

PRIMER ON ENVIRONMENTAL REGULATION OF RURAL PROPERTIES IN MATOPIBA

3rd EDITION REVISED AND AMPLIFIED





PUBLISHERS AND EDITORS

REALIZATION

Association of Farmers and Irrigators of Bahia - AIBA

SUPPORT

Brazilian Association of Vegetable Oil Industries - Abiove

AUTHORSHIP

Dr. Alessandra Terezinha Chaves Cotrim Reis, Environmental Director

TECHNICAL TEAM

Adolfo Andrade
Daniel Moreira
Eneas Porto
Glauciana Araújo
Jonathas Alves Cruz
Raquel Paiva

REVISION

Ana Brinquedo
Catiane Magalhães
Bernardo Pires

COLLABORATION

Alessia Oliveira
Bernardo Pires
Helmuth Kieckhöfer
Natalie Ribeiro

TRANSLATION

Joshua Martin Daniel
Manoel Santana Rebouças

PHOTOGRAPHY

AIBA's collection
Rui Rezende (cover photo)

GRAPHIC DESIGN AND EDITING

Marca Studio

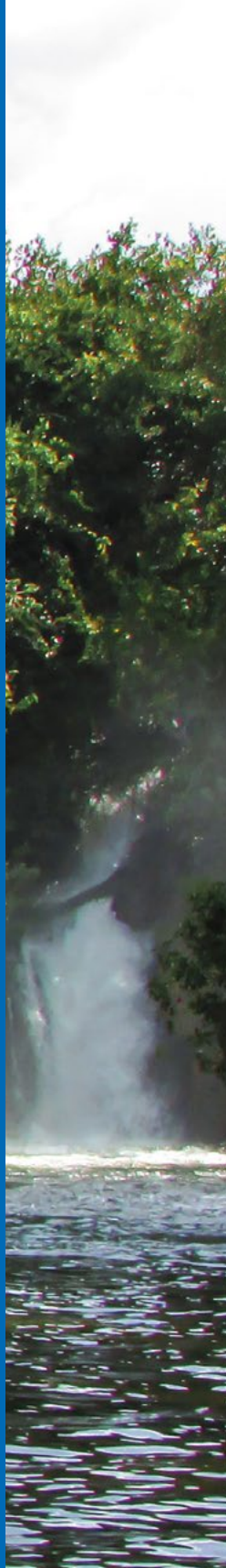
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Fábio Ferreira



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PRESENTATION

The Primer on Environmental Regulation of Rural Properties in Bahia, prepared in 2015 by the Association of Farmers and Irrigators of Bahia (AIBA), has just published a new edition. The publication, previously limited to the Western region of Bahia, was updated and expanded, now encompassing the entire region of MATOPIBA - the confluence area between four states: Maranhão, Tocantins, Piauí and Bahia.

Matopiba is a Brazilian agricultural region comprising an area of 73 million hectares, and extends in part through the states of Maranhão, Piauí and Bahia, and the entire state of Tocantins, according to Embrapa (2014), which has stood out nationally for records in the production of grains and fibers in Brazil (Figure 1).

The delimitation of this region involves in its greater proportion the closed biome (global hotspot), with about 91% of the area; and, in lower percentages, the remnants of the Amazon biomes, with 7.2%; and caatinga, with 1.8%. In this territorial area, important hydrographic basins of South America are included, such as the Tocantins River Basin, the Atlantic Basin (North/Northeast Expanse) and the São Francisco River Basin, which confer great political, economic, environmental and social importance for the region.

Data from the Ministry of Agriculture, Livestock and Supply (Mapa), released in 2016, indicate this region as one of the last agricultural frontiers of the country. Thus, compliance with environmental legislation precedes any occupation process, having as its main regulatory framework the publication of the Brazilian Forest Code (Federal Law No. 12,651/2012) and later federal and state regulations.

The publication of Law No. 12,651/2012 and also Decree No. 7,830/2012 and No. 8,235/2014 brings important advances in land use planning and is essential both for conservation and/or environmental preservation and rural property regularization in Brazil. These advances can be evidenced by the adhesions to the Rural Environmental Registry (CAR) and the Environmental Regularization Program (PRA), which clearly demonstrate the percentage of areas in rural properties conserved with native vegetation, a condition that contributes to the maintenance of many ecosystem services, including those related to the maintenance of aquifers and water resources. This is because CAR and PRA bring, in a parallel and permanent way, strategies for the management of rural enterprise, since adhesion to the Registry establishes the areas that can be occupied, the Areas of Permanent Preservation (APP) and the percentages of Legal Reserve recovery, conservation and/or compensation, as indicated in legislation.

In addition to complying with environmental legislation, sustainability has been incorporated in all stages of the production process. And in the current scenario, the rural producer recognizes that it is essential to adopt production models that harmonize, in a systemic way, the productive challenges and conservation requirements and/or environmental preservation, with the promotion of the adoption of good low carbon farming practices, with adequate soil and water management, waste management and recovery of degraded areas.

This version has, among other information, the necessary guidelines on regularization of rural properties, especially the adhesion to the Environmental Regularization Program (PRA) and registration to the Rural Environmental Registry (CAR), provided for in Article 29 of Law 12,651/2012.

The intention is to make rural producers more informed about the importance of complying with current environmental legislation - an initiative widely promoted by AIBA among its associates, believing that this is the path to the sustainability of agribusiness. In this context, we sought legal grounds regarding the areas destined to Alternative Land Use, Areas of Permanent Preservation (APPs), Legal Reserve and Restricted Use, which, together, contribute to the sustainability of rural property.

Enjoy your reading!

Celestino Zanella
President of AIBA



Questions and answers about environmental regularization

What is the environmental regularization of a rural property?

It is the procedures carried out by the rural producer, so that his property and/or rural real estate fits within the principles established in the current environmental legislation.

According to Federal Decree No. 7,830/2012, all activities developed and implemented in the rural property are intended to comply with the provisions of environmental legislation and, as a priority, to maintain and recover Areas of Permanent Preservation (APP), Legal Reserve and Restricted Use, and to offset the Legal Reserve, when applicable.

What is the Environmental Regularization Program (PRA)?

It is the set of actions or initiatives that must be developed by rural landowners and/or squatters to adapt and promote the environmental regularization of their properties, as established in Federal Decree No. 7,830 from October 17, 2012 and Federal Decree No. 8,235 from May 5, 2014.

What are the benefits of adhesion to the PRA?

After joining the PRA, rural landowners and/or squatters cannot be taxed for infractions committed before July 22, 2008, regarding the irregular suppression of vegetation in Areas of Permanent Preservation (APP), Legal Reserve and Restricted Use. In addition, in compliance with the obligations established in the PRA, within the established deadlines and conditions, the fines will be converted into services for the preservation, improvement and recovery of the quality of the environment, thus regularizing the use of consolidated rural areas.

The Brazilian Forest Code, Federal Law No. 12,651, from May 25, 2012, in Art. 29, establishes that the registration of rural property in the Rural Environmental Registry (CAR), in the State of Bahia, is known as the State Registry of Forested Rural Properties (CEFIR), it is a prerequisite for the granting of the PRA and the suspension of the application for violations resulting from infractions committed before July 22, 2008.

The normative instruction MMA No. 12 from August 6, 2014 suspended sanctions arising from infractions committed before July 22, 2008 regarding the irregular suppression of vegetation in Areas of Permanent Preservation (APP), Legal Reserve and Restricted Use. But for this to be valid, it is necessary for the producer to fully comply with the obligations established in the Environmental Term of Commitment (TC) revoked in the Program for the Environmental Regulation of Rural Property (PRA), after joining the Rural Environmental Registry (CAR) or the State Registry of Forested Rural Properties (CEFIR).

What is the Rural Environmental Registry (CAR)?

CAR is a public electronic registry of state scope, which serves as an aid to the control and scoping of rural activities and in the development of public policies of management. Its implementation complies with Art. 29 of Federal Law 12,651/2012 (Brazilian Forest Code).

The registry is mandatory for all rural real estate and, if not performed, other environmental authorizing acts requested from the State will not be granted.

In Bahia, does the State Registry of Forested Rural Properties (CEFIR) correspond to the national CAR?

Yes. In the State of Bahia, the Rural Environmental Registry (CAR), established in Art. 29 of Federal Law No. 12,651/2012, is denominated as the State Registry of Forested Rural Properties (CEFIR), defined in Art. 59 of State Decree No. 15,180 / 2014. The registration is done via the electronic portal of the State System of Environmental Information and Water Resources (SEIA).

In the other states, like Maranhão, Tocantins and Piauí, does the Rural Environmental Registry (CAR) receive any specific names?

No. In the other states it is called the Rural Environmental Registry (CAR).

ATTENTION!

The State of Tocantins uses its own system through the portal Information System for the Management of Rural Environmental Registry (SIG-CAR). The states of Piauí and Maranhão use the module of the National System of Rural Environmental Registry (SICAR).

MMA Normative Instruction No. 2, from May 6, 2014, establishes the procedures for the integration, implementation and compatibility of the Rural Environmental Registry System - SICAR and defines the general procedures of the Rural Environmental Registry - CAR.

What is the difference between joining the CAR and the PRA?

The CAR corresponds to the registration of all information of the Rural Properties, containing Productive Areas, Areas of Permanent Preservation (APP), Legal Reserve Areas, other remnants of native vegetation, and declaration of liabilities, if any.

Adhesion to the PRA is restricted to real estate or rural properties that present environmental liabilities where the deadlines for correction will be defined.

Is it mandatory to join the CAR and the PRA?

As established in both state and federal legislation, all rural property owners and/or landlords are required to register with the CAR, even though the properties:

1. Were regulated before the Environmental Legislation;
2. Present liabilities arising from any irregularity related to the mandatory maintenance of the Permanent Preservation Areas (APPs) and Legal Reserves required by Federal Law 12,651/2012 or from compliance with other obligations related to the undertakings or activities carried out in the rural property or tenure;
3. Have liabilities related to irregular forest exploitation.

What is the importance of joining the CAR?

The CAR is the gateway to all acts of the environmental area, among them the Authorization of Vegetation Suppression (ASV), granting and/or dispensing of water use. In addition, this register allows for the regularization of environmental liabilities, such as the deficit of Areas of Permanent Preservation (APP) and Legal Reserves, which may possibly exist in rural property.

IMPORTANT!

The CAR is a record of the rural property in the System of Control and Environmental Monitoring with the purpose of evaluating the situation of the use of the soil in the rural property.

Adhesion to the CAR allows:

1. Identifying and quantifying the environmental assets and liabilities related to the maintenance of the Permanent Preservation Areas (APPs) and Legal Reserve;
2. Identifying the activities developed in the rural property in consolidated areas;
3. Defining the obligations and terms of the Term of Commitment (TC);
4. Monitoring use of soil management in the property;
5. Quantifying the environmental services generated by existing assets in rural properties.

ATTENTION!

Adhesion to the CAR and to the PRA demonstrate a forestry regularity of rural property in the different Brazilian states.

What are the advantages of joining the CAR?

