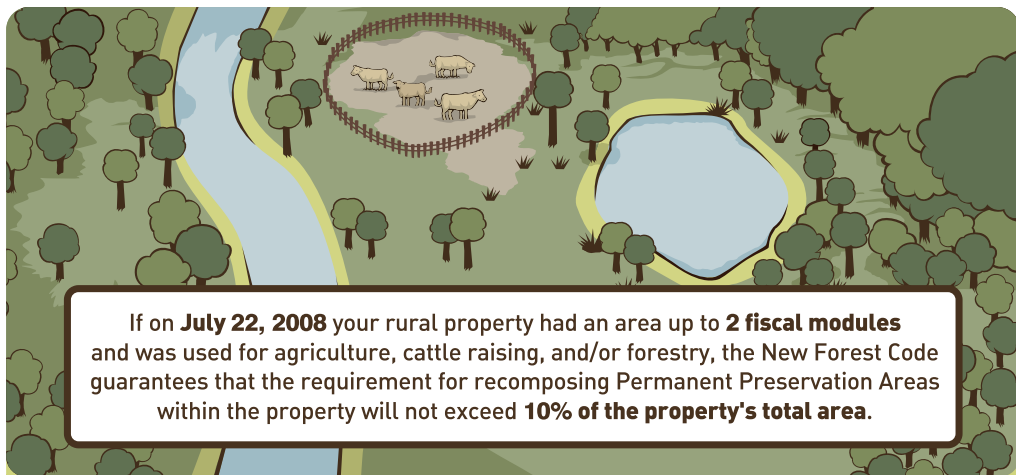
In **consolidated rural areas** in an **APP**, the rule is to have vegetation in the mandatory recomposition strip, whose width is determined by the rules we have just discussed. However, the New Forest Code has allowed homes and infrastructure for several activities (agriculture, cattle raising, forestry, ecotourism, and rural tourism) to be kept in place, even if they are within the **mandatory recomposition strips**, as long as keeping them in place does not offer risk to people!



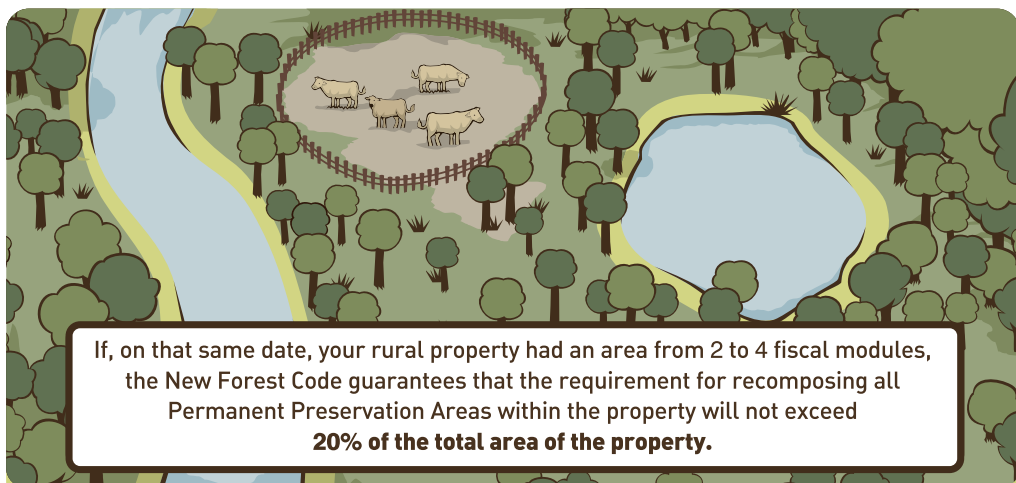
These activities (agriculture, cattle raising, forestry, ecotourism, and rural tourism) in **mandatory recomposition strips** located in **consolidated rural areas** within an **APP** are allowed to continue until the deadline for joining the Environmental Regularization Program (**PRA**), but with actions to conserve the soil and water resources.

Regardless of the rural area being consolidated or not, if you do not have vegetation where it is supposed to exist, you will need to perform the **recomposition** of the vegetation in the area, which, as I explained earlier, means to reconstitute the ecosystem to a non-degraded condition.

