

Regulation of the Department of Marine and Coastal Resources

on the Carbon Credit Trading and Benefit Sharing Obtained from Planting and Maintaining Mangrove Forest for the Community B.E.2565 (2022)¹

The Royal Thai Government realizes that it is appropriate to encourage communities to participate in marine and coastal conservation, restoration, and resource management to create national wealth, ecosystem balance, sustainability, and efficiency. This also includes creating the social and economic stability of the country as well as supporting an increase of green spaces prescribed in Article 57(2) of the National Constitution of the Kingdom of Thailand B.E. 2560, the Master Plan under the 20-year National Strategy (B.E. 2561 – 2580), the National Reform Plan, the Strategy of the Ministry of Natural Resources and Environment, the Act on Marine and Coastal Resources Management B.E. 2558, as to create a carbon credit sharing obtained from the mangrove forest plantation, maintenance, preservation, and management under the community's care, as well as acceleration of the mangrove restoration and promotion of mangrove forest expansion for carbon storage.

By virtue of Article 32 of the State Administration Act B.E.2534, which was later amended by the State Administration Act (No.5) B.E.2545, the Director General of the Department of Marine and Coastal Resources therefore issued a regulation set out as follows:

Article 1 This regulation is called “Regulation of the Department of Marine and Coastal Resources on Carbon Credit Trading and Benefit Sharing Obtained from Planting and Maintaining the Mangrove Forest for Community B.E.2565 (2022)”.

Article 2 This regulation shall come into force from the day following the date of its announcement onwards.

Article 3 All rules, regulations, and any other orders that are contrary to or inconsistent with this regulation shall be superseded by this regulation.

Article 4 In this regulation

“Department” means the Department of Marine and Coastal Resources.

“Director General” means the Director General of the Department of Marine and Coastal Resources.

¹ Unofficial Translation by Knowledge for Development Foundation

“Project” means a plantation, maintenance, preservation, and management of mangrove forest under the community’s care and submission of their request for participation and registration in Thailand Voluntary Emission Reduction Program (T-VER) with the Thailand Greenhouse Gas Management Organization (Public Organization)

“Project Developer Community” means local community or coastal community who registers themselves with the Department according to the regulations of the Department of Marine and Coastal Resources concerning the criteria for coastal community registration B.E.2560 for their participation in the T-VER program and the benefit sharing.

“T-VER Program” means the Thailand Voluntary Emission Reduction Program, a mechanism that aims to promote the participation of greenhouse gas reduction among all sectors in Thailand.

“Carbon Credit” means the amount of greenhouse gas that can be reduced or stored from such T-VER operations, having a unit of tons of carbon dioxide equivalent (tco2e) that can be used for carbon trading and benefit sharing.

“Forest products” means items grows or exists in the program area such as:

- (1) Wood chips, bark, leaves, seeds, fruits, and medicinal plants
- (2) Sedge, *saltmarsh bulrush*, paco fern, mushrooms, orchids, and other plants
- (3) Egg carcasses, eggs, bird’s nests, stingless bees, sealing wax, honeycombs, honey, honey wax, and other products from stingless bees
- (4) Terrestrial animals, aquatic animals, amphibians, birds, insects, including insects’ eggs except preserved or protected wild animals prescribed in the Wildlife Conservation and Protection Act

Article 5 The area designated as a planting site and a mangrove forest management site for the community must be a mangrove area in which the Department assigns such area for community participation in plantation, maintenance, preservation, restoration work and its operations is carried out by the community committee.

The area allocation and the change in area allocation must be conducted according to the criteria and guidelines specified by the Department.

Article 6 Project Developer Community will receive a permission to participate in the program from the Department for a duration of 10, 20, or 30 years from a responsible official who conducts the process according to the criteria set forth in the National Reserved Forest Act B.E. 2507 or the Forests Act B.E. 2484. The project must be on mangrove forest following the resolutions of the Cabinet, or the area having the conditions of mangrove forest or influenced by the fluctuation of water current under the Forests Act or the National Reserved Forests Act, or preserved mangrove forest according to the Act on

Promotion of Marine and Coastal Resources Management, or mangrove forest responsible by the Department.

In case the Project Developer Community has an intention to extend its participation in the T-VER program, the Project Developer Community must request permission from the Department for its mangrove forest restoration project for carbon credit trading and benefit sharing in accordance to the period of the T-VER program extension.

