



Office of the Managing Director

REPUBLIC OF LIBERIA FORESTRY DEVELOPMENT AUTHORITY (FDA)

Whein Town, Mt. Barclay
P.O. Box 3010
Montserrado County
Monrovia, Liberia
West Africa

Cell# (231) 06513994
(231) 0880713225
(231) 06552717

MD/132/2011/-1

August 26, 2011

Mr. Jonathan W. Yiah
Coordinator
Sustainable Development Institute (SDI)
Duarzon Village, Robertsfield Highway
Monrovia-LIBERIA

*Rec'd Sept 6, 2011
Time: 2:04 PM
JMK*

Dear Dear Mr. Yiah:

We acknowledge receipt of your letter of 8th August 2011 and take note of the attending questions raised from our response to your earlier letter of May 31, 2011. The questions of concern shall be categorically addressed in manner as follows:

1. Section 5.2(a)(iii) of the National Forestry Reform Law (NFRL) of 2006 states: The Authority shall establish standard qualifications for persons wishing to obtain permission to conduct commercial forest operations. For Private Use Permits (PUP) under Section 5.6 of this law, the Authority shall specify the standard qualifications by Regulation.

Question (1)

"Is there any approved regulation which controls the operation of a Private Use Permit?"

Answer

A Private Use Permit (PUP) covered under Section 5.6 of the NFRL is one of the four (4) forest resources licenses specifically issued to private land owners who

wish to exploit the forest resources for commercial or conservation purpose. When such license is issued by the Authority to the applicant (land owner), he/she can then enter into a contractual relationship with any competent pre-qualified company for the operation and management of his private forestland.

Section 5.1 (d) of the NFRL reads: The Authority may by **Regulation** require permission for non-commercial forest uses and may by Regulation control any activity involving Forest Land, Forest Resources, or Forest Products. By this mandate the Authority up to date has promulgated fifteen (15) Regulations which include but not limited to: Public Participation, Forest Land Use Planning, Pre-qualification, Tender, Award and Administration, Pre-felling Operations, Benefit Sharing, Forest Fees, Chain of Custody, Penalties, Rights of Private Land Holders, Non-Timber Forest Products, Forest Product Processing and Marketing and Environmental Impact Assessment, and the Board's two recently approved: Community Rights and Benefit Sharing Mechanism (BSM). You will please note that the BSM is an amendment to the Regulation on Benefit Sharing.

In short, the operation of a Private Use Permit (PUP) is entirely covered by the procedures stipulated within the Regulations herein named as above stated. However, it doesn't imply that the Authority should promulgate new or separate regulation controlling the operation of a PUP which will have no greater effect than the regulations already set in motion for commercial operation.

When does this come in?

The promulgation of any new or separate regulation within the forest sector is only necessary when a new form of forest use not covered in the NFRL is introduced or mandated by the Law.

Question (2)

Has the Authority approved each five (5) Year Management Plan presented by the Applicant (Land Owner)?

As stated above, every commercial and non-commercial forest uses must be controlled by the attending regulations already approved; specifically, in satisfaction of this question, Regulation 102-07 "Forest Land Use Planning" suffices.

The preparation of a five (5) years Land Management Plan technical documentation begins during the first Annual Operation of a concession. However, the Annual Operational plan serves as base line information for the preparation of the five years plan which is a process but not an event. The preparation of the five (5) year plan specially for PUP is contingent upon the tenure of the contract with land owner. For Example the PUP contract between madam Mary Kpoto and Ecowood Inc. is for the period of three years which makes it impractical to develop a five year management plan.

Question (3)

Has every PUP satisfied the Environmental Impact Assessment (EIA) Requirement?

Answer

The EIA for every forest use operation is a pre-felling requirement without which no harvesting certificate can be issued for further operation. Section 19.1 (g-k) of the NFRL states: The Authority may issue Regulations concerning any matter subject to this Law, including, without limitation, the following:

- g. the health, safety and welfare of individuals on forestlands, including the safety of commercial operations and the reporting of accidents;
- h. the protection of forestland from fire, insects and diseases;
- i. the powers and duties of Forest Officers in conducting inspections, seizing property and arresting individuals;
- j the prevention of and punishment for waste of forest resources or degradation of the environment
- K. the preparation of plans and environmental assessments.

The operator/holder of every forest license must adhere to the EIA Requirement which is approved by the Environmental Protection Agency (EPA). This is a requirement that can't be by-passed or compromised! The submission of the bulky condensed EIA process due to the thorough explanation of the Environmental impact Statement (EIS) shall pose a lot more difficulty in transmitting these huge volumes of document to the SDI. We shall therefore refer you to the Environmental Protection Agency (EPA) in proof of compliance to this requirement or better still, you are at liberty to visit or call on our Commercial Department at your hour of convenience to ascertain our statement.

Question (4)

Whether or not an initial Annual Operation Plan is the only requirement for a PUP and not a Land Management Plan?

Answer

You will note that the PUP's issued are categorized under various sizes which determine the period of life of each PUP. For instance if the size falls within the acreage or range of a Timber Sales Contract (TSC), then the life of said PUP is three (3) years. The proportion is worked out to determine the life of each PUP which ranges between (%000-49,999) hectares. An FMC (Forest Management Contract) can also be a PUP.

Consistent with the NFRL and Regulation 105-07 covering Pre-felling Operations: A pre-felling operation requires posting of any required performance bond and preparation of the Initial Annual Operations Plan, and for a Forest Management Contract (FMC), also preparation of a Forest Management Plan, preparation of an Environmental Impact Assessment and execution of a Social Agreement.

Therefore, the PUP of a TSC category will be required to present an Initial Annual Operations Plan while also fulfilling the requirements of the National Forest Policy and National Forest Management Strategy as stipulated at Section 4.3 and 4.4 respectively of the NFRL.

Question (5)

Whether or not the Award of PUP's jeopardizes Voluntary Partnership Agreement (VPA)?

Answer

How can the issuance of a PUP authorized under Section 5.6 of the NFRL, enacted in 2006 by the 52nd Legislature, run contrary to the tenets of the Voluntary Partnership Agreement (VPA) which was just initialed as early as May, 2011, but not yet consummated to take effect on activities of the forestry sector? The process leading to the issuance of each PUP is legal with the process greatly

informed by inter-sectorial consultation. For instance, deeds proffered by the applicant land owner are referred to the Ministry of Lands, Mines and Energy for scrutiny and validation. An accompanying letter from the Ministry certifying said deed is sent to the FDA with further instruction to proceed with the PUP.

The VPA, when concluded between the European Union (EU) and Liberian Government sometime in the future, will then oversee compliance as it relates to the principle of Legality Assurance and Legal Timber regardless of which type of concession from which said timber originates.

Question (6)

Whether or not FMC "A", TSC (A6), & TSC (A-7) contained land area dispossessed from the people of Bokomu and Gou Nwollaila, Gbarpolu County, Liberia?

Answer

No! In pursuit of a Private Use Permit (**PUP**), the People of Bokomu and Gou Nwollaila, Gbarpolu County, have already presented deeds to FDA which were since directed to the Ministry of Lands and Mines for verification. The Ministry has completed its desk study of the entire Bokomu area and very soon it will be coming up with its final report that will lead to granting of the requested PUP to the citizens of Bokomu, Gbarpolu County.

Thanking you highly for your usual concern, cooperation and understanding of our response in the premises.

Kind regards,

Sincerely yours,



Moses D. Wogbeh, Sr.

Managing Director

MDW/BKS/alt