WHEN ONE HAS A CONSOLIDATED RURAL AREA, THERE ARE TWO ADDITIONAL RULES WHICH MUST BE OBSERVED:



Recomposition of 10% of the property's area

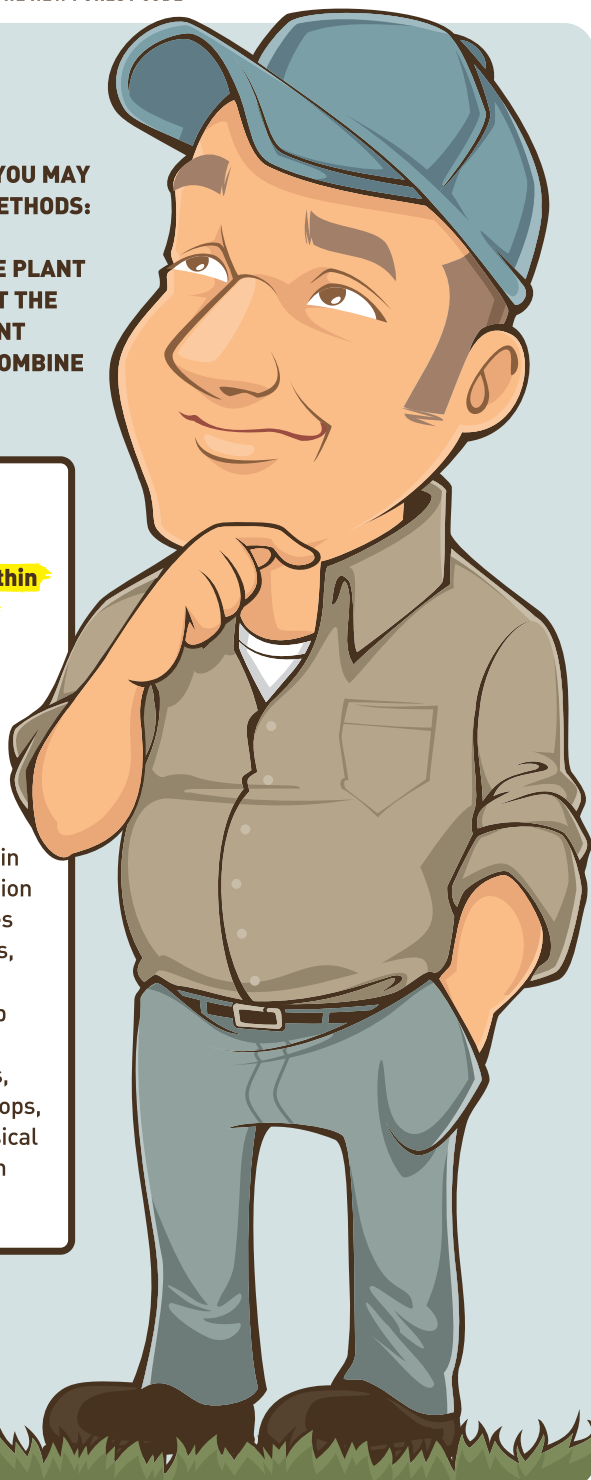


Recomposition of 20% of the property's area

IN GENERAL, TO RESTORE (RECOMPOSE) YOUR APP, YOU MAY CHOOSE BETWEEN TWO METHODS: ASSISTING THE NATURAL REGENERATION OF NATIVE PLANT SPECIES, OR TO CARRY OUT THE PLANTING OF NATIVE PLANT SPECIES. YOU MAY ALSO COMBINE THE TWO METHODS.

When recomposing the mandatory strip in a **consolidated rural area within an APP in a small rural property** one may plant native species intercalated with exotic species; these exotic species may be used in up to 50% of the area to be restored.

