

Private Use Permit
Contract

Between The
Forestry Development
Authority

&

*The People of
Bodae District
Sinoe County*

F.D.A.

P.O. Box 10-3010

Wheia Town, Mount Barclay

1100, Monrovia 10 Liberia

Friday, August 12, 2011



REPUBLIC OF LIBERIA)
MONTSERRADO COUNTY)

PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY
DEVELOPMENT AUTHORITY AND THE PEOPLE OF BODAE DISTRICT,
SINOE COUNTY, FOR THE HARVESTING OF 24,031 HECTARES OF
FORESTLAND

THIS CONTRACT made and entered into this 12th day of August
A.D. 2011, by and between the Government of Liberia, through the Forestry
Development Authority, hereinafter referred to as the Authority, represented by its
Managing Director, Moses D. Wogbeh Sr., and the People of Bodae Administrative
District, Sinoe County, hereinafter referred to as Bodae, represented by the District
Forest Management Committee by and thru Senior Citizen, Mr. David Miller Toe
hereinafter collectively the Parties, hereby;

W I T N E S S E T H:

WHEREAS, the Authority is statutorily responsible for the sustainable management and
use of all categories of forest resources;

WHEREAS, the People of Bodae are legitimate owners of a tract of forestland of
24,031 hectares by virtue of inheritance through a legitimate purchase from the Republic
of Liberia;

WHEREAS, the Bodae Administrative District encompassing of Upper Dweoh, Toe
Wion, Gmagnakpo, and Doe Sieh clans made an application to the Authority on March
17, 2011 on behalf of said citizens for the issuance of a Private Use Permit to
commercialize their deeded forested land as can be seen from copy of said letter hereto
attached and marked Exhibit "A";

WHEREAS, by virtue of Section 5.6 (d) (i) of the National Forestry Reform Law
(NFRL) of 2006, copy of a duly certified Aborigine's Grant Deed issued in 1974 under the
signature of President William V.S. Tubman, in proof of ownership of the subject tract of
land is hereto attached and marked Exhibit "B" to form a cogent part of this Permit;

WHEREAS, in further verification of the subject property, the Ministry of Lands, Mines
& Energy finally gives authentication and verification to the said Bodae Deed through a
letter under the signature of Assistant Minister Maxwell C.F. Gwee. Attached also is the
said verification letter marked Exhibit "C" to form an integral part of this Contract;

WHEREAS, validation of the area in keeping with Section 5.6 (d) (ii) of the NFRL and
Section 61 of FDA Regulation 102-07 shows that the said tract of land is suitable for
commercial forestry. Said validation report is hereto attached and marked Exhibit "D" to
form also an integral part of this contract;

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WHEREAS, Bodae is desirous of commercializing harvestable tree species on the said tract of 24,031 hectares of land;

WHEREAS, the Authority having examined Bodae's application and the requirements of Section 5.6 of the NFRL having been met, declares Bodae qualified for issuance of a Private Use Permit that will allow it enter into contractual agreement with a company or corporation to carry out said commercial activities;

NOW, THEREFORE, for and in consideration of the mutual promises and agreements herein contained, the parties do hereby agree as follows:

1. Definitions

- a. Authority: The Forestry Development Authority (FDA) created by an Act of the Legislature on November 1, 1976.
- b. Annual Operations Plan: the plan that guides the annual operations of the Holder
- c. Chain of Custody: the path of custodianship followed by logs, Timber and wood products through harvesting, transport, interim storage, processing, distribution and export from source of origin in the forest to end use.
- d. Code of Forest Harvesting Practices: a set of standards for environmentally sound forest use prepared by the Authority
- e. Conservation: the sustainable management and protection of forest resources to achieve maximum environmental, social, economic and scientific benefits for present and future generations
- f. Forestry: the science, art and practice of conservation of forest resources
- g. Forest Resources License: any legal instrument pursuant to which the Authority allows a person, subject to specified conditions, to extract forest resources or make other productive and sustainable use of forest land. This includes Forest management Contracts, Timber Sale Contracts, Forest Use Permit and Private Use Permit.
- h. Forestland: a tract of land, including its flora and fauna capable of producing forest resources, or land set aside for the purpose of forestry, but not including land in permanent settlements and land that has been in long term use for non-shifting cultivation of crops or raising livestock.
- i. Forest Product: any material or item derived from forest resources.

