

Private Use Permit Contract Between The Forestry Development Authority

The People of

Zodua Section,

Grand Cape Mount County

F.D.A.

P.O. Box 10-3010

Whein Town, Mount Barclay
1000, Monrovia 10 Liberia

January 10, 2011



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REPUBLIC OF LIBERIA) MONTSERRADO COUNTY)

PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY DEVELOPMENT AUTHORITY AND THE PEOPLE OF ZODUA SECTION, VAI KONNEH CLAN, GARWULLA DISTRICT, GRAND CAPE MOUNT COUNTY, FOR THE HARVESTING OF 11,324 HECTARES OF FORESTLAND

WITNESSETH:

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

WHEREAS, the People of Zodua Section are legitimate owners of a tract of forestland of 27,982 acres/11,324 hectares by virtue of inheritance through a legitimate purchase from the Republic of Liberia;

WHEREAS, by virtue of Section 5.6 (d) (i) of the National Forestry Reform Law (NFRL) of 2006, copy of a duly certified Land Certificate issued on November 5th 1973 under the signature of Superintendent, Paramount Chief, Clan Chief and Clan Chief Clerk, in proof of ownership of the subject tract of land is hereto attached and marked Exhibit "A" 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 Zodua Section, Garwulla District through a letter under the signature of Acting Assistant Minister Maxwell C.F. Gwee. Attached also is the said verification letter marked Exhibit "B" 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 "C" to form also an integral part of this contract;

WHEREAS, Zodua Section is desirous of commercializing harvestable tree species on the said tract of 11,324 hectares of land;

WHEREAS, the Authority having examined Zodua's application and the requirements of Section 5.6 of the NFRL having been met, declares Zodua Section 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

- Authority: The Forestry Development Authority (FDA) created by an Act of the Legislature on November 1, 1976.
- 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.

- 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
- 1. 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.
- 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.

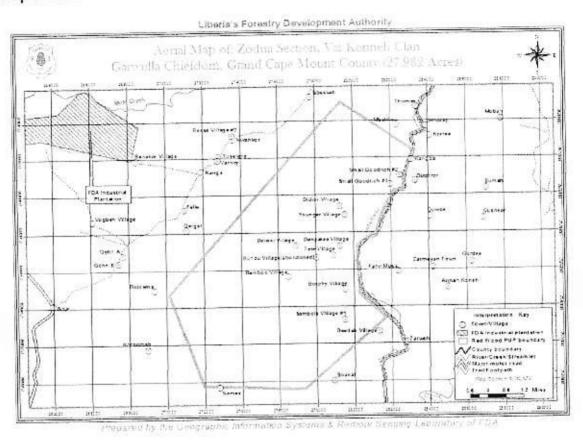
Metes and Bounds/Technical Description of Zodua Section Forest Land & Map

Zodua Section forested area lies within Latitudes 6°46'48"-6°54'36" North of the Equator and Longitudes 10° 58'12"-11°4'48" West of the Greenwich meridian and it is located in Eastern Grand Cape Mount County. L. I. B. E. R. I. A.

The boundary line of Zodua Section forested area falls within B.F. Goodrich plantation area near the Town of Kengba near the Lofa River; thence a line runs N 56° W for 4,595 meters to a point (6°54′59.96"N-10°59'48.39"W); thence a line runs S 42° W for 13,820 meters to a point (6°49'24.94"N-11°04'47.85"W); thence a line runs S 20° E for 5,283 meters to a point (6°46'42.33"N-11°03'50.29"W); thence a line runs S 88° E for 5,437

meters to a point (6°46'37.67"N-11°00'53.36"W); thence a line runs N 48° E for 5,788 meters to the point on the Lofa River; thence a line runs along the Lofa River in the Northern direction for 10,814 meters to the point of Commencement, embracing 27,982 Acres of Land and NO MORE.

Map of Zodua Forestland



3. Contract Objective

- To harvest merchantable tree species from 11,324 hectares of tract of land otherwise called the Zodua 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 200 locals of the contract area and surrounding towns and villages.