1. It allows the planning, use and proper occupation of the soil;
2. It permits the proof of environmental regularity of the rural property;
3. It extends the legal security of rural producers, since it is provided for in environmental legislation;
4. It allows access to the Environmental Regulation Program (PRA), for properties with environmental liabilities;

5. Allows the regularization of environmental liabilities with determination of deadlines;
6. Subsidized the commercialization of Environmental Reserve Quotas (CRA) for real estate with environmental assets;
7. It promotes access to agricultural credit.

How is registration to the CAR and to the PRA completed?

Registration is completed electronically, through the following websites:

Bahia: <http://www.sistema.seia.ba.gov.br/>

Maranhão: <http://www.car.gov.br/#/>

Piauí: <http://www.car.gov.br/#/>

Tocantins: <http://site.sigcar.com.br/tocantins/>

For the State of Bahia, adherence to the CAR is simultaneous to the adhesion to the PRA.

IMPORTANT!

1. Pay attention to the details and specifics of the registration, considering the State in which the rural property is located.
2. The rural property must be registered only once and the data must be updated whenever there is a change in the structure of the property.
3. The registered password is personal, and the rural producer must pay attention to the security of it.

What information and documents should be submitted for adhesion to the CAR?

For adhesion to the CAR, among others, documents specific to each state are required:

- Personal ID and documents of the property owner (RG, CPF and proof of residence);
- Personal ID and documents of the original owner, if available (RG, CPF, documented verification and procurement);
- Property documents (proof of address, registration, deed, ITR and CCIR);
- Geographical location of the property areas in shape format (total perimeter, area intended for Alternative Land Use, Legal Reserve Area, Permanent Preservation Area (APP) and Restricted Use, and other remnants with native vegetation, if any);
- Documents of the tech responsible (CPF, RG and ART);
- Proof of granting and/or exemption from water use (geographical location of the captivation point(s));
- Further information may be required depending on specifics of the registered area, and the state where the property or real estate is located.

IMPORTANT!

1. In adherence to the CAR, attention is needed to the Geographic Reference System (Datum), informed in the Registration, which should be in agreement with the vector sent to the System linked to the State in which the rural property is located.
Specific information about the documentation to be presented can be obtained through the electronic address <http://www.car.gov.br/#/>. In the State of Tocantins, the interested party should access <http://site.sigcar.com.br/tocantins/>. In the State of Bahia, access the following home page: <http://www.sistema.seia.ba.gov.br/>;
2. Once registration is complete, the rural producer will have in hand the Receipt of Registration of Rural Property in the CAR.

ATTENTION!

Considering the specifics of each state, adhesion to the Registry refers to the following documents:

1. Certificate of Rural Property Regularity with the CAR (or CEFIR specifically for the State of Bahia) for properties that do not present environmental liabilities;
2. Term of Commitment (TC) with the State for properties with environmental liabilities. In this case, the rural producer undertakes to settle the existing liability(ies) on the property within the time limits established by current legislation (State Decree No. 15,180/2014 and Federal Law No. 12,651/2012):
 - 2.1. The Term of Commitment (TC), as well as the Certificate, demonstrates the registration of the property in the CAR/CEFIR and that the producer adhered to the Environmental Regulation Program (PRA);
 - 2.2. The Term of Commitment (TC) has the purpose of establishing conditions and deadlines for compliance with legal requirements aimed at the effective environmental adjustment of rural property.

What is the Term of Commitment (TC)?

It is the formal document of adhesion to the Environmental Regularization Program (PRA), for rural properties with environmental liabilities generated during the adhesion to the CAR. The TC defines the commitments that the producer has to assume to maintain, recover or recuperate the Permanent Preservation Areas (APP), Legal Reserve and Restricted Use of rural property, or to compensate areas of Legal Reserve as established by legislation in force.

IMPORTANT!

1. The Term of Commitment will set deadlines for regularization of environmental liabilities, with a maximum term of up to 20 (twenty) years for the Permanent Preservation Areas (APP) and Legal Reserve, aiming to verify the effective process of recovery of areas, assuming a schedule of implementation of 1/10 (one tenth) every 2 (two) years;
2. The interested party must fully comply with the obligations established in the Term of Commitment signed upon joining the Environmental Regulation Program (PRA);

3. The adhesions to the PRA with the Term of Commitment guarantee the concession of the benefits of the consolidated areas;
4. The Term of Commitment suspends infringement proceedings (fines) as long as the producer fully complies with the assumed regularization commitments (conversion of fines to render environmental services);
5. Once the interested party joins the PRA and while the Term of Commitment is being fulfilled, the owner or possessor can not be assessed for infractions committed before July 22, 2008, related to the irregular suppression of vegetation in Permanent Preservation Areas, of Legal Reserve and Areas of Restricted Use.

Can the CAR serve as proof of land ownership regularization?

No, it cannot. According to Federal Law No. 12,651/2012, the CAR will not be considered as a document for the purpose of land ownership regularization (recognition of the right of ownership or possession).

What might happen if the owner or possessor of the rural property does not adhere to the CAR or the PRA?

If the Registration is not carried out, the rural producer will not have the benefits provided in Federal Law No. 12,651/2012.

IMPORTANT!

Failure to register may imply:

1. Vulnerability of property to regulatory environmental agencies;
2. Impossibility of compensation of legal reserve;
3. The adoption of programs of recovery of Permanent Preservation Area (APP) and/or Legal Reserve in up to 20 (twenty) years;
4. Restrictions of the owner in regards to the granting of credit by financial institutions;
5. Restrictions on participation in official government programs (municipal, state and/or federal);
6. Restrictions on the commercialization of production.

How does one know if the property is rural or urban?

The allocation of the property for purposes of collection of Rural Territorial Tax (ITR) or Tax on Urban Property (IPTU) establishes the difference between rural and urban property. If ITR is paid, the property is considered rural, even if it is within areas of urban expansion of the municipality.



Consolidated Rural Area

What is a consolidated rural area?

Forest Code No. 12,651/2012 defines a consolidated rural area as the one that had preexisting anthropic occupation on July 22, 2008, with buildings, improvements or agro-forestry activities, in the latter case admitted to the adoption of the fallow regime.

How can I regulate my Legal Reserve in a consolidated area?

The owner or possessor of rural property that had a Legal Reserve area on July 22, 2008, with an extension of less than 20%, may regularize its situation through adhesion to the Environmental Regularization Program (PRA), presenting areas for environmental regularization.

What is an alternative land use area?

It is the area designated for the replacement of native vegetation and successive formations by other land coverings. Such as, agricultural activities, industry, settlements and other forms of human occupation, except for areas for Legal Reserve, Permanent Preservation Areas (APP) and Areas of Restricted Use, when they exist on the rural property.

Can the farmer make alternative use of the soil in fallow areas after registration with CEFIR?

Yes, as long as the land is fallow for a maximum of 5 (five) years, considering that the fallow is the temporary interruption of agricultural, livestock or silvicultural activities or use, as established in Federal Law No. 12,651/2012.

Does the rural farmer who is considered a family farmer, have help to complete registration with the CAR?

Yes. For owners and/or squatters of rural property classified as family farmers, whose area is up to 4 (four) fiscal modules, the person responsible for the rural property may contact the Environmental Secretary of his State, or partner entities, so that the the assistants in the secretary's office may assist in the registration process.



Legal Reserve

What is a Legal Reserve?

It is the area located within a rural property or possession, with the purpose of ensuring the sustainable economic use of the natural resources of the rural property, assisting in the conservation, rehabilitation of ecological processes and promoting the conservation of biodiversity, as well as shelter and protection of wildlife and native flora, delimited according to Art. 12 of Federal Law No. 12,651/2012.

What is the delimitation of the Legal Reserve proposed by the Environmental Legislation?

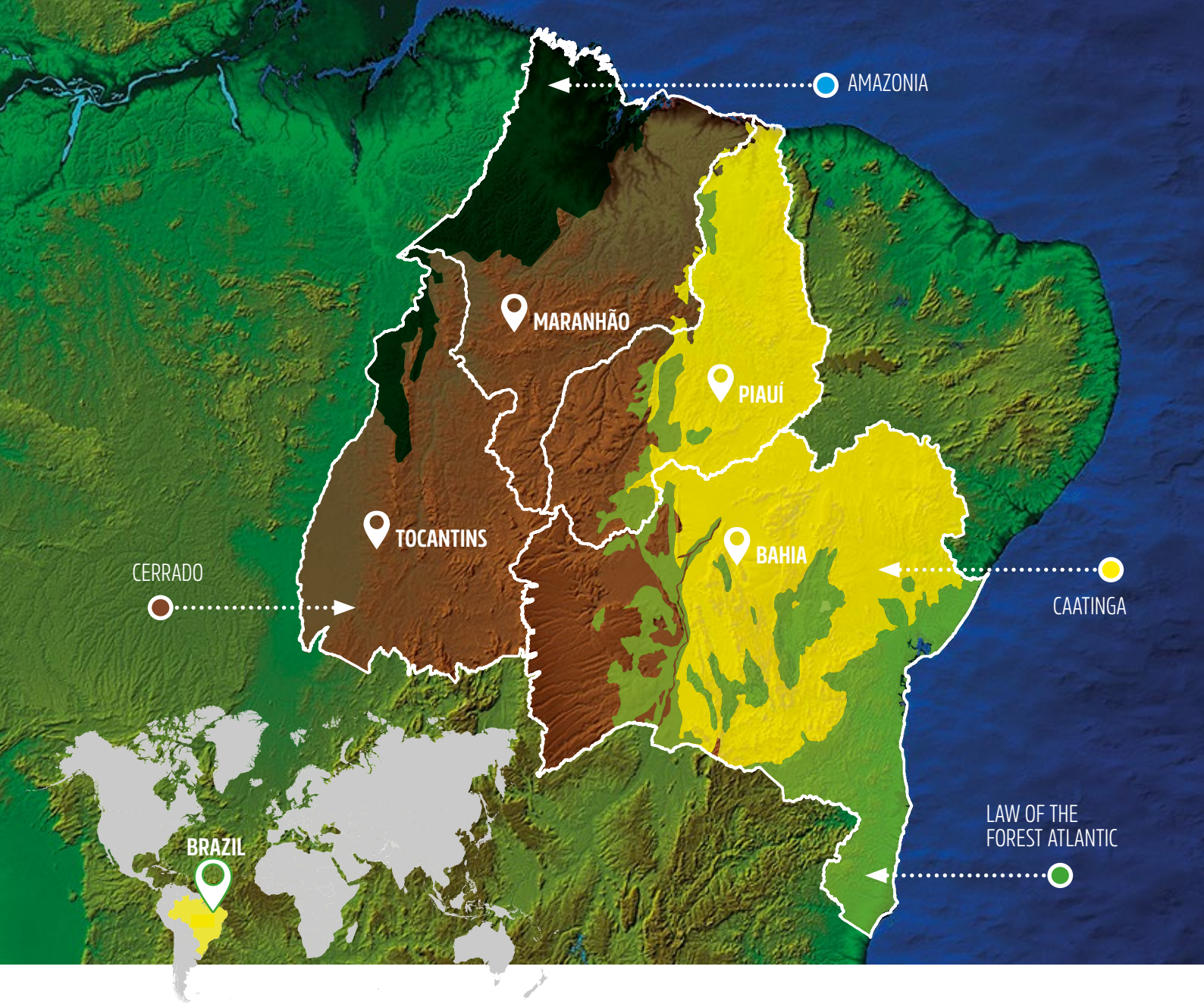
DELIMITATION OF THE LEGAL RESERVE	PERCENTAGE (%) OF THE PROPERTY
Properties located in the Legal Amazon	80% of the property situated in forested areas.
	35% of the property situated in the tropical savanna areas
	20% of the property situated in the grasslands areas
Properties located in the rest of the regions of the country	20% of the property.