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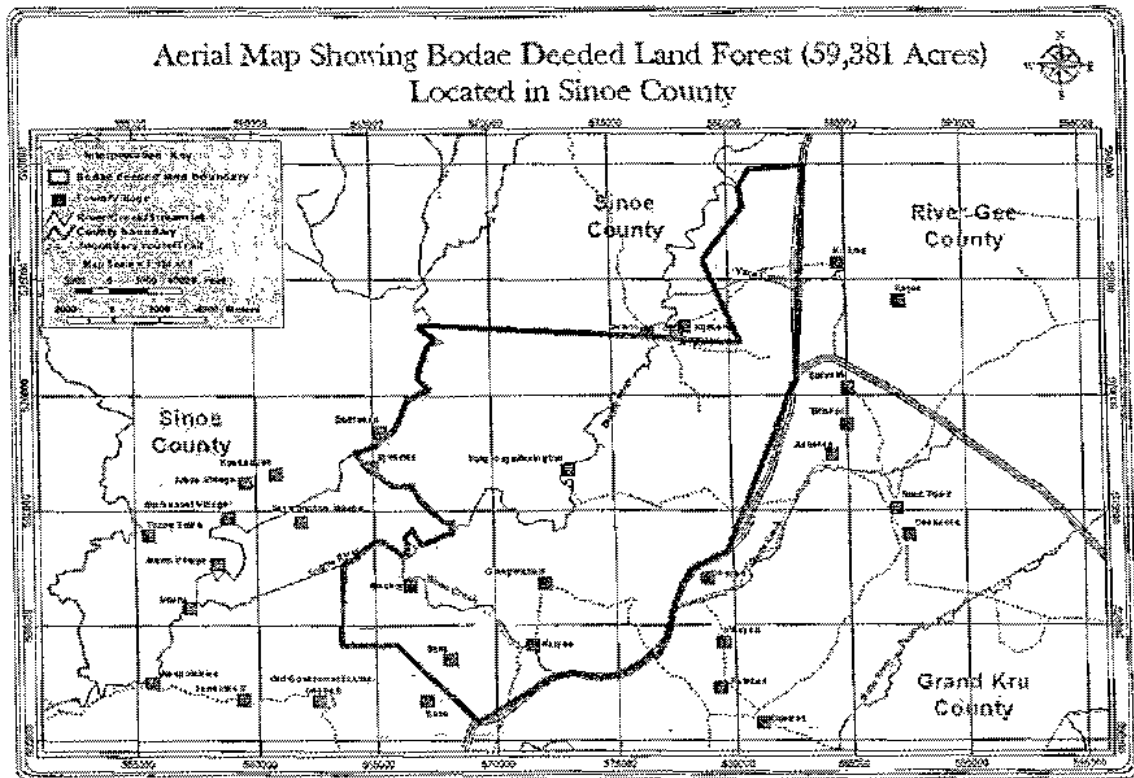
- j. Forest Management Contract: forestry contract which covers a land area of 50,000 – 400,000 hectares.
- k. Holder: a person who holds a valid forest resources license
- l. Land Owner: a person who owns land by legal title
- m. Operator: a person harvesting or making commercial use of forest resources under a forest resources license, including a person working as an employee, contractor or other agent for a Holder.
- n. Pre-Felling Operations: legal requirements of the Holder before felling of logs. They include posting of required performance bond; preparation of initial annual operations plan and preparation of environmental impact assessment.
- o. Private Use Permit: a forest resource license issued by the Government to allow commercial use of the forest resources on private land.
- p. Public Use Permit: a forest resource license issued to extract forest resource from an area less than 1000 hectares.
- q. Reforestation: the establishment of a tree plantation in a previously forested area that has been affected by cutting, fire, or some other act of tree removal.
- r. Societe Generale de Surveillance (SGS): the institution/company responsible to manage the Chain of Custody System.
- s. Timber Sale Contract: a short term forest resources license issued by the Government for a period of three (3) years that allows a person to harvest timber from a specified tract of forest land.