4. Contract Duration

The contract shall be for seven (7) years.

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
- 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.

12. <u>Binding Effect</u>

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

Hamman Witness	Approved:	Moses B. Wogbeh, Sr.
		Managing Director

FOR THE PEOPLE OF ZODUA SECTION, GARWULIA DISTRICT

N Dahed	
0201154	Edmin J. Sandmine
Clan Chief Momo Kundukai Kiadii	Youth Chairman Edwin J. Sandimanie

Johtu Sambole Sheiliff
Paramount Chief Madam Jartu Sambola Sirleaf

Chairman DA Board & Directors

August 20, 2010

Hon. Moses D. Wogbeh, Sr. Managing Director Forestry Development Authority Elie-E Saleeby Compound Congo Town, Monrovia, Liberia

REQUEST FOR PRIVATE USE PERMIT

Dear Hon, Wogbeht:

We convey our compliment for your level of achievement at FDA in a shortest period of time since your preferment by Her Excellency Madam Ellen Johnson Sirleaf, President of the Republic of Liberia

Accordingly, we write to inform you that citizenry of Zoduah Clan, Gohn Falie Karga, via Konneh Chiefdom Gawular District have acquired 20,000 parcel of land from the Government of Liberia in 1973 as a private property.

Hence, we write to request the issuance of Private Use Permit (PUP) from your office to allow us seek for investors to conduct full logging activity in our tribal forest. Our decision to request such issuance of Private Use Permit is predicated upon the fact that our tribal forest have continue to suffer in the hands of pit sawyer with no economic benefits to our community.

Attached is copy of our tribal certificate for your perusal.

Many thanks for understanding as we look forward to hearing from you soon.

Best regard.

Sincerely yours,

990 / 5 m/r Hon. Momo Kundukai Kiadii

CLAN CHIEF

J. Edwin Sandimanie

Hon, Edwin J. Sandimanie YOUTH CHAIRMAN

Hon. Boakai Congoe Zoduah

CHIEF ELDER

Approved:

Hon Jarty Sambola Sirlanf

Hon. Jartu Sambola Sirleaf PARAMOUNT CHIEF

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<u>LAND CERTIFICATE</u> , ♦
REPUBLIC OF LIBERIA GRAND CAPE MOUNTY.
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Actua Scotion, Vai Konneh Clan, Carwulla Chiefdom, Garwulla-Konneh
District, Grand Cape Mount County, Republic of Liberia, have complied
with all the customary rites and procedures of the Section and are
therefore granted this CERTIFICATE to purchase and surtey (20,000)
THOUSAND ACRES OF PUBLIC LAND. We the undersigned AUTHORITIES
have been on the spot and lound said parcel of land free from aid
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ATTESTED: Sura gama
CARAMOUNT CHIEF APPROVAD:
SUPERINTENDANT, GRAND PAPE MOUNTY R. L.

LAND CERTIFICATE.

REPUBLIC OF LIBERIA GRAND CAPE MOUNT COUNTY.

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OFFICE OF THE MAD COMMISTORER Ro b erts port MOUNT, N. L.

PUBLIC LAND BAKE

Mr. Antho my S herman Public Land Surveyor Robertsport, Cape Mount County

Mr. S urve vors

You are hereby ordered to survey in favor of Messes Chi Lehai Eudun, oima John Varney Zodna, Varney Soni, Occar R. Grey, Kar Karfin Fo l ey Zudua, B olma Bao, Bolkai Gengeh, Tomoly, Boing Joh, Al Varies Cartus Monolu Q weak Monolu Velah , what Taweh . Homo Seule None Kiasolu, Mul bah Sambah, Tirnech Cole, Mo molu Wah, Karmoh Fombah, Isa Tudues at 1 citizens of the Republic of Liberia, have complied with a certificate to purchase and survey (Twenty thousand) 208000 acres of bub lic lan d within Zo dua cl and Vei Koneh Chie fdomo under the capti

PUBLIC Lim a L.

For so doing this shall constitute your legal authoraty.