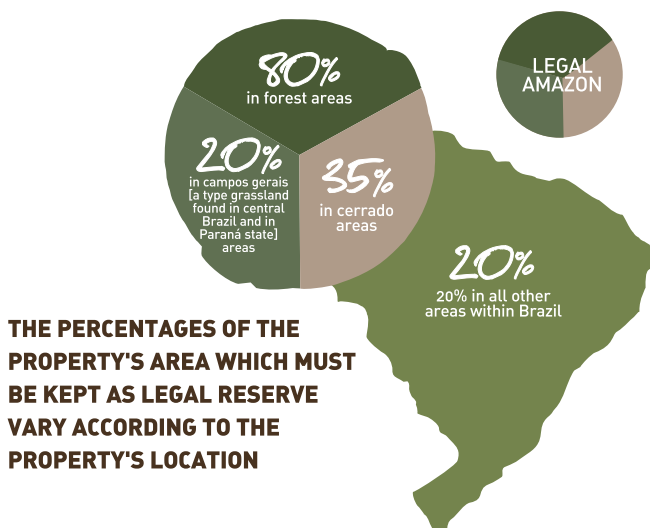
In consolidated rural areas in other Permanent Preservation Areas, such as slopes, edges of mesas or tablelands, hills, and areas above 1800 m altitude, one can **ONLY** keep doing forestry activities, cultivation of woody species, perennial and long-cycle crops, and to keep in place the physical infrastructure used for such activities.



Did you notice that I haven't mentioned artificial water reservoirs, restingas (sandbanks), or mangroves? That's because there are no consolidated rural areas in these Permanent Preservation Areas. Therefore, the rules which apply are those I have explained at the beginning of our conversation!

Every APP must be kept intact, but interventions or suppressions of its vegetation may be permissible in situations of public utility, social interest (in both if there is no technical and/or location alternative to the proposed activity) or low environmental impact. The New Forest Code describes all these situations, and most of them requires authorization from an environmental institution, ok?

Now it is time to talk about the Legal Reserve (RL), which is an area where the native vegetation cover must be maintained within a rural property. Legal Reserve areas have an important environmental function, and may also be used for sustainable economic activities.

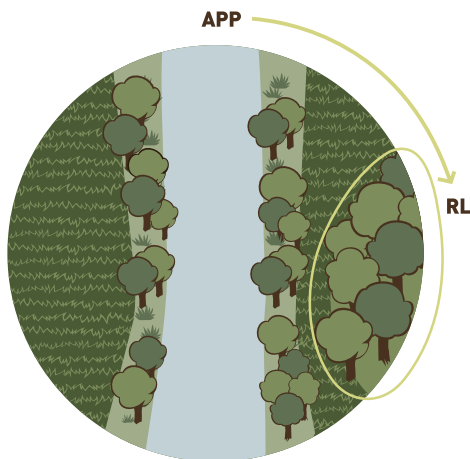


PLEASE PAY ATTENTION TO THIS:

If on **July 22, 2008** your rural property had an area **up to 4 fiscal modules**, and the portion of its area covered by native vegetation was less than the percentages given above for the Legal Reserve, your Legal Reserve may be defined as just the area of native vegetation which still exists.



LESS THAN 20% OF THE PROPERTY COVERED BY NATIVE VEGETATION



The New Forest Code defined new rules which allow including Permanent Preservation Areas (APP) in the area designated as the property's Legal Reserve, **under certain conditions:**

- 01** The inclusion of APP areas in to the legal reserve cannot be used to justify the suppression of vegetation in other areas within the property;
- 02** The APP must be preserved or in the process of restoration;
- 03** The owner must apply for registration of the property in the Rural Environmental Registry (CAR);

If, even by designating the remaining native vegetation as the legal reserve, or including the APP in the area designated as the legal reserve, you are still not able to reach the required percentage of the property's area for the legal reserve, it is still possible for you to comply with the law!



Remember that in the area designated as the Legal Reserve, you may assist the natural regeneration of the native vegetation, **plant seedlings of native species,** or combine regeneration with planting.

In the case of a **consolidated rural area,** you are allowed **to plant exotic or fruit-bearing species** in up to 50% of the area to be recomposed, intercalated with native species which occur in the region.

And there is more: in order to comply with the requirement to **maintain** the Legal Reserve in small **rural properties,** it is allowed to include agroforestry areas planted with fruit-bearing trees, decorative trees, or exotic species used in industry, in conjunction with native species which occur in the region.

