

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

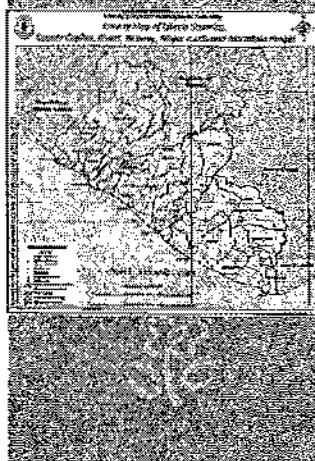
*F.D.A.*

*P.O. Box 10-3010*

*Kappa House, Elise Saliby's Compound*

*1000, Monrovia 10 Liberia*

*September 1, 2010*



REPUBLIC OF LIBERIA)  
MONTERRADO 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 31<sup>st</sup> day of August, 2010 A.D. 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;

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 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

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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.

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- 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.

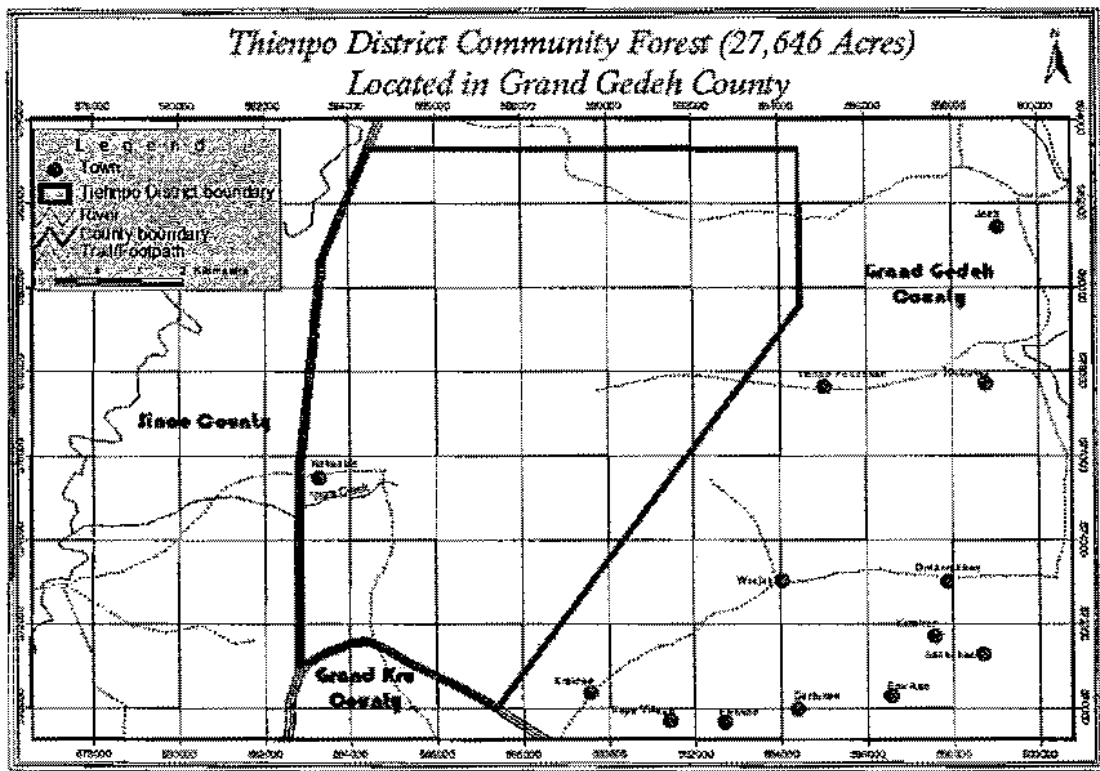
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### 3. Map of Thienpo District Forestland



#### 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

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(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

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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

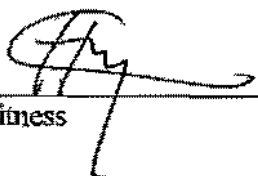
In effecting this Contract between the Corporation and the Authority, the relevant Laws of Liberia including but not limited to the National Forestry Reform Law and regulation governing Chain of Custody will prevail.

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**

  
\_\_\_\_\_  
Witness

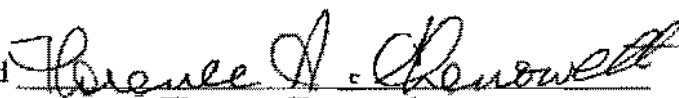
Approved:   
\_\_\_\_\_  
Moses D. Wogbeh, Sr.  
Managing Director

**For The People of Thienpo**

  
\_\_\_\_\_  
Elder Benjamin C. Quayeson

  
\_\_\_\_\_  
Benjamin

Garmai T. Kortimca  
Witness

Approved   
\_\_\_\_\_  
Florence Chenoweth  
Chairman-FDA Board of Directors




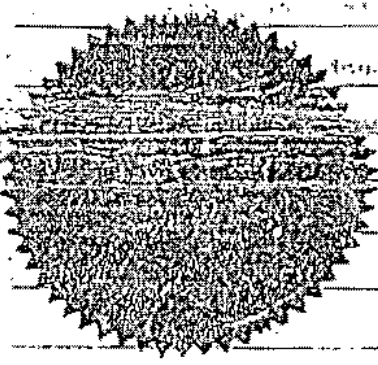
  
  


Exhibit "H"

Source

THIS IS TO CERTIFY THAT the within document is a true and correct copy of a ABORIGINEES' DEED from the Republic of Liberia to the Chief, Elders and Citizens of Thienpo District as recorded in Vol. 266B pages 301-302 of the records of Montserrado 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-Ninth.