Article 7 A T-VER program application can be sent to 1) the Office of Marine and Coastal Resources, 2) the Provincial Mangrove Resources Management Center, 3) the Mangrove Resources Conservation Center in that location, and 4) other agencies designated by the Department or 5) via electronic mail to pccms.dmcrc@gmail.com using Por.Or.1 form and project details form annexed to this regulation.

Article 8 The agency referred to in Article 7 (1) – (4) shall deliver all requests for participation in the T-VER program to the Division of Mangrove Forest Resources Conservation, Carbon Credit Planning and Management Article upon receiving the documents, review their details and other related documents for correctness and completeness within 7 days counting from the date of receipt.

In the case that incorrect or incomplete documents are found, the responsible official shall inform the applicant for correction or submission of additional information to the Division within a specified period. If the applicant could not provide correction or additional information within that specified period, the responsible official shall assume the applicant's lack of intention to proceed with the application further and shall inform the applicant of the application removal from the consideration process in writing.

Article 9 When an application is complete, the Director of the Division shall express his/her opinion and process the request further to the Director-General for consideration and approval within 15 days.

When the Department approves the Project Developer Community to participate in the program, the Project Developer Community shall prepare the required documents and operate according to the T-VER project development guidelines set forth by the TGO and submit the required documents to the Department specifying the Department as the project owner and the community as the project developer. An addition of the project developers must be approved by the Department.

Article 10 During project operations, the Project Developer Community must operate according to the Act on Promotion of Marine and Coastal Resources Management or mangrove forest responsible by the Department. The Project Developer Community must be responsible for any expense incurred from such operations, ranging from the plantation, maintenance, preservation, and management cost of the applied mangrove forest throughout the period of its participation in the program and operate under the supervision of the Department's responsible officials.

The community members can access and utilize the mangrove forest for their recreation, eco-tourism, forest product collection for their livelihood, and public activities organized within the community for natural balance and sustainability. These activities shall not destroy biological diversity or affect the overall environment in the project area, and be conducted according to the criteria, methods, and conditions specified by the Department.

Article 11 The Project Developer Community is the responsible person for all incurred costs of its T-VER project as specified by the TGO.

Article 12 If the Project Developer Community, according to Article 6, cannot complete their project registration with the T-VER program within 1 year starting from the date of program participation approval, the Department shall cancel the status of the Project Developer Community from the Department's system.

In the case that the Project Developer Community is unable to plant, maintain, preserve and manage the mangrove forest as required during a timeframe specified in the operational work plan, the Department shall inform the TGO for their acknowledgement and cancellation of the Project Developer Community's status.

However, after the status cancellation, all benefits and rights incurred from carbon credit collected during the operations shall be in the ownership of the Department.

Article 13 Any action other than the T-VER Project Proposal Document submitted to the TGO for registration, any change, carbon credit certification, and/or the renewal of the T-VER project, the Project Developer must receive an approval from the Department.

Article 14 For benefit sharing from the T-VER project assessment, not more than 90% shall be provided to the Project Developer Community and not less than 10% shall be provided to the Department or as per otherwise agreed.

Article 15 The Director General shall be in charge of the implementation of this regulation and shall have the power to interpret any argument and provide discretion in relation to the implementation of this regulation. The decision of the Director General shall be final for execution.

Announcement is made on 19 July B.E.2565

Sophon Thongdee

Director General, the Department of Marine and Coastal Resources

Request for Participation in Planting and Maintaining Mangrove Forest for Carbon Credit Trading
and Benefit Sharing
For Community

Written at _____

Date ___ Month _____ Year _____

I _____ age _____ years nationality _____
occupation _____ is living at _____
Soi _____ Road _____ Moo _____ Sub-
district _____
District _____ Province _____ Tel. _____
is an authorized signatory on behalf of the local community or coastal community name _____
located at _____

holding documents showing status as a local community or coastal community and holding an authorized authority to sign on behalf of the local community or coastal community as shown in the documents attached to this request and containing the following messages:

No.1 I have an intention to request for a participation in the mangrove forest plantation and maintenance activity for the carbon credit benefits with the Department of Marine and Coastal Resources at the amount of _____ rai or _____ plots of land. Details of the mentioned land appears in the attachment to this Por.Or.1

No.2 Submitting this application, I certify that I shall be the leader or assign a representative to lead officials for forest condition inspection on the date and time requested by the responsible officials.