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2. Metes and Bounds/Technical Description of Bodae District Forest Land & Location Map

Commencing at a Town near the Dugbe River named Dweoh Town; thence a line runs S 87° E for 12,016 feet to a point; thence a line runs N 22° W for 12,933 feet to a point; thence a line runs N 36° E for 9,358 feet to a point; thence a line runs N 11° W for 2,752 feet to a point; thence a line runs N 28° E for 2,873 feet to a point; thence a line runs N 85° E for 7,754 feet to a point; thence a line runs S 3° W for 29,624 feet to a point; thence a line runs S 22° W for 27,397 feet to a point; thence a line runs S 67° W for 5,475 feet to a point; thence a line runs S 20° W for 7,180 feet to the point on the Sinoe Creek; thence a line runs along said creek Southward for 22,503 feet to a point; thence a line runs S 57° W for 12,361 feet to a point; thence a line runs N 44° W for 15,552 feet to a point; thence a line runs Due West for 8,055 feet to a point; thence a line runs N 2° E for 11,929 feet to the point on the Dugbe River; thence a line runs along said river Eastward for 25,242 feet to a point; thence a line runs S 79° W for 1,507 feet to a point; thence a line runs N 44° W for 4,636 feet to a point; thence a line runs N 29° W for 2,176 feet to a point; thence a line runs S 84° W for 2,445 feet to a point; thence a line runs N 55° W for 4,507 feet to a point; thence a line runs N 34° W for 2,892 feet to the point on the tributary of the Dugbe River; thence a line runs along said tributary Northward for 26,701 feet to a point; thence a line runs S 87° E for 30,788 feet to the point of commencement, containing 59,381 acres of land.

Map of Bodae Forestland



Handwritten initials/signature:
M/M
J/C
B

3. Contract Objective

- a. To harvest merchantable tree species from 24,031 hectares of tract of land otherwise called the Bodae Forest Land
- b. To engage in reforestation of the area involving indigenous species
- c. To create alternative uses of the tract of land after harvesting of trees
- d. To create employment for about 300 locals of the contract area and surrounding towns and villages.

4. Contract Duration

The contract shall be for twenty fourteen (14) years, the land area being as TSC.

5. Chain of Custody System

In keeping with Section 13.5 of the National Forestry Reform Law of 2006 and sections (1-35) of FDA Regulation 108-07, the Chain of Custody System will apply during the life and implementation of this contract. The system so established for the tracking of logs, timber and wood products from forest to processing and then to domestic or foreign market shall be managed by Societe Generale de Surveillance (SGS) using SGS/Helveta equipment and software as provided for by section 3.2 (3) of the Chain of Custody System Management Contract of 2007.

6. Land Rental & Stumpage Tax

Consistent with Section 5.7(b) of the National Forestry Reform Law of 2006, the Company shall not be charged to pay land rental tax. However, stumpage shall be paid consistent with Section 5.7 (c) of the National Forestry Reform Law and also consistent with Section 22(b) of Regulation 107-07.

7. Other Fees & GOL Taxes

All other fees and GOL Taxes levied on the project shall be consistent with the Revenue Law of Liberia and FDA Regulation.

8. Pre-felling Date

Before Company is certified for felling, all pre-felling operations including the following must be completed:

- a. Posting US\$50,000.00 performance bond
- b. Submission of initial annual operations plan
- c. Environmental Impact Assessment

d. Social Contract

9. **Employment**

Recruitment and employment by the Company shall be consistent with Labor Law of Liberia and International Labor Organization.

Termination

This contract shall be terminated if the company upon notice of breach of any term of this Contract fails to remedy said breach within a period of (60) sixty days.

