Private Use Permit
Contract
Between The
Forestry Development
Authority
&
Tiehnpo District
River Gee County

F.D.A.
P.O. Box 10-3010
Kappa House, Elise Saliby’s Compound
1000, Monrovia 10 Liberia
September 1, 2010
REPUBLIC OF LIBERIA
MONTSERRADO COUNTY

PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY DEVELOPMENT AUTHORITY AND THE PEOPLE OF THIENPO DISTRICT, RIVER GEE COUNTY FOR HARVESTING OF 11,193 HECTARES OF FORESTLAND

THIS CONTRACT made and entered into this 31st day of AUGUST, 2010, 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 Thienpo District, River Gee County, hereinafter referred to as Thienpo represented by Elder Benjamin C. Quayeson and Benjamin Jlah, hereinafter collectively the Parties, hereby;

WITNESSETH:

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

WHEREAS, the People of Thienpo are legitimate owners of a tract of forestland of 27,646 acres/11,193 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 Public Land Sale Deed issued in 1954 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 Thienpo Deed through a letter under the signature of Assistant Minister George Y. Miller. 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 diminished by 12,381 hectares due to overlap of 11,942 hectares with the University of Liberia Forest and also by an overlap of 439 hectares with the Sapo National Park leaving a remainder of 33,162 hectares of forestland for commercial forestry. The said validation report is hereto attached and marked Exhibit "D" to form also an integral part of this Permit;

WHEREAS, Thienpo is desirous of commercializing harvestable tree species on the said tract of 11,193 hectares of land;

WHEREAS, the Authority having examined Thienpo’s application and the requirements of Section 5.6 of the NFRL having been met, declares Thienpo qualified for issuance of a Private Use Permit and
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.

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.

2. Metes and Bounds of Thienpo District Available Forest Land

Commencing at the point on the border of Sinoe and Grand Gedeh Counties (5°16'35.36"N-8°14'15.55"W); thence a line runs Due East for 10,041 meters to a point; thence a line runs Due South for 3,741 meters to a point; thence a line runs S 37° W for 11,969 meters to the point on the Grand Gedeh – Grand Kru County boundary; thence a line runs N 61° W for 3,317 meters to a point; thence a line runs S 86° W for 422 meters to a point; thence a line runs S 69° W for 689 meters to a point; thence a line runs S 58° W for 491 meters to a point; thence a line runs S 42° W for 268 meters to a point; thence a line runs Due North for 4,652 meters to a point; thence a line runs N 6° E for 5,161 meters to a point; thence a line runs N 23° E for 2,936 meters to the point of COMMENCEMENT, containing 27,646 acres of land.
4. **Contract Objective**

   a. To harvest merchantable tree species from 11,193 hectares of tract of land otherwise called the Thienpo Forestland
   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 250 locals of the contract area and surrounding towns and villages.

5. **Contract Duration**

   The contract shall be for seven (7) years.

6. **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.

7. 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.

8. 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.

9. 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

10. 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.

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

[Signature]
Witness

Approved: [Signature]
Moses D. Wognbeh, Sr.
Managing Director

For The People of Thienpo

[Signature]
Elder Benjamin C. Quayeson

[Signature]
Benjamin D.

[Signature]
Garmai T. Kortima
Witness

Approved: [Signature]
Florence Chenoweth
Chairman-FDA Board of Directors
THIS IS TO CERTIFY THAT the within document is a true and
correct copy of a ARQUIVOS DEP from the Republic of:
Libya to the Chief, Elders and Citizens of Chiepe
District as recorded in Vol. 5668 pages 301-302 of the
records of Montserrat County, filed in the Archives
of the Ministry of Foreign Affairs.

GIVEN UNDER MY HAND and Seal of the
Ministry of Foreign Affairs this 12th
day of May A.D. 1976 and of the
Republic the One Hundred and Twenty
Nineth.