IMPORTANT!

1. On July 22, 2008, the owner or holder of a rural property that had a Legal Reserve area with a land area of less than 20% may regularize its situation by joining the Environmental Regularization Program (PRA), presenting areas for environmental regulation.
2. In case of fractionation of the rural property, in any capacity, including for settlements by the Program of Agrarian Reform, the area of the property will be considered before the fractionation.
3. In the case of transfer under any title, or even dismemberment, the change of the Legal Reserve's destination is closed, except for the exceptions provided for in Federal Law No. 12,651/2012 and in State regulations.

Is the registration of Legal Reserve in the Registry of the Property in a notary's office compulsory?

No, it's not. According to the current environmental legislation, the Legal Reserve area must be registered with the competent environmental agency by means of registration in the CAR or CEFIR as it is called in Bahia. Once the registration of the Legal Reserve in the CAR has been completed, it is no longer an obligation to register in the registry of real estate.



Can the Legal Reserve be used?

Yes. The economic exploitation of the Legal Reserve is allowed through sustainable management, previously approved by the competent body of the National Environmental System (SISNAMA), and the one described in Art. 20 of Federal Law No. 12,651/2012. In the case of small ownership or rural family ownership, the member bodies of SISNAMA should establish simplified procedures for the preparation, analysis and approval of such management plans.

Legal Reserve Compensation

How can the Legal Reserve be compensated?

Compensation of the Legal Reserve is allowed for consolidated areas until July 22, 2008 in accordance with current environmental legislation, as long as the areas meet the following requirements:

1. The area of Legal Reserve to be compensated must be equivalent in ecological importance and extension;
2. Be located in the same biome of the Legal Reserve area to be compensated;
3. If the Legal Reserve is proposed outside the State, it must be within the same biome and located in areas identified as priorities by the Union or the State where it will be allocated;
4. For properties located in transition zones between biomes, the Legal Reserve compensation may be carried out in any of the biomes involved, however the percentage established in legislation should be observed.

ATTENTION!

1. Measures of Compensation provided in Environmental Legislation can not be used in the form of making the conversion of new areas feasible for the alternative use of the soil.
2. In the case of compensation for areas designated for Legal Reserve, for consolidated areas up to July 22, 2008, the generator property must be registered in the Rural Environmental Registry (CAR).

The option of the rural producer to use the environmental compensation for the allocation of the Legal Reserve in areas consolidated by July 22, 2008, in accordance with current legislation, shall be carried out by:

1. Acquisition of Environmental Reserve Quotas (CRA);
2. Acquisition or leasing of an area under an environmental easement regime, instituted pursuant to Art. 9-A of Federal Law No. 6,938 of August 31, 1981;
3. Binding of equivalent and surplus area to the Legal Reserve with native vegetation already established or in an advanced process of regeneration or recomposition;
4. Through donation to the Public Power of an area located inside Conservation Unit of public domain pending land regularization.

What to do if the Legal Reserve is greater than that required by the Environmental Legislation in Bahia, specifically in Cerrado areas?

If the Legal Reserve registered in the CAR has an area with conserved native vegetation and its area exceeds 20% of the total area of the property, the producer may request the environmental agency of the State to issue an Environmental Reserve Quota (CRA) or transform it into an area of environmental easement.

Legal Reserve Compensation



What are Environmental Reserve Quotas (CRAs)?

They are representative titles of native vegetation coverings that can be used to fulfill the Legal Reserve obligation on another property.

ATTENTION!

1. CRAs are marketable securities that, at the outset, allow for the compensation of the owner who has an excess Legal Reserve, since the buyer pays for its use in clearing the Legal Reserve area of his property for environmental settlement.
2. The owner or personal, legal or natural person may, by public or private instrumentality or by administrative term before a member body of SISNAMA, limit the use of all or part of his property to preserve, conserve or recover existing environmental resources, by instituting the Environmental Easement.
3. By opting for compensation of Legal Reserve using the CRAs, the rural producer must identify the same biome and ecological equivalence with the area to be compensated.

IMPORTANT!

1. Compensation of Legal Reservation for Environmental Easement shall be allowed, constituting an area occupied by native vegetation of the same biome of the compensated area, as a priority, in the same Hydrographic Basin and equivalent in extension in the regions established as Priority Areas for conservation.
2. The easement may be implemented on vegetation that exceeds the legal reserve percentages established in the current Federal Legislation.
3. The institution of Environmental Servitude constitutes the voluntary, permanent or temporary waiver of the right to suppress or exploit native vegetation as a shallow cut located outside the Legal Reserve and Permanent Preservation Area (APP) of properties or rural possessions involved in the service, which may be given free of charge or onerous.
4. Environmental easement does not apply to the Permanent Preservation Areas (APP) nor to the minimum Legal Reserve required.

Recovery of Legal Reserve

How to recover the Legal Reserve of a rural property?

Two possibilities exist:

1. By planting seedlings and/or introducing seeds including the isolation of the area;
2. Natural regeneration, when viability is attested, also including the isolation of the area in order to avoid degradation factors.

IMPORTANT!

1. The recovery techniques can be combined, and intercropping of native species with exotic and/or fruit in an agroforestry system can be used.
2. The native species should be of regional occurrence.
3. The area composed of exotic species may not exceed 50% (fifty percent) of the total area to be recovered.

Can I count Permanent Preservation Areas (APPs) in the Legal Reserve?

Yes, as long as:

1. It does not imply the conversion of new areas to alternative land use;
2. The Permanent Preservation Area (APP) to be computed is conserved or in the process of recovery;
3. The property is included in the CAR, and in the state of Bahia, inclusion in the CEFIR.

Who approves the location of the Legal Reserve?

The location of the Legal Reserve is approved by the state or municipal environmental regulatory body, through the Environmental Department of each municipality, through delegation of powers by the state, according to current legislation.

Computation of APP on a Legal Reserve

PROPERTY (PRODUCTIVE AREA)



APP X%



+

Native vegetation < 20%
of total area of the property

=

Legal Reserve of the Property



Permanent Preservation Areas (APP)

What is a Permanent Preservation Area (APP)?

Forest Code No. 12,651/2012 defines APP as a protected area, covered or not by native vegetation, with the environmental function of preserving water resources, landscape, geological stability and biodiversity, facilitating the genetic reproduction of fauna and to protect the soil and ensure the well-being of human populations.

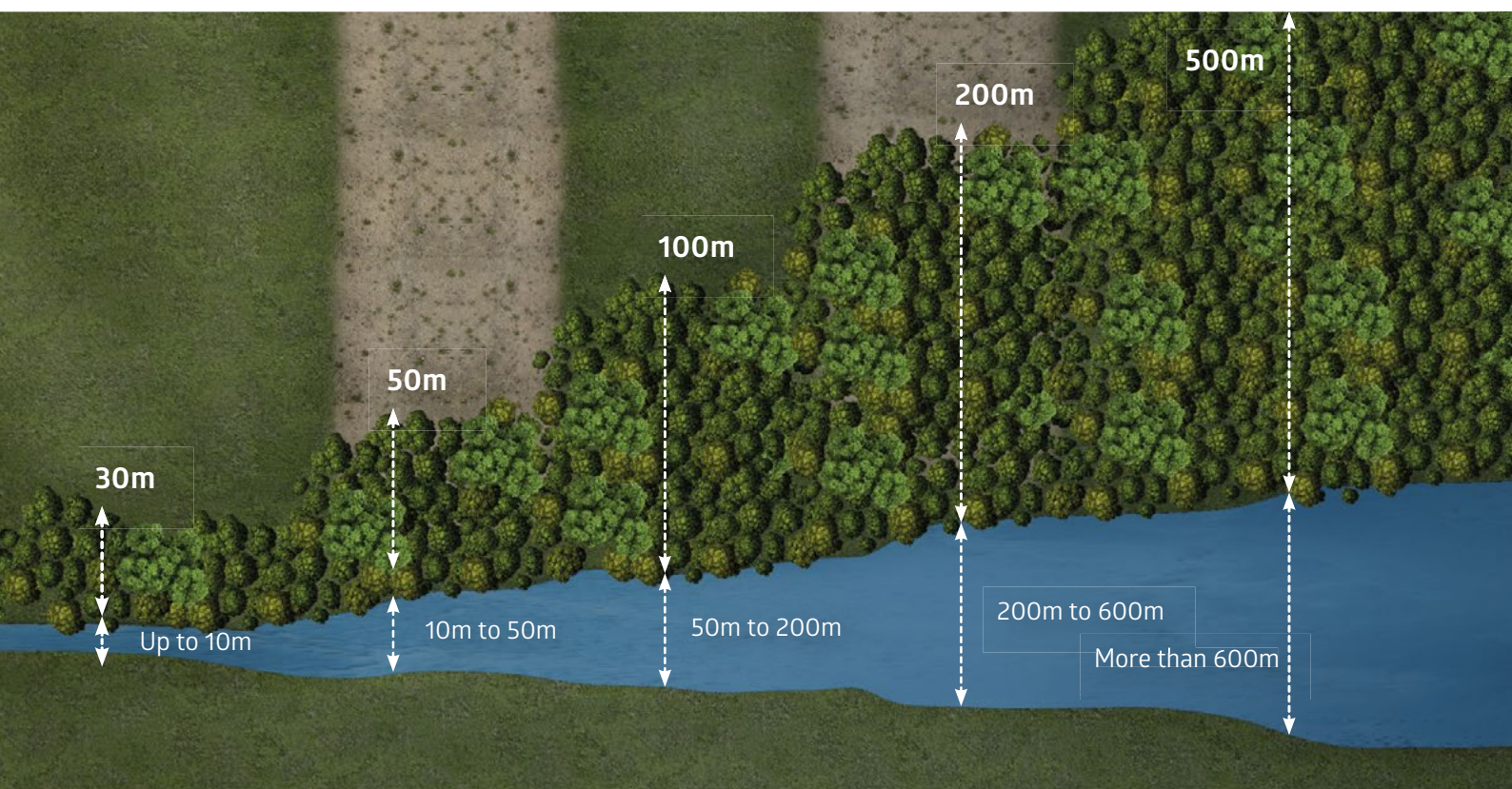
Are the APPs of uniform occurrence in different regions of Brazil?

No. The APPs are linked to geo environmental attributes and associated with the biome in which the rural property is located. In order to join the CAR and PRA, attention must be paid to the specifics provided for in Forest Code No. 12,651/2012 and the place where the rural property is located, considering the different regions of Bahia, Maranhão, Tocantins and Piauí.

What areas are considered APPs?

The Permanent Preservation Areas (APPs) in rural and urban areas are established in Art. 4 of Federal Law No. 12,651/2012, of which:

1. The size of marginal bands of whichever natural, perennial and intermittent watercourse from the edge of the regular bed with the following minimum widths:



IMPORTANT!