9. **Force Majeure**

In the event of force majeure, which causes either party from meeting its obligations herein stated, the Contract shall be suspended as long as the force majeure continues.

10. **Duty of Care**

The Authority shall ensure that the Company maintains environmental quality of the cutting area and comply with all other conditions consistent with the Liberia Code of Harvesting Practices to include:

- a. Water course protection
- b. Erosion prevention
- c. Prevention of pollution to rivers, streams and other waterways by disposal of wastes
- d. Prevention of fire disaster

The operation shall also be in conformity with international conventions to which Liberia is a party. They include: the Convention on Biodiversity, the International Tropical Timber Agreement, the United Nation Framework Convention on Climate Change, the United Nations Convention to Combat Desertification, the Convention on International Trade In Endangered Species and the RAMSAR Convention on Wetland Management

11. **Governing Laws**

In effecting this Contract between the Corporation and the Authority, the relevant Laws of Liberia including but not limited to the National Forestry Reform Law and regulation governing Chain of Custody will prevail.

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12.

Binding Effect

This Agreement is binding on the parties, their successors-in-office as if they were physically present at execution of this instrument.

In witness whereof, we have affixed our signatures on the day and date first mentioned above.

FOR THE AUTHORITY



Witness

Approved: 

Moses D. Wegbeh, Sr.
Managing Director



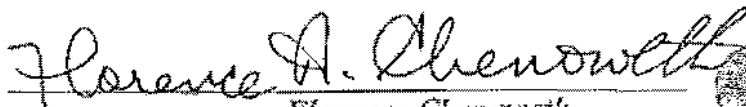
FOR THE PEOPLE OF BODAE ADMINISTRATIVE DISTRICT




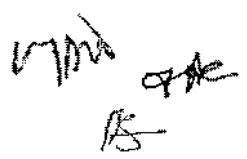
David Miller Toe



John Comings Jr.

Approved 

Florence Chenoweth
Chairman-FDA Board of Directors 

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Recd: March 23, 2011



Atlantic Resources Limited

P.O. Box 5485, Randall Street, Monrovia, Liberia, West Africa. Tel: 00231-5-537554

March 17, 2011

Hon. Moses D. Wogbeh, Sr.
Managing Director
Liberia's Forestry Development Authority
Whein Town
Monrovia, Liberia

Dear Hon. Director:

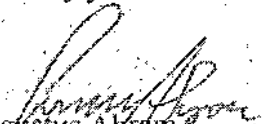
We are delighted to inform you that the citizens including the Superintendent, Representative, and Commissioner of Tchien mengna, B'hai, Sam Gbalor, Bodae, Jeadepo, Kulu Shaw Boe, Tarsue sehnkwehn and Cavalla Districts, River Cess, Sinoe and Grand Gedeh Counties met in a citizens meeting for the sole purpose of discussing the possibility of granting ATLANTIC RESOURCES Ltd, a registered company operating under the Laws of the Republic of Liberia, the right to sustainably manage and exploit the forest on their deeded land.

Hon. Director, after lengthy deliberations, it was agreed that Atlantic Resources Limited be given the right to manage said forest in their beloved Counties. In reaching this conclusion Hon. Wogbeh, we were mindful and also took into consideration that your institution through the Government of Liberia awards Private Use Permit to us in these Counties as part of your forest management strategy and in line with the New Forestry Law of Liberia.

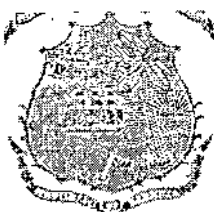
Against this backdrop Hon. Director, we are submitting a legal documentation, including MOU, deeds and technical location of said forest to your good office for the purposes of issuing us a *Private Use Permit (PUP)*, in consonance with the New National Forestry Law of 2006.

Thanks in advance for your continued understanding.