Issued this 5th day of December, A.D. 1973

Ban Pagsowe

LAND COMMISSIONER, CRD. CAPE MOUNT COUNTY, THE LIBERIAN REPUBLIC

CC: Chief Bahad Stduc et al.

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Reb. #11/18/2010



REPUBLIC OF LIBERIA MINISTRY OF LANDS, MINES AND ENERGY

P.O. BOX 10-9024 1000 MONROVIA 10, LIBERIA, WEST AFRICA TEL: (231) 027214009, FAX: (231) 7780999

Office of the Minister

RL/MLME/JCN/Acting Min.-DMD/433/10

Tuesday, November 16, 2010

Hon, Moses D. Wongbe, Snr. Managing Director Forestry Development Authority (FDA) Monrovia, Liberia

Dear Hon. Wongbe:

I am please to acknowledge receipt of your letter of Monday, November OI, 2010 Ref. MD/114/2010/-6 requesting the review and verification of attached documents which are deemed necessary for granting a Private use Permit (PUP) by the FDA to the people of Grand Cape Mount County.

We are pleased to inform you that the Department of Land, Surveys and Cartography has reviewed the said documents and submitted a report, a summary of which is captioned below:

- (a) that although the documents presented do not constitute sufficient documentary evidence for full title claim, they do present sufficient evidence that the people of Zodua Section, Via Konneh Clan, Garwulla Chiefdom, Garwulla-Konneh District, Grand Cape Mount County, did in 1973 initiated the process to obtain title; that they did obtain the necessary approvals at the levels of the tribal and county authorities; and as such, said documents do represent evidence of a color of title.
- (b) that given said documents, in case no other party presents or files claim to said property (parcel of Land), the families listed on the (tribal)Land Certificate and the Survey Order should have first right to title;

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REPUBLIC OF LIBERIA

MINISTRY OF LANDS, MINES AND ENERGY

P.O. BOX 10-9024

1000 MONROVIA 10, LIBERIA, WEST AFRICA

TEL: (231) 027214009, FAX: (231) 7780999



Office of the Minister

- (c) that the names listed in the (tribal)Land Certificate suggest that this was an attempt to secure title for the entire clan:
- (d) that in view of the above, Government should be assisting these people to regularize their documents, and not denying them the rights to benefit from the said laid; because the prevailing policy is not to deprive our traditional rural people of their land rights; but rather to improve and secure their tenure.

Accordingly, we uphold the recommendations of the Land Department that the FDA should proceed to grant the Private Use Permit (PUP) provided however (a) that the people of Zodua Section. Via Konneh Clan, Garwulla Chiefdom shall benefit only to the extent that the said permit is contained within the limits of the clan (b) that within a specified time frame a desk study shall be conducted to define the land area in question and determine its locality, and to determine and locate all other claims to private land within the said clan; and (c) that any other party with genuine claim to land shall share in the benefit to be accrued by the community form said Private User Permit.

I trust that you s hall find the above useful, and remain committed to cooperating with the FDA in such endeavor.

Kind regards.

Very truly yours.

Zohn & Nylander Acting Minister

Attachment: Report from the Department of Land, Surveys & Cartography

Eds. b. 7 "C".

Memorandum

To: Augustine B. Johnson

Manager, Geographical Information Services,

Department of Forest Research and Development

Forestry Development Authority

From:

Armandu K. Daniels

Research Officer, Plantation and Natural Forest

Subject: Report on the Survey of Affected Communities around the Forest of Redwood Limited,

Gohn Township, Garwula District, Grand Cape Mount County

Date: October 22, 2010

Please find attached the report of the recent survey conducted within Gohn Township, Garwula District, Grand cape mount county in favor of Redwood Limited.