The measurement is made on both sides, from the edge of the trough of the regular bed, that is, the edge of the bed. The range depends on the width of the aquifer.

ATTENTION!

1. Temporary and seasonal crops of short cycle ebb in the land strip that is exposed during the ebb and flow of rivers or lakes are permitted for smallholdings or family farms, provided that: it does not imply suppression of new areas of native vegetation, water and soil quality are conserved and wildlife is protected.
2. For rural properties with up to 15 (fifteen) fiscal modules, aquaculture and physical infrastructure are allowed, provided that:
 - Sustainable practices of soil and water management are adopted, in accordance with the State Environmental State Standards;
 - It is in accordance with their basin plans or water resources management plans;
 - There is a license from the competent environmental agency;
 - The rural property is enrolled in the CAR or the CEFIR in the state of Bahia;
 - It does not imply further suppression of native vegetation.

In the Surroundings of Natural Lakes and Ponds:

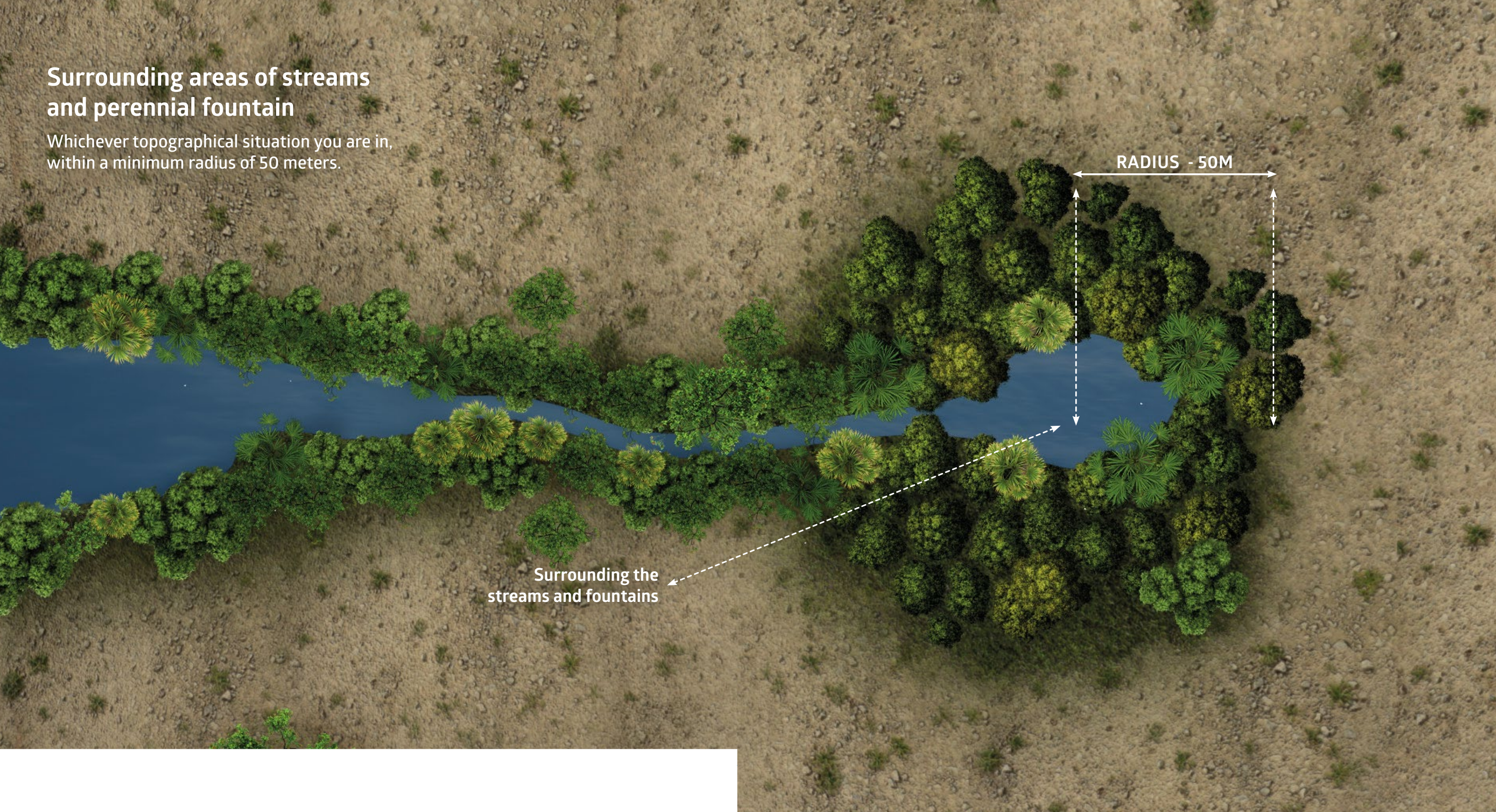
CONDITION OF THE LAKE	SURFACE EXTENSION (HECTARE)	APP MEASUREMENT
Natural in Urban Zones	-----	30 m
Natural in Rural Zones	Up to 1 ha	No APP
	From 1 to 20 ha	50 m
	More than 20 ha	100 m

ATTENTION!

1. The areas around artificial reservoirs of water, resulting from the damming of natural water courses, within the range set forth in the environmental license.
2. Permanent Preservation Area (APP) will not be required in the vicinity of artificial water reservoirs that do not originate from a dam or impoundment of natural water courses.
3. In the vicinity of artificial reservoirs located in rural areas with up to 20 (twenty) hectares, the Permanent Preservation Area shall be at least 15 (fifteen) meters.

Surrounding areas of streams and perennial fountain

Whichever topographical situation you are in,
within a minimum radius of 50 meters.