No.3 Participating in this plantation and maintenance activity of the mangrove forest, I agree to abide by the regulations specified by the Department concerning the Conservation and Maintenance of the Mangrove Forest B.E.2564 and the Carbon Credit Trading and Benefit Sharing Obtained from Planting and Maintaining Mangrove Forest for the Community B.E.2565.

No.4 Along with this request, I have attached various evidence as follows:

1. Details of the project requesting for activity participation approval
2. Map showing the area requesting for the approval

3. Copy or photo of registration certificate, purpose and authorized signatory on behalf of the local or coastal community
4. Copy or photo of house registration or office of the local or coastal community
5. Others as requested by the government for delivery _____

(sign) _____ Requester

(_____)

Position _____

(sign) _____ Approver

(_____)

Position _____

Area for Planting and Maintaining Mangrove Forest for Carbon Credit Trading and Benefit Sharing

1st Plot of Land

This area is located in a mangrove forest specified by the Cabinet's Resolution / National Reserved Forest Act / forests according to the Forest Act B.E.2484 / area containing conditions of mangrove forest.

Name of the forest _____ Sub-district _____

District _____ Province _____

Size _____ rais _____ ngan _____ sq.wah having its territory adjacent to:

Northern territory from the border line to _____ distance _____ meters

Eastern territory from the border line to _____ distance _____ meters

Southern territory from the border line to _____ distance _____ meters

Western territory from the border line to _____ distance _____ meters

***Remarks: If there are more than one area participating in the program, please indicate every plot of land.

Report on the Condition of Forest Participating in the Plantation and Maintenance Activity for Carbon
Credit Trading and Benefit Sharing for the Community

1. Name of the requestor _____ age _____ years, nationality _____
occupation _____ is living at _____
Soi _____ Road _____ Moo _____ Sub-district _____
District _____ Province _____

2. Area of operation _____

3. Territory and size of the area _____

4. Topographical condition _____

5. Climate characteristics _____

6. Biological characteristics _____

7. Harms that will occur to planted species and opinions on disaster prevention _____

8. Conditions of land use _____

9. Date/Month/Year of forest condition inspection _____

10. Opinions of the inspector _____

(name) _____ lead inspector

(_____)

Position _____

(name) _____ inspector

(_____)

Position _____

**Report on Operation Performance of the Mangrove Forest Plantation for the Carbon Credit
Trading and Benefit Sharing for the Community**

Name of the work plan/project _____

Area of operations _____ Size of land _____ rai

Source of budget _____

Budget amount _____

Operating agency _____

Report on the plantation of the mangrove forest

1. Selection of plant species for plantation

1.1 _____ number of seedlings _____ units

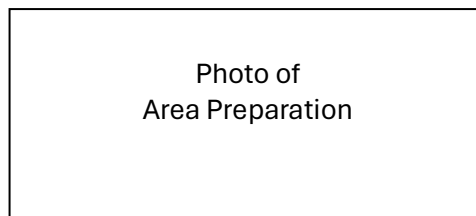
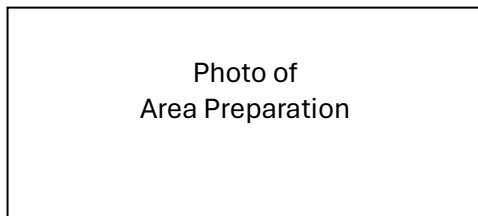
1.2 _____ number of seedlings _____ units