Besides the possibility of maintaining the **Legal Reserve** in a **condominium** with other rural owners, the law allows a **compensation** of the Legal Reserve, using an area of the same size, located in the same biome (if this area is not in the same state where the property is located, it must be identified as "high-priority" by the Federal or State governments).

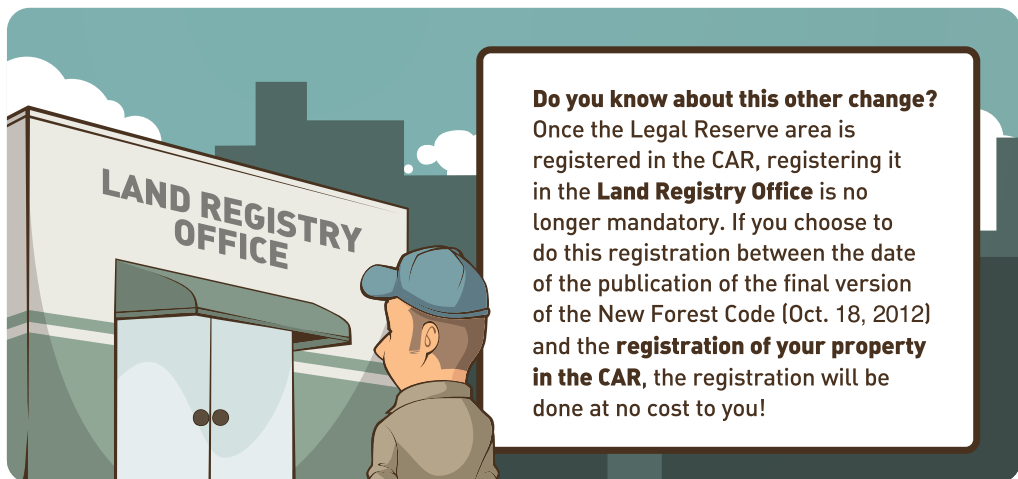


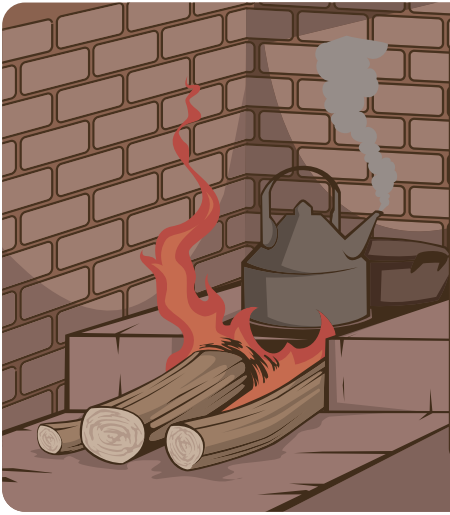
YOU MUST BE ASKING YOURSELF:

But where will the legal reserve be located within my rural property?

The New Forest Code established some criteria, including the formation of ecological corridors, the areas of greatest importance for biodiversity conservation, and the most environmentally fragile areas.

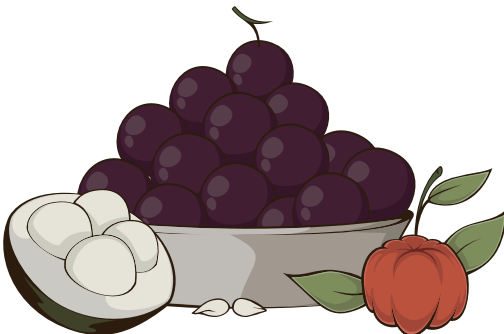
THE STATE-LEVEL ENVIRONMENTAL INSTITUTION WILL APPROVE THE PROPOSED LOCATION OF THE LEGAL RESERVE AREA, AFTER THE PROPERTY IS REGISTERED IN THE RURAL ENVIRONMENTAL REGISTRY (CAR).





As I said, it is possible to utilize the Legal Reserve area for economic activities, which must be done using **sustainable forest management** (which may or may not have a commercial purpose). The use of wood for consumption within the property itself must be declared to the competent environmental institution, and is limited to 20 cubic meters per year.