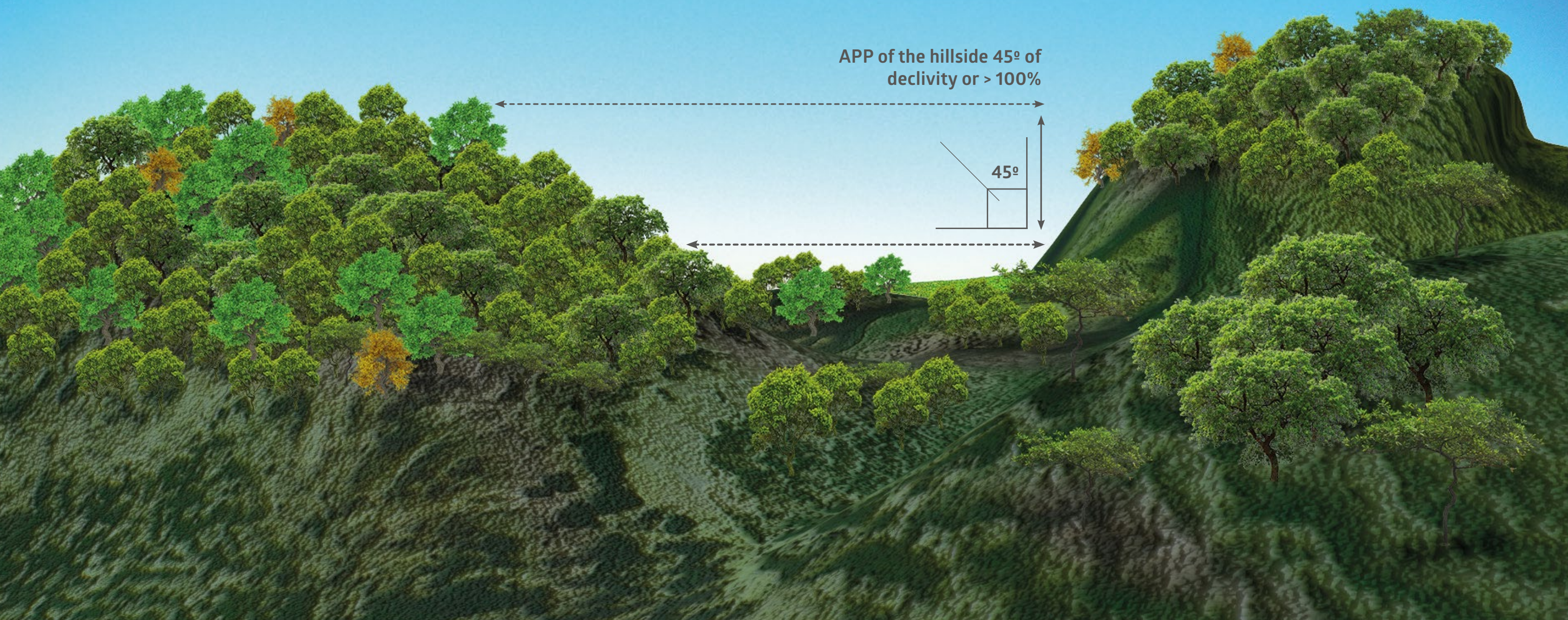


RADIUS - 50M

Surrounding the
streams and fountains

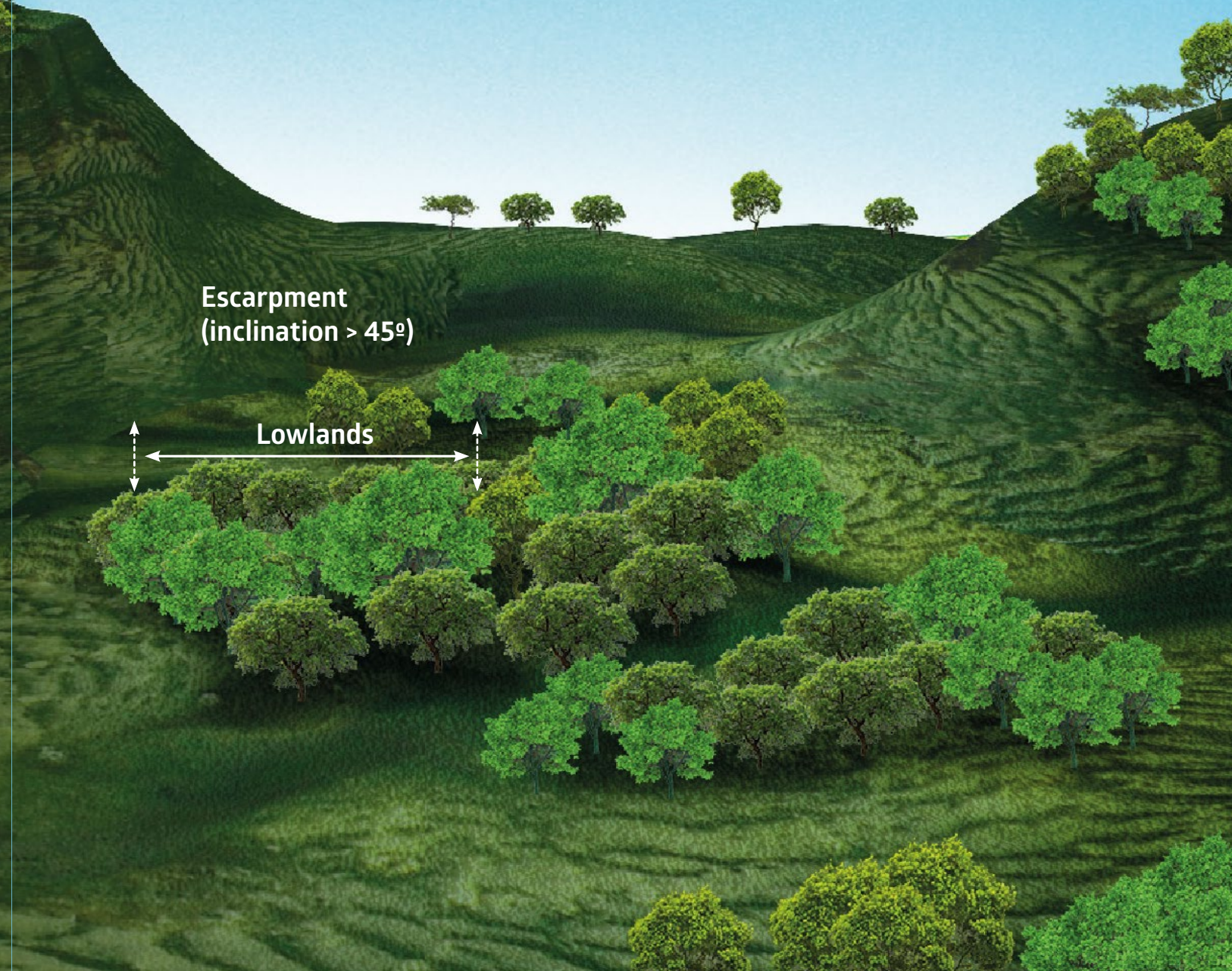
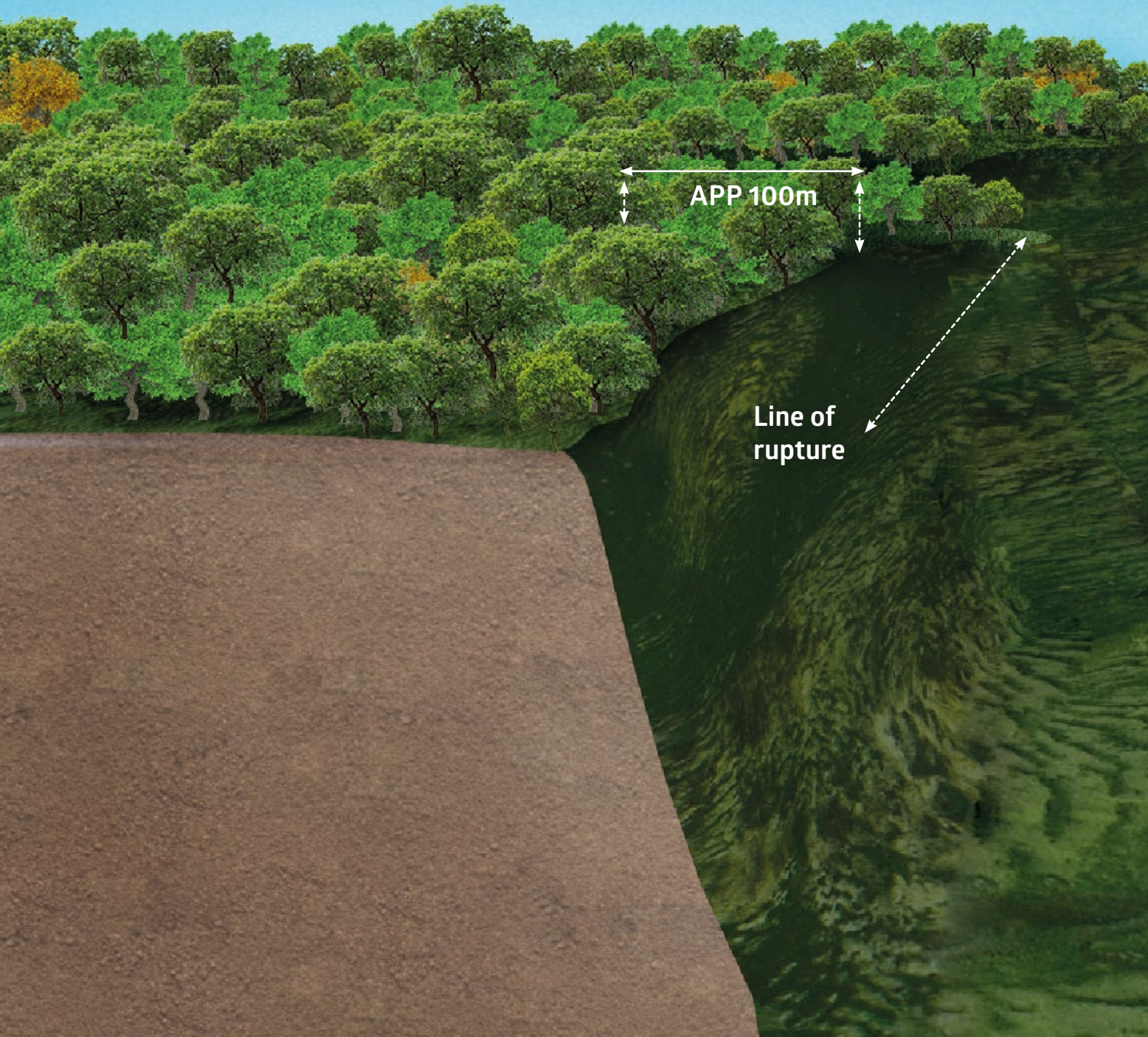
In sloping hills

The hills or parts of these with a slope greater than 45° , equivalent to 100% in the line of greater slope.



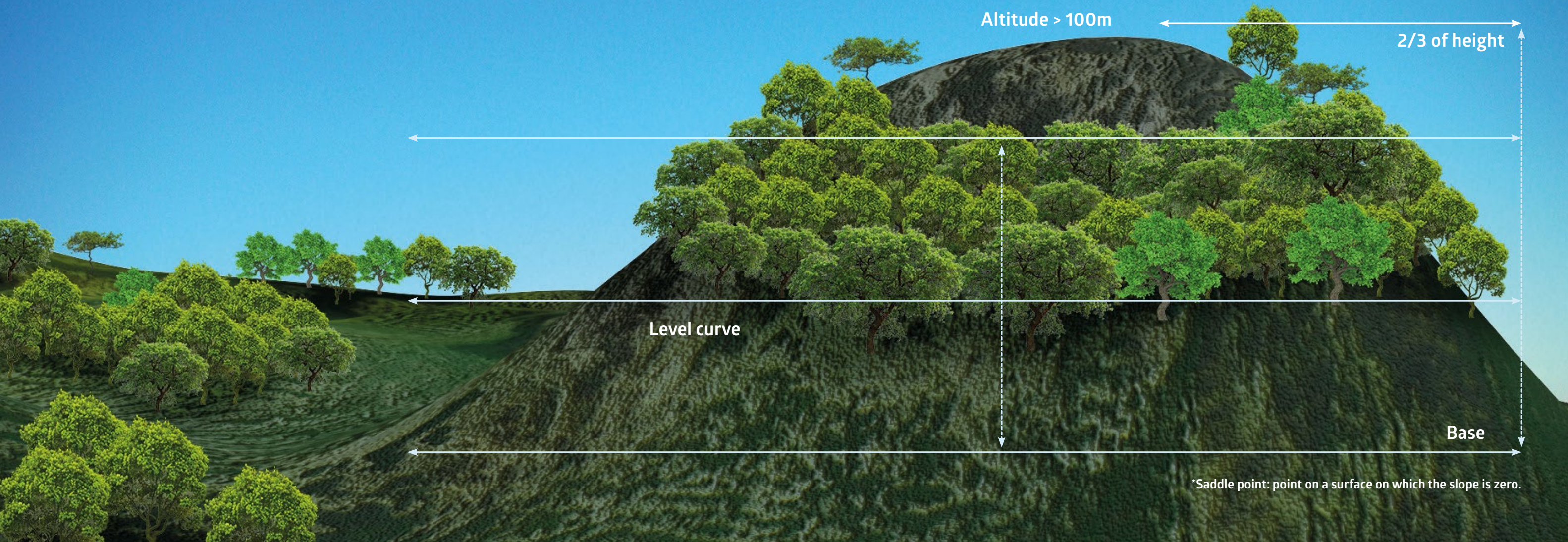
At the edge of cliffs and plateau

The edges of the cliffs or plateaus, to the line of rupture of the relief, in a band never inferior to 100 meters in horizontal projections.



On top of hills

Tops of hills and mountains, with a minimum height of 100 meters and an average slope greater than 25° , the areas delimited from the level curve corresponding to $2/3$ (two thirds) of the minimum elevation height, always in relation to the base, which is defined by the horizontal plane determined by the adjacent plane or water mirror or by the corrugated reliefs, by the saddle point closest to the elevation.



*Saddle point: point on a surface on which the slope is zero.

In Swampy Plains

Swampy plains, in marginal strips, in horizontal projection, with minimum width of 50 meters, starting at the permanent swampy and immersed space.

Permanent Preservation Area (APP) can also be considered, when declared of social interest, by act of the head of the Executive Branch (decree followed by indemnity), according to Art. 6, areas with ores or other forms of vegetation intended for::

1. Containing soil erosion and mitigate the risks of floods and landslides and rock slides;
2. Protecting sites of exceptional beauty or of scientific, cultural or historical value;
3. Protecting the sandbanks or swampy plains;
4. Protect the floodplains;
5. To shelter specimens of the fauna or species threatened with extinction;
6. Form protection strips along highways and railways;
7. Ensure conditions of public welfare;
8. Assist the defense of the national territory, at the discretion of the military authorities;
9. Protect wetlands, especially those of international importance.



Federal Law No. 12,651/2012, describes that intervention or suppression of native vegetation, in the Permanent Preservation Area (APP), can only be authorized in cases of public interest, social interest or low environmental impact.

APP in areas of altitude.

The areas with an altitude higher than 1,800 meters, with whatever type of vegetation.



APP in mangroves

Mangroves, in their entirety.



APP in sandbanks

Sandbanks, such as dune supports or mangrove stabilizers.



Consolidated Areas in Permanent Preservation Areas (APP)

On July 22, 2008, owners and possessors of rural properties that had up to 10 (ten) fiscal modules and developed agro-forestry activities in the areas consolidated in Permanent Preservation Areas (APP) are guaranteed that the requirement of recovery, totaling all of the APP of the property, does not exceed:

- 10% (ten percent) of the total area of the property, for rural properties with an area of up to two (2) fiscal modules;
- 20% (twenty percent) of the total area of the property, for rural properties with an area between two (2) and four (4) fiscal modules;

In the case of settlements of the Agrarian Reform Program, the recovery of areas consolidated in Permanent Preservation Areas (APP) along or around natural watercourses, lakes and ponds will comply with the requirements established in Art. 61-A of Federal Law No. 12,651/2012, observing the limits of each individually demarcated area, object of a concession agreement, until the titration by the National Institute of Colonization and Agrarian Reform - INCRA.

In Art. 62 of Federal Law No. 12,651/2012, it is pointed out that for artificial water reservoirs destined for power generation or public supply, which were registered or had their concession or authorization agreements signed previous to Provisional Measure No. 2,166-67/2001, of August 24, 2001, the Permanent Preservation Area (APP) will be the distance between the normal maximum operating level and the maximum level.