Sincerely yours


Augustus Abram
Planning Manager (ARC)

Thank,
where are these as
listed in the
proposed model of an
by the. Please see
in details and also
management accord
31/03/2011
15-FAE



REPUBLIC OF LIBERIA
MINISTRY OF LANDS MINES & ENERGY



P. O. BOX 10-9024
1000 MONROVIA 10, LIBERIA, WEST AFRICA
TEL: (231) 226-858; FAX: (231) 226-281

Monday June 27, 2011

Hon, Moses D. Wogbeh, Sr.
Managing Director
Forestry Development Authority
Monrovia, Liberia

Dear Hon. Wogbeh:

We write to present our compliments, and wish to acknowledge receipt of your letter dated 31st March, 2011, Ref. No. MD/48/2011/8 requesting the Ministry of Lands, Mines and Energy to review, verify and authenticate deeds of land areas in Cavalla, Tchien Mengna, B'hai, Sam Gbalor, Bodoe, Jedepo, Kulu, Shaw, Boe and Tarsue Sanquin all of Sinoe and Grand Gedeh Counties.

In reference to this request, we are pleased to note that after carefully analyzing the technical information presented and verification by Resident County Surveyors, these documents are found to be correct and there exists no other claimants/titles.

Therefore, this Ministry hereby advises that the Forestry Development Authority can proceed in granting a PRIVATE USE PERMIT to these communities in fostering their goals.

Kind regards.

Very truly yours,


Hon. Maxwell C. ...
Acting Assistant Minister/DLS&C



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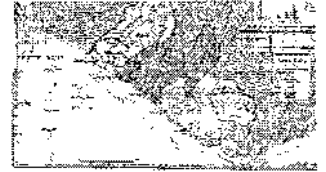
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Forestry Development Authority


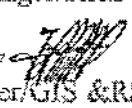
P.O. Box 10-3010

Elise Saliby's Compound
Kappa House, Congo Town
Monrovia, Liberia



MEMORANDUM

TO: Moses D. Wogbeh, Sr.
Managing Director,
Forestry Development Authority

FROM: John D. Kauter, Sr. 
Technical Manager/R&D
&
Towon Nyanty 
Acting Manager/GIS & RS

Subject: *Authentication & Verification of Deeded Land Properties in Southeastern Liberia Pertaining to: B'hai, Bodue, Gbao, Jeadepo Kulu Shaw-Boe, Sam Ghalor, Tarsu Sanguin, and Tchien Magna Districts.*

DATE: April 5, 2010


Background

Predicated on a written communication dated March 17, 2011 from the Management of Atlantic Resources, Ltd., under the signature of Mr. Augustus Abram, Planning Manager of A.R.L. requesting the Forestry Development Authority to authenticate, verify and issue Private Use Permits (PUP) for eight (8) different community forests in Southeastern Liberia. A team of technicians from the FDA, blended with the Regional Staff was mandated by Managing Director Moses D. Wogbeh, Sr., to visit those areas for detail ground truthing and authentication of the area for Management's reaction.

In light of this, the Technical Manager of Scientific Research & Development, the Manager of Geographic Information Systems & Remote Sensing, and the Regional Forester for Region # 4, accompanied with the Management Officer, Extension Community Officer, Concession Preparation Officer, Contract Administrator, Inspection Forester, and the Community Engagement Ranger traveled to the land under consideration to conduct a joint ground truthing exercise of the area.

Field Patrol

During the period March 23-June 1, 2011, the joint team patrolled a significant portion of the area and gathered detail information relating to on going multiple uses of the area, types of vegetation and livelihood of community dwellers within the parameters of the forests. The Technical Manager for Scientific Research & Development & the Manager of GIS & Remote Sensing--



handled all Technical issues relating to the deed location, boundaries and commencement/starting points.

On June 5, 2011, various working groups were formed by FDA staff on how to conduct an on the spot authentication and validation process amongst stakeholders and land owners. County officials were brief by Regional Forester Philip Joekolo on the objective, scope and limitation of the exercise. Three (3) thematic working groups were formed.