Sustainable forest management for commercial purposes requires authorization by the competent environmental institution, and must not disfigure the vegetation cover or to harm the conservation of native vegetation. It must also ensure the maintenance of biodiversity, and favor the regeneration of native species.



In the Legal Reserve area, one can freely **collect non-timber forest products**, such as fruits, vines, leaves, and seeds, but always using techniques which do not threaten the survival of individual plants and of the collected plant species, the maturing of fruit and seeds, or specific regulations about this matter.

NOW PLEASE BE CAREFUL, MY FRIEND!

If your rural property is located in the Atlantic Forest, there is a specific law which protects this biome (Federal Law 11.428/06), and the exploitation of your legal reserve will depend on the successional state of the vegetation. It is recommended that you seek professional advice before starting any economic use of your Legal Reserve



If you have a **preserved Legal Reserve**, which is registered in the CAR, the Legal Reserve area which exceeds the legally required Legal Reserve percentage may be worth a good amount of money! This is because this surplus area may become an environmental easement, **an environmental reserve quota (CRA)**, or other financial instruments which can be negotiated. Be alert to these possibilities!

HAVING SEEN THE MAIN RULES ABOUT PERMANENT PRESERVATION AREAS AND LEGAL RESERVE AREAS, YOU NOW NEED TO UNDERSTAND WHAT IS THE RURAL ENVIRONMENTAL REGISTRY (CAR).

EVERY RURAL PROPERTY MUST BE REGISTERED

IN CAR. This registration involves informing data about the owner, presenting proof of title to the land, and entering a georeferenced map of the property into the database.

For **small rural properties Legal Reserve area,**

the data specifying the location of the Legal Reserve will be informed, and the competent environmental institutions will collect the corresponding geographical coordinates. In such areas, it will only be necessary to present a sketch showing the property and its Legal Reserve.



If you have any kind of unresolved environmental issues, **CAR** is the "entrance" to make your rural property fully compliant with the law. A project for the recomposition of degraded and altered areas (**PRADA**) within your property will be entered into the system and approved by the competent environmental institution. And you must dutifully follow its timetable!

Registration in **CAR** is mandatory and for an indefinite period for all rural properties.

FOR QUESTIONS, VISIT WWW.CAR.GOV.BR. THERE YOU WILL FIND LINKS TO THE EACH STATE'S CAR!

DO YOU REMEMBER THAT AT THE BEGINNING OF OUR CONVERSATION, I MENTIONED THE **PRA**? THIS IS THE ENVIRONMENTAL REGULARIZATION PROGRAM. IT WILL BE IMPLEMENTED BY FEDERAL GOVERNMENT AND BY THE GOVERNMENTS OF THE STATES AND OF THE FEDERAL DISTRICT, AND YOU WILL BE ABLE TO JOIN **PRA** BY SIGNING A DEED OF UNDERTAKING. SEE WHY IT IS SO IMPORTANT:

By any chance, did any **unauthorized suppression of vegetation** take place in a Permanent Preservation Area, Legal Reserve, or restricted use area within your rural property before July 22, 2008?

In case you have not been fined, after join **PRA** and while the term of undertaking is being fulfilled, the competent environmental institution will not be allowed to issue infraction notices due to those unauthorized suppressions of vegetation.





If you received an infraction notice, after you sign the deed of undertaking for the PRA, all fines will be suspended. After you have fulfilled all the obligations for the environmental regularization of your property, the fines will be considered to have been converted into services for environmental preservation, improvement, and quality restoration.

These unauthorized suppressions of vegetation may actually be considered as environmental offenses. The fulfillment of the deed of undertaking also leads to the extinction of punishability, that is, you will not receive criminal punishment.

Be aware that I haven't told you everything about the New Forest Code, ok? I have just discussed the most important points! If you have any questions, ask the competent environmental institution or the Public Prosecutor's Office. I am sure they will be very happy with your visit!

LONG LIVE THE ENVIRONMENT, FOLKS!





**MINISTÉRIO PÚBLICO
DO ESTADO DA BAHIA**

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