In the consolidated rural areas where the following is present:

- slopes or parts thereof with a slope greater than 45 °, equivalent to 100% (one hundred percent) in the line of greatest slope;
- the edges of the cliffs or plateaus, to the line of rupture of the relief, in a band never inferior to 100 (one hundred) meters in horizontal projections;
- (100) meters and average slope greater than 25°, the areas delimited from the level curve corresponding to 2/3 (two thirds) of the minimum height of the elevation always in relation to the base, which is defined by the horizontal plane determined by the adjacent plain or water mirror or, in the corrugated reliefs, by the height of the saddle point closest to the elevation;
- areas at an altitude greater than 1,800 (one thousand eight hundred) meters, whatever the vegetation;

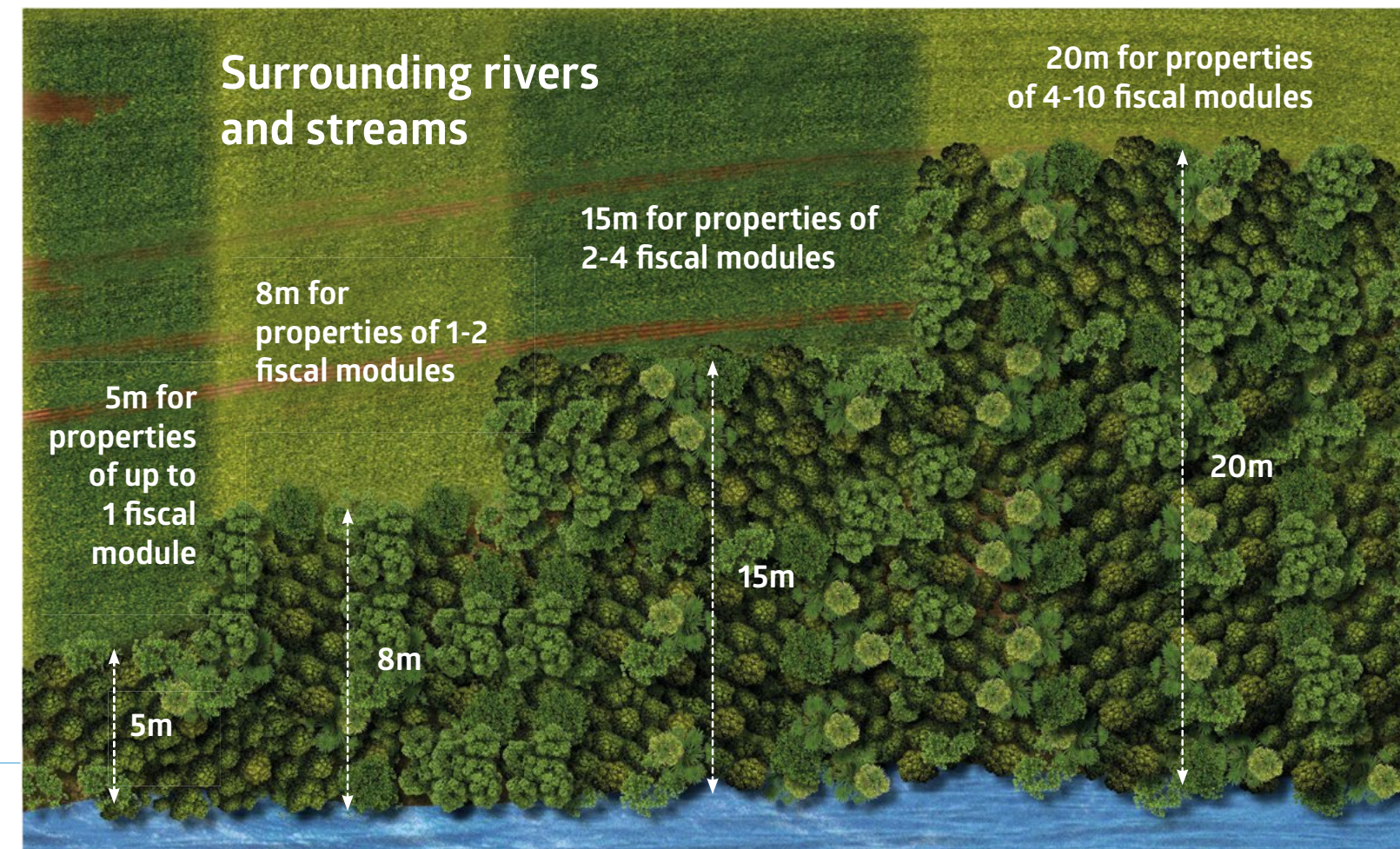
Maintenance of forest activities, woody, perennial or long cycle crops, as well as the physical infrastructure associated with the development of agroforestry activities, will be allowed, with the conversion of new areas for alternative land use.

ATTENTION!

1. Extensive grazing should be restricted to areas of natural pasture or areas already converted to pasture vegetation, with a consortium of perennial or long-cycle woody vegetation.
2. The maintenance of the crops and infrastructure covered by the caput is conditioned to the adoption of soil and water conservation practices indicated by the rural technical assistance agencies.
3. In the Permanent Preservation Areas, the edges of the trays or veneers are allowed up to the line of rupture of the relief, in a range never inferior than 100 (hundred) meters in horizontal projections, the use of good agronomic practices and soil conservation and water, through the deliberation of the State Environmental Councils or equivalent state collegiate bodies, the consolidation of other agro-forestry activities, with the exception of life-threatening situations.

Who has to recompose the Permanent Preservation Areas (APP)?

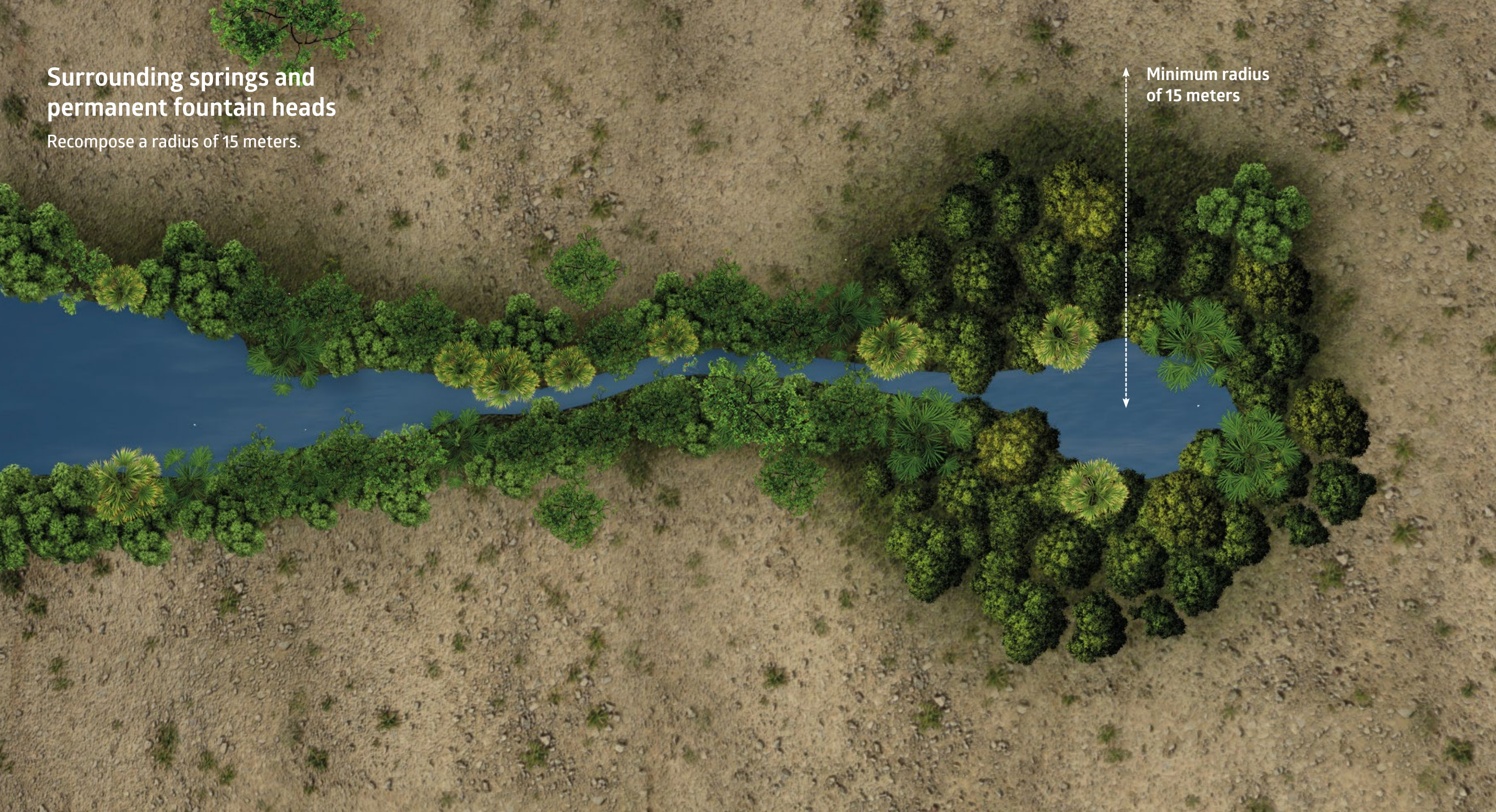
- All rural producers who have consolidated rural areas on their property until July 22, 2008 are responsible for the recovery of the APP, having to observe the situations described below:



Surrounding springs and permanent fountain heads

Recompose a radius of 15 meters.