C. Cecil Dennis, Jr.
MINISTER OF FOREIGN AFFAIRS.

CHECKED BY:

DIRECTOR OF ARCHIVES.
REPUBLIC OF LIBERIA

KNOW ALL MEN BY THESE PRESENTS, SHALL COME: Whereas it is the true policy of this Government to induce the Aborigines of the Country to adopt civilization and to become loyal citizens of this Republic and whereas one of the best means therefor is to grant lands in fee simple to all those showing themselves fit to be entrusted with the rights and duties of full citizenship as voters, and whereas the Chief, Elders and Citizens of Thienpo District have showing themselves to be fit and trusted with said rights and duties. Now, therefore, Know Ye that I, William V.S. Tubman, President of the Republic of Liberia for and in consideration of the various duties of citizenship heretofore to be legally perform by the said above names mentioned, I, William V.S. Tubman, President of the Republic of Liberia, for myself and my successors in Office have granted, and by these presents do give, grant and confirm unto the said Chief, Elders and Citizens of Thienpo District their heirs, executors, administrators or assigns forever all that piece or parcel of land situated, lying and being Thienpo District in the Southeastern Region, Republic of Liberia and bearing in the authentic record of said Region the number N/N and bounded and described as follows: Commencing at a point on the boundary of Nimba County and the Southeastern Region, thence due East 499 chains to a point, thence due South 185 chains to a point, thence South 37 degrees West 531 chains to a point on the Southeastern Region-Kru Coast Territory boundary; thence North 61 degrees West 165 chains to a point; thence South 96 degrees West 22 chains to a point, thence South 61 degrees West 34.25 chains to a point; thence South 78 degrees West 25 chains to a point; thence North 42 degrees West 44 chains to a point; thence due North 232 chains to a point; thence North 6 degrees East 256.5 chains to a point; thence North 23 degrees East 166 chains to the point of commencement and containing 27,646 acres of land and no more. TO HAVE AND TO HOLD the above granted premises together with all and singular the
buildings, improvements and appurtenances thereof and therein belonging to the said Chief, Elders and Citizens of Thiempo District their heirs, executors, administrators or assigns forever. And I the said William V.S. Tubman President as aforesaid for myself and my successors in Office do covenant to and with the said Chief, Elders and Citizens of Thiempo District their heirs, executors, administrators or assigns that at and until the enrolling hereof, I the said William V.S. Tubman President as aforesaid by virtue of my Office had right and lawful authority to convey the aforesaid premises in fee simple. And I the said William V.S. Tubman President as aforesaid and my successors in Office will forever Warrant and Defend the said Chief, Elders and Citizens of Thiempo District their heirs, executors, administrators or assigns, against any person or persons claiming any part of the above granted premises.

IN WITNESS WHEREOF I the said W.V.S. Tubman President of Liberia have hereunto set my hand and caused the Seal of the Republic to be fixed this 9th day of September A.D. 1954 and of the Republic the 107 year.

and W.V.S. Tubman President.

R.N. W.R.E.N.

ABORIGINES' DEED from Republic of Liberia to the Chief, Elders and Citizens of Thiempo District, Lot No. W/A situated in Thiempo District, Southeastern Region. "Let this be Registered" e.g. J.Van Fike, Commissioner of the Monthly and Probate Court, Mo. Co. Pro testosterone 24th day of September A.D. 1954, e.g. Suzanne E. William Clerk of the Monthly and Probate Court, Mo. Co. Registered according to law in Vol. 668 pages 301-302, e.g. Reuben B. Logan, Registrar, Mo. Co.
July 21, 2010

Hon. Frederick A. Johnson
Acting Managing Director
Forestry Development Authority
P.O. Box 10-3010
Monrovia, Liberia

Dear Hon. Johnson:

We wish to present our compliments, and acknowledge receipt of your letter dated the 14th of May, 2010 (B/09/L/009/00/0033) conveyed by your Embassy in this Ministry, for the review, audit, and authentication of certain documents pertaining to the location of certain lands located at Kelloway #1 & 2, Barrobo, Nyembo, Lofoway, and #3 in the Republic of Liberia, in compliance with the rules derived.

Hon. Johnson, after carefully perusing the details and the verification of the documents and the surveys, it was observed that the documentation submitted by the Ministry were all true, correct, and had no incriminate, thus permitting the Forestry Development Authority to proceed with the granting of Private Use Permit to the citizens of the above communities.