For group #1, headed by Alexander Akoi, he made stop in Fish Town, River Gee County late in the afternoon and presented a communication to the Acting Superintendent Hon. Poulh Wesseh and explained to him the mission. Superintendent Wesseh whole heartedly welcomed the group and told them to proceed to Webbo District to meet with the District statutory Superintendent; Hon. Samuel Bohlen who will assist the team in conducting these exercises.

In Konowroken City, the meeting was held at the City Major's premises with the City Major Hon. Wilfred G.N. Davis, the Statutory Superintendent Hon. Samuel Bohlen. Paramount chief of Tuobo Chiefdom, Hon. Moses Dargbah, and several town chiefs, elders, youth leaders, woman leaders attended these meetings in providing historical facts about their forests location and deed diagrams.

Group # 2 & 3 conducted similar exercises and were impressed with the warmed reception received from all known settlements and satellite communities living within and out of the deeded polygons in Maryland County (Barrobo District, Pleebo/Sodeken and Lower Kru Coast Districts).

On June 11, 2011, the team held meeting with the people of Barrobo Statutory District in Globaken City, informing them about Atlantic Resources Logging Company/FMC Area "P" operation that is to start or take place in their areas and expressed interest in their community forests. The citizen expressed their cooperation and willingness through Superintendent Nathaniel Nagbe to work with Atlantic Logging in obtaining the community forests.

In Grand Kru County, Barclayville City, FDA staff met with a cross section of the citizen including Hon. Cletus Segbe Wotorson, Senator Blamoh Nelson, Representative Gbenimah Slopadoe, I. of District # 1 and Representative George Wesseh Blamoh of District # 2. They provided valuable services and information to FDA's GIS & Remote Sensing Laboratory in the authentication and legitimacy of all deeds submitted by the County caucus.

Findings

Following an intensive tour by the three (3) teams we observed and authenticated that:

- ✦ Indeed the deeded land documentations submitted to FDA does not overlap with any of Protected Area of Liberia.
- ✦ The land deed which is located in Sinoe, Grand Gedeh and River Cess Counties, shares common border with one another interns on districts localities.
- ✦ Large portion of all the areas as described in the deeds consists of primary forests and species except those areas near the Dubo River, Joda River, Sinoe Creek, Munu Creek and the Si Creek consists of mangrove swamps.
- ✦ The area is the home of some protected wildlife animals species
- ✦ Large portion of all the areas are suitable for harvesting (commercial logging).
- ✦ Topographically, the entire land mass of deeds submitted to FDA is relatively flat with more water ways.
- ✦ The areas are truly located in Southeastern Liberia
- ✦ Technically, the Metes & Bounds of all deeds are correct.

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Recommendation

In view of the verification and confirmation of these documents by the Forestry Development Authority, coupled with our ground truthing, we herein recommend that:

- * That the deed be forwarded to the Ministry of Lands, Mines & Surveys, especially the Director of Cartography for authentication. After authenticating the deed and found legitimate, the FDA should perform the below activities:
- * As per National Forestry Reform Law (NFRL) of 2006 provision in chapter five section 5.6, we therefore recommend that FDA Management issue a Private Use Permit for separate Tribal Land to the people of Southeastern Liberia in compliance with all relevant requirements of this section (particularly section 5.6 c (i,ii,iii) and d (i,ii,iii,iv,v,vi) respectively.

TEAM MEMBERS

1. Philip K. Jeekolo:
Regional Forester, Region # 4/FDA
2. Alexander D. Akoi:
Management Officer, Region # 4/FDA
3. Soko Koryon:
Extension Community Officer, Region # 4/FDA
4. Emmanuel S. Nmah
Contract Administrator, Harper City, Region # 4/FDA
5. William Clay
Inspection Forester, Region # 4/FDA
6. Francis Togba
Concession Preparation Officer, Region # 4/FDA
7. Koffa Wiah
Community Engagement Ranger, Region # 4/FDA

Cc/
DMDA
Law Office
Commercial Department
File

HR
JAE
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Private Use Permit