Minimum radius
of 15 meters



Surrounding lakes and
natural lakes

15 meters for properties
of 2-4 fiscal modules

30 meters for properties
larger than 4 fiscal modules

8 meters for properties
of 1-2 fiscal modules

5 meters for properties
of up to 1 fiscal module



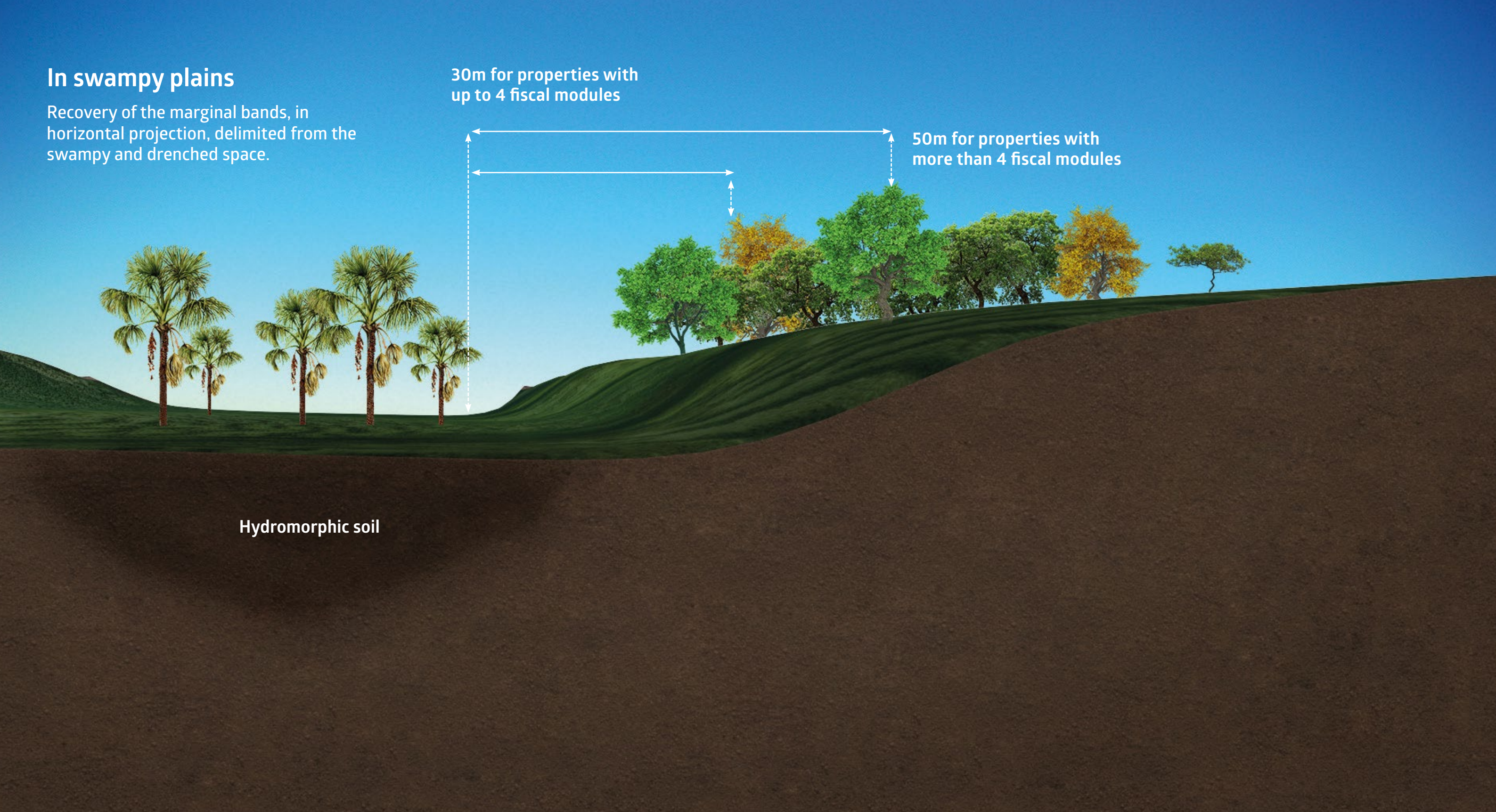
In swampy plains

Recovery of the marginal bands, in horizontal projection, delimited from the swampy and drenched space.

30m for properties with
up to 4 fiscal modules

50m for properties with
more than 4 fiscal modules

Hydromorphic soil



Areas of Restricted Use

These are areas subject to restriction of use under Law No. 12,651/2012, but are not considered Permanent Preservation Areas (APP).

Amongst the Areas of Restricted Use, with an inclination between 25° and 45°, sustainable forest management and the exercise of agroforestry activities will be allowed, as well as the maintenance of the physical infrastructure associated with the development of activities, observing good agronomic practices. The conversion of new areas is prohibited, except in the cases of Public Utility and Social Interest.

The Coastal Zone is a national patrimony, provided for in the Federal Constitution, and its occupation and exploitation must take place in an ecologically sustainable way.

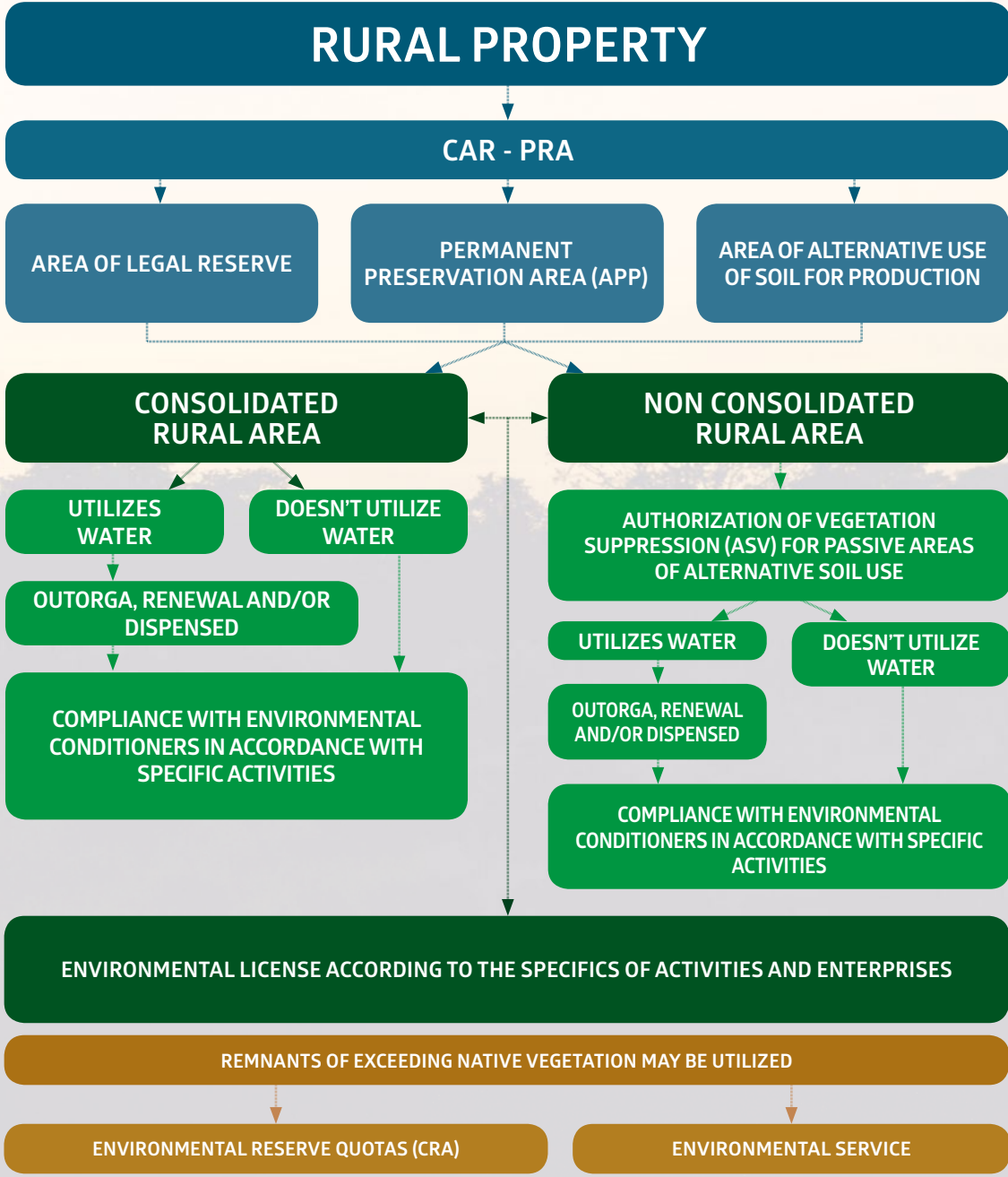
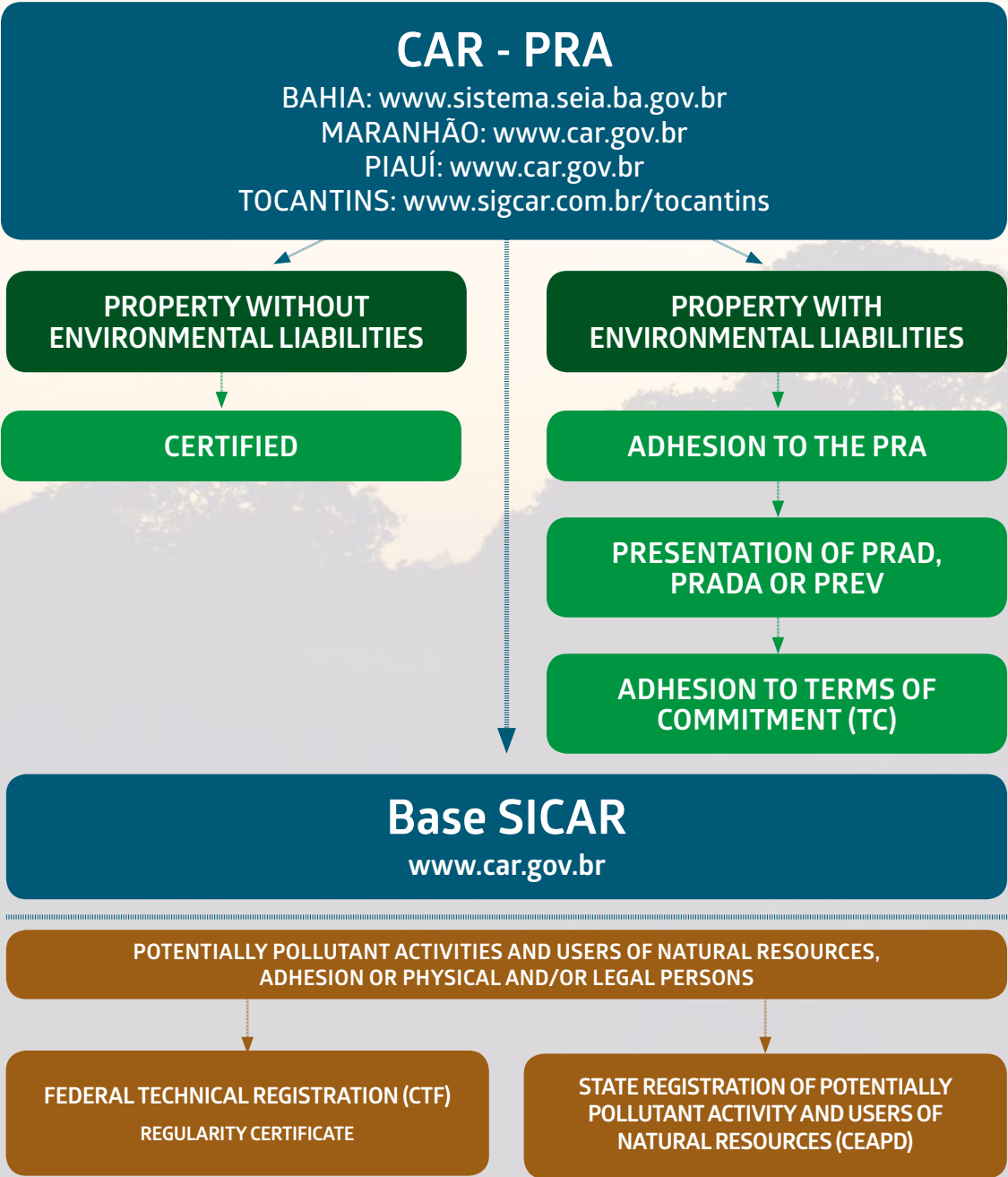
Marshes and Salt Marshes

Marshes can be used in shrimp and saline activities, with the observation of other requirements:

- Total area occupied in each State not exceeding 10% (ten percent) of this type of physiognomy in the Amazon biome and 35% (thirty-five percent) in the rest of the country, excluding the consolidated occupations provided for in Federal Law 12,727/2012;
- Safeguarding the integrity and sustainability of the essential ecological processes associated with them;
- Licensing of activity and facilities by the state environmental agency, which is the Institute of Environment and Water Resources - INEMA, awareness by the Brazilian Institute of Environment and Renewable Natural Resources - IBAMA and, in the case of use of marine lands or other possessions of the State, prior regularization of the deed to the State;
- Collection, treatment and disposal of effluents and waste;
- Guarantee of the maintenance of water and soil quality, respecting the Permanent Preservation Areas (APP);
- Respect for the traditional survival activities of local communities.