Report on the Sur vey of Affected Communities

Around the Forest of Redwood Limited located In Gohn Township,

Garwula District, Grand Cape mount County

October 14 - 20, 2010

Submitted By: Armandu K. Daniels

Research Officer / Plantation and Natural Forest

Date: October 22, 2010

Introduction:

On October 13, 2010, Redwood Limited, a certified logging company—contacted the Department of Forest Research and Development of the FDA to conduct a survey of affected forest communities around one of its—ear-marked contract areas, located in Gohn Township, Garwula District, Grand Cape mount County. Mr. Armandu K. Daniels, Research Officer for plantation and Natural Forests of the Division of Scientific Research, was designated to implement the exercise in view of this arrangement. Field activities were conducted within a period of seven (7) days beginning October 14 – 20, 2010.

As you may be aware, the exercise is one of those requirements recommended by the National Forestry Law of 2006 for forest contract Holders prior to the commencement of any harvesting activity.

Objective:

The purpose of the exercise is to identify and map all of the communities that are directly connected to the ear-marked contract area in terms of decision-making so as to create a corridor of mutual understanding that may lead to the signing of any social agreement before the commencement of logging activities in the area.

Strategy of Implementation:

Upon arrival in Gohn, a meeting was held with community elders where the team and its mission were introduced to them. During the occasion, selection of guards to lead the FDA representative through the forest and mapping of concern villages was also done.

On 15th of October 2010, actual field activities started with the mapping of the forest which exercise lasted for four (4) days while the mapping of the affected communities was done in two days.

Results:

The forest is a salvage area, thus influenced by former logging activities as well as shifting cultivation. However, the greater portion of the forest begins at Falie, a village situated. Northeast along the Senje-Lofa Bridge high way and extends approximately four (4) Kilometers. (4 Miles) to the western end and 6.5 kilometers (6.5) toward the Siamee and Konoma end. Though the forest trek did not reconsider the entire forest since most of it is broken, a significant portion (65 %) was mapped during the four days assessment while nine (9) communities were surveyed.

Observation:

The timber species of the forest are sparsely distributed at the Eastern and Northeastern end and densely populated at the Southeastern end toward the Siamee and Konoma Town.

For the purpose of sawmilling and exportation of timber products, the forest is dominated by Lophira alata, Hequea ciliate, Terminalia superba, Terminalia ivorense, Oldfieldia Africana, Parinari Excelsa, Chrysophelum albidum, Piptadeniastrum Africana, and etc.

The planned operation of Redwood Limited in the forest of Gohn Township is a welcome idea by the inhabitants of the area who are anxiously awaiting this even, though their hope is been threatened by the encroachment on their land property by an agriculture company named, Sam Darbie. The entity has

made claim through area map presentation including farms and forestland of Gohn Township. However, some level of protest by the affected communities has been brought to the attention of their Representative and Senators in the House of Legislature.

Conclusion and Recommendation:

Though conflict seems to ensue if the massive clearing of land by sam Darbie around the Guthrie Plantations is extended to other forestland of Cape mount County, it is important that Redwood Limited acts quickly to remove the wood so as to avoid the wastage of valuable timber species that could accrue some amount of benefits for the people of Gohn Township and the County as well. Another option would be to begin negotiation process with the Ministry of Agriculture or the Sam Darbie group of companies.

Team Members:

- 1. Armandu K. Daniels / Research Officer, Plantation and Natural Forest, FDA
- 2. Gbelay Sam Papa / Bush Manager, Redwood Limited
- 3. Momo Kiazulu / Member, community representative
- 4. Momodu Sheriff / Member
- 5. Mohammed Zodua / Member
- 6. Bowulor Manaballah / Member

Meta Data:

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1.	. Touslena	29 N 02	72859 / 0762820	4.5 km
2.	Kanga	29 N O2	71894 / 0761257	2.5 km
J 3.	Falie	29 N 02	70943 / 0759297	3.5 km
4.	Gohn	29 N 02	67709 / 0756763	3.6 km
5. :	Senji	29 N 026	64058 / 0754007	6.0 km
6.1	Kiawu	29 N 026	51530 / 0757360	10.5 km
7.5	Siamee	29 N 027.	2774 / 0749656	2.5 km
8.8	30mi	29 N 0261	908 / 0756842	11.0 km
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