We are also pleased to inform you that the documents submitted were countersigned by the Embassy office and the Ministry of Foreign Affairs.

His Majesty, we requests that all field verification conducted by your institution in the office of the Acting Managing Director, in consultation with the Ministry of Lands, Mines & Energy, be carried out at the earliest possible time.

Thanks for your patience and understanding due to the delay of this communication due to the unforeseen high altitude and climate condition.

Sincerely yours,

[Signature]

Information & Land Surveys & Cartography

[Stamp]
TO: Moses D. Wogbeh, Snr.
    Managing Director,
    Forestry Development Authority

FROM: John D. Kantor, Snr.
    Technical Manager/R&D
    &
    Augustine B.M. Johnson
    GIS & Remote Sensing Expert

Subject: Authentication & Verification of Deeded Land Properties in
         Southeastern Liberia Pertaining to: Trenbo, Upper & Lower Jloh,
         Bolloh Forests (Grand Kru County), Kallaway # 1 & 2, Barrobo Forests
         (Maryland County), Nyenbo, Tuobo, & Tiempo Forests (River Gee
         County)

DATE: April 5, 2010

Background

Predicated on a written communication dated February 7, 2010 from the Management of
Atlantic Resources, Ltd., under the signature of Mr. Augustus Abram, General Manager
of A.R.L. requesting the Forestry Development Authority to authenticate, verify and
issue Private Use Permit (PUP) for seven (7) different community forests in
Southeastern Liberia. A team of technicians from the FDA, blended with the Regional
Staff was mandated by former Managing Director John T. Woods 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 12-29, 2010, 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 March 13, 2010, 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. Poul 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, Pleebbo/Sodeken and Lower Kru Coast Districts).

On Wednesday March 17, 2010, the team held meeting with the people of Barrobo Statutory District in Globaken City, informing them about Atlantic Resource 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 Blamooh Nelson, Representative Gbemimah Slopadoe, 1. 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 Nyenebo/Tuobo, Karluway # 1 and #2 deeded land does not overlap with any of the designated land use proposed by the FDA.
- The Trenbo land deed which is located in Grand Kru County shares common border with Atlantic Resources Ltd. Logging Company boundary line.
- The Upper and Lower Jloh deeded land shares common border with the University of Liberia Forest in Grand Kru County and directly falls within the Grand Kru Proposed Protected Area.
- The Bolloh Land deed in Grand Kru County shares common border with the Atlantic Resources Ltd. Logging Company and the University of Liberia boundary lines; also the Bolloh deeded land falls directly within the Grand Kru Proposed Protected Area.
- The Tiebopo land deed in River Gee County doesn’t share any common boundary with the University of Liberia forest and the Atlantic Resources Logging Company but rather falls within the designated Proposed Protected Area.
- 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.
- Total land area of Tribal Deed submitted to FDA is 320,428 acres or 129,675 hectares

Recommendation

In view of the verification and confirmation of these documents by the Forestry Development Authority, coupled with our ground truthing (March 12-29), 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 totaling 320,428 acres or 129,675 hectares 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.
That a compromise of Tiehnpo, Bolloeh, Upper & Lower Jloh deeded land which falls directly within the Grand Kru Proposed Protected area be reached to avoid problems.

TEAM MEMBERS

1. John D. Kantor, Sr.
   Technical Manager, Research & Development/FDA

2. Augustine B.M. Johnson:
   GIS & Remote Sensing Expert/FDA

3. Philip K. Jockolo:
   Regional Forester, Region # 4/FDA

4. Alexander D. Ako:
   Management Officer, Region # 4/FDA

5. Soko Koryon:
   Extension Community Officer, Region # 4/FDA

6. Emmanuel S. Nuah
   Contract Administrator, Harper City, Region # 4/FDA

7. William Glay
   Inspection Forester, Region # 4/FDA

8. Francis Togba
   Concession Preparation Officer, Region # 4/FDA

9. Koffa Wiiah
   Community Engagement Ranger, Region # 4/FDA

Below is an attached Investigative Maps of all land deeds submitted to FDA.

Cc/
DMDA
Law Office
Commercial Department
File