REGULARIZATION OF RURAL PROPERTIES



Fiscal Module

What is a fiscal module?

A fiscal module is an agrarian measurement unit used in Brazil, instituted by Law No. 6,746, dated December 10, 1979, which is expressed in hectares and varies according to the municipality. This corresponds to the minimum area required for a rural property to be economically viable. It also serves as a parameter to define the beneficiaries of the National Family Development Program (PRONAF) for small family farmers, owners, sharecroppers, squatters, partners or tenants of up to four (4) fiscal modules.

Depending on the municipality, a fiscal module varies from 5 to 110 hectares, considering the following factors:

- Type of predominant exploration in the municipality;
- The income obtained from the predominant exploration;
- Other existing explorations in the municipality which, although not predominant, are expressive according to the income or area used;
- Concept of family ownership of property.

The fiscal module should not be confused with the rural module, which is calculated for each rural property separately, and its area reflects the predominant type of exploration in the rural property.

IMPORTANT!

The fiscal module is established for each municipality and seeks to reflect the median area of the rural modules of the rural properties of the municipality. For compliance with Federal Law No. 12,651/2012 and state legislation, the size considered will be the that of the property on July 22, 2008.

When will the property be considered environmentally legalized?

According to Federal Law No. 12,651/2012, the property will be legalized environmentally after the analysis of the competent body, when:

1. It does not present environmental liabilities related to the Legal Reserve, Permanent Preservation Area and Restricted Use Area;
2. Or presents an environmental liability and the rural owner or possessor has signed a Term of Commitment to recover the damage caused by joining the Environmental Regulation Program (PRA).



ATTENTION!

It is important to emphasize the obligation to fully comply with the commitments made during the adhesion to the Environmental Regularization Program (PRA), since noncompliance with the Term of Commitment may lead to the cancellation or suspension of the Registration (CAR).

Final Considerations

Other than compliance with legislation, for the operation of the enterprises it is necessary to adopt conservation practices in every productive process, since these are essential for conducting agroforestry activities. In this way, it is imperative to adopt soil and water conservation practices, road maintenance, fire prevention programs, preservation and/or recuperation of Permanent Preservation Areas (APP) and Legal Reserves, as well as the adoption of programs aimed at the socio-environmental awareness of those involved in the production process. These actions together promote collective benefits and guarantee the sustainability of agribusiness.

Glossary

Marshes: areas of hyper-saline soils located in the upper intertidal regions, flooded only by tidal currents, with salinity higher than 150 (one hundred fifty) parts per 1,000 (one thousand), devoid of vascular vegetation.

Altered area: area that, after impact, still maintains natural regeneration capacity.

Abandoned area: production space converted to alternative land use, with no productive exploitation for at least 36 months and not formally characterized as fallow area.

Cultivated area: area effectively occupied or to be occupied by agricultural activity, according to the project.

Degraded area: area that is altered due to anthropic impact, without natural regeneration capacity.

Area of remaining native vegetation: area with native vegetation in primary or secondary advanced stage of regeneration.

Consolidated rural area: area of rural property with anthropic occupation preexisting on July 22, 2008, with buildings, improvements or agroforestry activities, admitted, in the latter case, the adoption of fallow.

Area of ecological tension: located between two or more ecological regions or vegetation types, with occurrence of undifferentiated communities, where the floras interpenetrate, constituting the floristic transitions or edaphic contacts.

Wetlands: areas of the terrestrial surface periodically covered by water or originally covered by forests or other forms of vegetation adapted to flooding.

Agrosilvipastoral activities: these activities are carried out jointly or separately, related to agriculture, aquaculture, livestock, forestry and other forms of exploitation and management of fauna and flora, destined for the economic use, preservation and conservation of renewable natural resources.

Environmental information: the information that characterizes the perimeters and the location of remnants of native vegetation, areas of public utility, Permanent Preservation Areas (APP), areas of restricted use, consolidated areas and Legal Reserves (RL) , as well as areas in recomposition, recovery, regeneration or compensation.

Environmental assets: all inputs acquired, employed and made available by a natural or legal person for the purpose of controlling the environmental impact, preserving, conserving and/or recovering the environment.

Carbon credit: title of right on intangible and immaterial tradable goods.

State Register of Potential Pollutants and Users of Natural Resources (CEAPD): Mandatory registration for individuals or legal entities that carry out potentially degrading activities and users of natural resources of the environment, described in Annex I of Law 9,832, dated December 5, 2005.

Federal Technical Registry (CTF): it is one of the instruments of the National Policy of the Environment, which aims to guarantee the control and environmental monitoring of potentially pollutant activities and use of natural resources. The registration is obligatory for individuals and legal entities that perform described activities of the table CTF/APP, that is, that, by reason of law or regulation, are subject to environmental control.

Ecological corridors: portions of natural or semi-natural ecosystems, linking conservation units, which enable gene flow and biota movement, facilitating species dispersal and re-colonization of degraded areas, as well as maintaining populations that demand for their survival areas with greater extension than that of the individual units.

Environmental degradation: the alteration of the characteristics of environmental resources resulting from activities that, directly or indirectly:

- (a) cause harm to the health, safety and well-being of the population;
- (b) reduce the quality of environmental resources and material assets;
- (c) create adverse conditions for socioeconomic activities;
- (d) affect the aesthetic, urban image, landscape, or sanitary conditions of the environment.

Biological diversity: the variability of living organisms of all origins, including, but not limited to, terrestrial, marine and other aquatic ecosystems and the ecological complexities of which they are a part, as well as diversity within species, between species and ecosystems.

Ecosystem: dynamic complex of physical, chemical, and biological conditions, laws, influences, and interactions that take place between the biotic and abiotic factors that exist in a defined territorial space and that interact as a functional unit.

Agroforestry enterprise: rural property or contiguous rural property belonging to the same individual or legal entity, carrying out at least one of the following activities: agriculture, forestry and animal husbandry.

Flood pass range: floodplain area or floodplain adjacent to streams that allow flooding to flow.

Successor formations: any type of vegetation that emerged as a substitute for the original native vegetation, which could be natural regeneration forests, as well as forests originating from plantations with economic purposes.

Regular bed: the channel through which water flows regularly during the year.

Mangrove: coastal ecosystem that occurs in low lands, subject to the action of the tides, formed by recent sandy or muddy sediments, to which is associated, predominantly, the natural vegetation known as mangrove, with influence fluviomarina, typical of silty soils of estuarine regions and with discontinuous dispersion along the Brazilian coast, between the states of Amapá and Santa Catarina.

Spring: natural outcropping of the water table that presents perennially and initiates a course of water.

Eye of the water: natural outcropping of the water table, even if intermittent.

Environmental liabilities: short-term and long-term obligations that individuals or legal entities assume in order to promote investments in environmental benefits.

Small property or rural family ownership: the one exploited through the personal work of the family farmer and rural family entrepreneur, including settlements and agrarian reform projects, which meet the provisions of Art. 3 of Law No. 11,326 of July 24, 2006.

Plan for the restoration of degraded areas (PRAD): a study presented by the interested party to the competent body, necessary to carry out interventions in APP or Legal Reserve.

Re-vegetation, recovery or vegetation enrichment (PREV) plan: a study submitted by the interested party to the competent organ, necessary to carry out interventions in APP or Legal Reserve.

Fallow: practice of temporary interruption of activities or agricultural, livestock or agroforestry uses, for a maximum of 5 (five) years, to enable the recovery of the capacity of use or the physical structure of the soil.

Squatter: one who uses, for purposes of housing or to generate income, a rural property, without being the owner.

Preservation: a set of methods, procedures and policies aimed at the long-term protection of species, habitats and ecosystems, as well as the maintenance of ecological processes, preventing the simplification of natural systems.

Recomposition: restitution of ecosystem or native biological community, degraded or altered, to the non-degraded condition, which may be different from its original condition. It can also be understood as Recovery.

Reforestation: a process that consists of replanting trees in areas that were formerly occupied by forests.

Corrugated relief: geomorphological expression used to designate an area characterized by terrain movements that generate depressions and whose intensity allows its classification as smooth, undulating, strongly undulating and mountainous relief.

Restoration: restoration of a degraded ecosystem or wild population as close as possible to its original condition.

Sandbank: sandy deposit parallel to the coastline, generally elongated, produced by sedimentation processes, where different communities are found that receive marine influence, with mosaic cover found in beaches, sandy strands, dunes and depressions, according to the successional stage, herbaceous, shrub and arboreal stratum, the latter more internalized.

Ephemeral river: body of lotic water that has runoff only during or immediately after periods of precipitation.

Intermittent river: body of lotic water that, naturally, does not present surface runoff during periods of the year.

Perennial river: a body of lotic water that naturally has runoff throughout the year.

Salty or hyper-saline tropical marshes: areas located in regions with intermediate flood frequencies between tidal and quadrature tides, with soils whose salinity ranges from 100 (one hundred) to 150 (one hundred fifty) parts per 1,000 (one thousand), where the presence of specific herbaceous vegetation may occur.

Environmental Easement: areas with a surplus of native vegetation, established by the competent environmental body of SISNAMA, according to current Environmental Legislation.

Sustainable use: exploitation of the environment in order to ensure the sustainability of renewable environmental resources and ecological processes, while maintaining biodiversity and other ecological attributes in a socially just and economically viable way.

Floodplain: marginal areas of watercourses subject to floods and periodic flooding.

Swampy Plains: savanna features found in hydromorphic soils, usually with the emergent buriti palm *Mauritia flexuosa* - without forming a canopy, among clusters of shrub - herbaceous species.

The definitions presented in this glossary have been compiled from the following legislation: Federal Law No. 12,651/2012; Federal Decree No. 7,830/2012; Decree of the State of Bahia 15,682/2014, MMA No. 2/2014 and State Law No. 13,223/2015.

**For further information
or explanation, consult the
following legislation:**

Federal Law No. 13,295/2016
Federal Law No. 12,727/2012
Federal Law No. 12,651/2012
Federal Law No. 11,284/2006
Federal Law No. 9,832/2005
Federal Law No. 6,938/1981
Federal Decree No. 8,235/2014
Federal Decree No. 7,830/2012
Bahia State Law No. 13,223/2015
Bahia State Law No. 10,431/2006
Bahia State Decree No. 15,180/2014
Bahia State Decree No. 14,024/2012
Maranhão State Law No. 10,276/2015
Maranhão State Decree No. 31,109/2015
Tocantins State Law No. 2,713/2013
Piauí State Law No. 6,947/2017
Normative Instruction MMA No. 2/2014
Normative Instruction MMA No. 12/2014

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Av. Ahylon Macêdo, nº 919 - Morada Nobre, Barreiras - Bahia
Tel.: 77 3613.8000 / 3613.8027
E-mail: meioambiente@aiba.org.br

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