1.3 _____ number of seedlings _____ units

1.4 _____ number of seedlings _____ units

2. Rate of survival and death (%) _____

3. Area preparation with at least 2 colour photos



4. Plantation with at least 2 colour photos



5. Maintenance with at least 2 colour photos



6. Territorial marking for mangrove forest plantation with signage and at least 3 colour photos

Photo of Signage	
Photo of Territorial marking	Photo of Territorial marking


7. Territorial surveying, map showing forest plantation plots, and coordinates

Map Showing Plantation Plots and Coordinates of Mangrove Forest

Name of Locality _____

Map with appropriate ratio

Map marker

 surveying territory

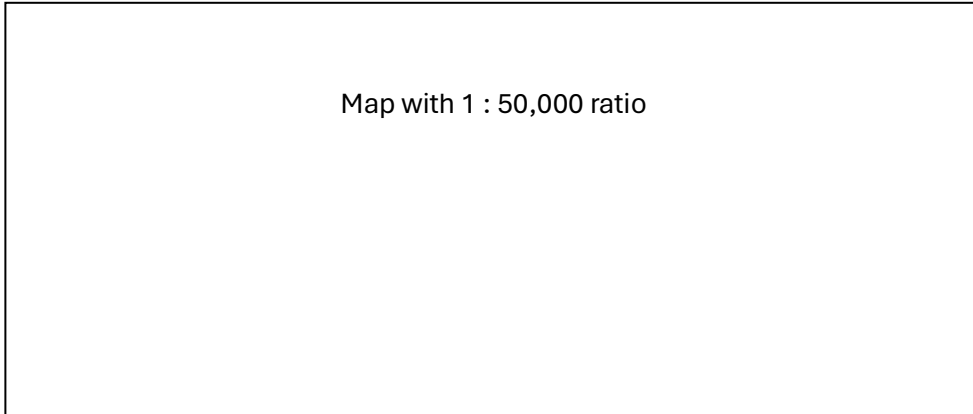
(Sign) _____

(_____)


Position _____

Map Showing Plantation Plots of Mangrove Forest

Name of Locality _____



Map marker

 Plantation plots

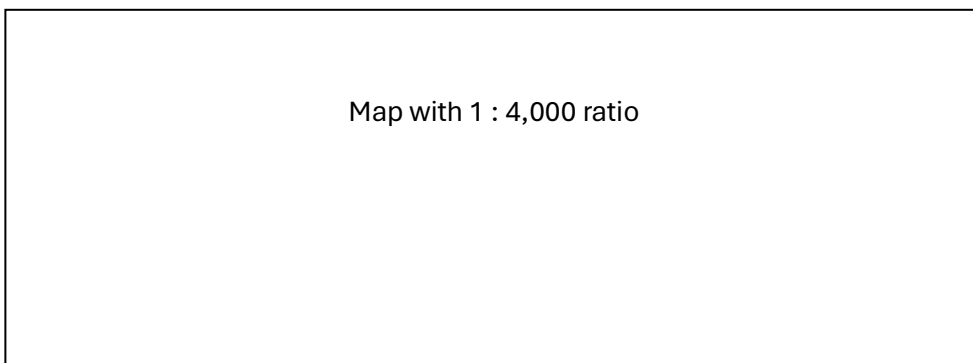
(Sign) _____

(_____)

Position _____

Map Showing Plantation Plots of Mangrove Forest

Name of Locality _____



Map marker

 Plantation plots

(Sign) _____

(_____)

Position _____

8. At least 4 colour photos showing the conditions of plantation plots before and after plantation at the coordinates of photo shooting (for follow-up activity next year)

Photo of
Before the plantation of mangrove
forest 1

Photo of
Before the plantation of mangrove
forest 2

Coordinates: _____

Coordinates: _____

Photo of
Before the plantation of mangrove
forest 3

Photo of
Before the plantation of mangrove
forest 4

Coordinates: _____

Coordinates: _____

Photo of
After the plantation of mangrove
forest 1

Photo of
After the plantation of mangrove
forest 2

Coordinates: _____

Coordinates: _____

Photo of
After the plantation of mangrove
forest 3

Photo of
After the plantation of mangrove
forest 4

Coordinates: _____

Coordinates: _____

(Sign) _____

(_____)

Position _____

**Report on the Performance of Mangrove Forest Maintenance for Carbon Credit Trading
and Benefit Sharing in Year 2 to Year 10 for the Community**

Name of the work plan/project _____

Area of operations _____ Size of land _____ rai

Source of budget _____

Budget amount _____

Operating agency _____

Report on the Mangrove Forest Maintenance Year _____

1. Repair of the territorial marking, with at least 2 colour photos
2. Clearance of weeds, with at least 2 colour photos
3. Replacement of plants, with at least 2 colour photos
4. At least 4 colour photos showing the forest conditions after maintenance with coordinates at original photo shooting spots (for following up activity in the next year)

Photo of forest conditions
After maintenance at original spot
1

Photo of forest conditions
After maintenance at original spot
2

Coordinates: _____

Coordinates: _____

Photo of forest conditions
After maintenance at original spot
3

Photo of forest conditions
After maintenance at original spot
4

Coordinates: _____

Coordinates: _____

(Sign) _____

(_____)

Position _____