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

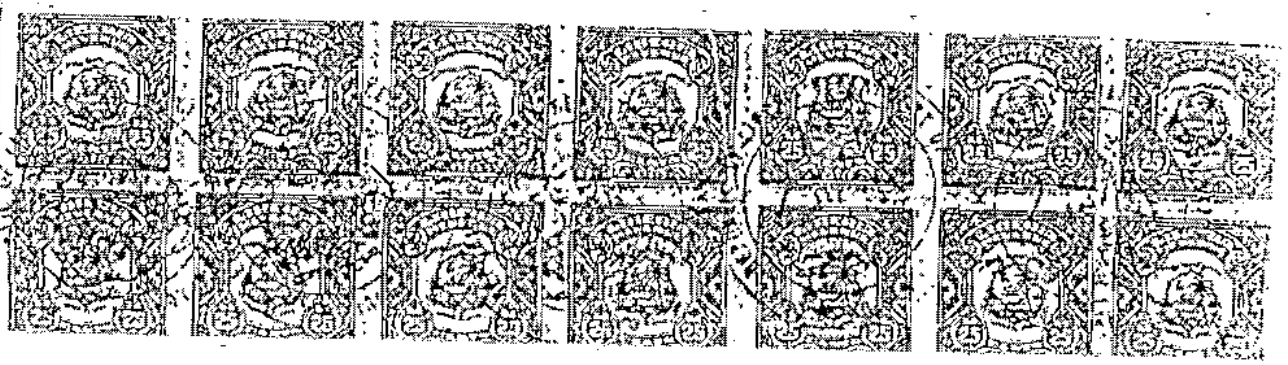
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CHECKED BY:

*W. J. Jallah*  
W. J. Jallah  
DIRECTOR OF ARCHIVES.

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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 thereto 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 has 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 hereinafter 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 South-eastern Region, Republic of Liberia and bearing in the authentic records of said Region the number N/N and bounded and described as follows: Commencing at a point on the boundary of Sinea County and the Southeastern Region, thence due East 499 chains to a point thence due South 186 chains to a point, thence South 37 degrees West 581 chains to the point on the Southeastern Region-Kru Coast Territory boundary; thence North 61 degrees West 165 chains to a point; thence South 86 degrees West 22 chains to a point, thence South 69 degrees West 34.25 chains to a point; thence South 58 degrees West 25 chains to a point; thence South 42 degrees West 14 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 146 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

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buildings, improvements and appurtenances thereof and thereto  
belonging to the said Chief, Elders and Citizens of Thienpo  
District their heirs, executors, administrators or assigns for-  
ever. 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 Thienpo District their  
heirs, executors, administrators or assigns that at and until  
the en sealing 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 Thienpo District their heirs, executors, adminis-  
trators or assigns, against any person or persons claiming any  
part of the above granted premises.

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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.  
sgd. W.V.S. Tubman  
President.

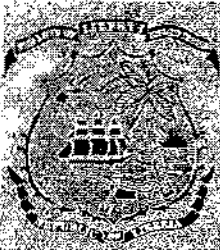
E N D O R S E M E N T

ABORIGINEES' DEED from Republic of Liberia to the Chief, Elders  
and Citizens of Thienpo District, Lot No. N/N situated in Thienpo  
District, Southeastern Region, "Let this be Registered" sgd. I. Van  
Fiske, Commissioner of the Monthly and Probate Court, Mo. Co. Probated  
this 24th day of September A.D. 1954, sgd. Susanna E. William Clerk  
of the Monthly and Probate Court, Mo. Co. Registered according to  
law in Vol. 66B pages 301-302, sgd. Reuben E. Logan, Registrar,  
Mo. Co.

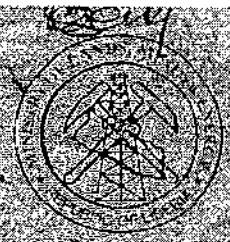
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REPUBLIC OF LIBERIA  
MINISTRY OF LANDS MINES & ENERGY



P.O. BOX 10 9021  
1000 MONROVIA 10, LIBERIA, WEST AFRICA  
TEL: (231) 226-555 FAX: (231) 226-281

July 23, 2010

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

*Hon. Kenedy Johnson*  
*B. Sanyal*  
*please prepare all*  
*documents needed*  
*[Signature]*

Dear Hon. Johnson:

We write to present our compliments and acknowledge receipt of your letter dated 23<sup>rd</sup> May 2010, Ref. No. FDA/AMD & F/05/60-10, requesting the Ministry of Lands, Mines & Energy to review, verify and authenticate deeds pertaining to Trenbo, Upper and Lower, Ibo, Gollah, Karluway #1 & 2, Barrobo, Nyenebo, Tuobo, Zeta and Tiempe forests. We are pleased to furnish you with the results derived.

Hon. Johnson, after carefully plotting, analyzing and field verification by County and Resident surveyors, it was observed that the documentations submitted to the Ministry were all found correct and land un-incumbent, thus permitting the Forestry Development Authority to proceed with the granting of Private Use Permit in the interest of the above communities.

We are also pleased to inform you that all documentations submitted were counter checked by my office and the Ministry of Foreign Affairs.

Hon. Johnson, we requests that all field verification conducted by your institution must include County or Resident surveyors in consultation with the Ministry of Lands, Mines & Energy in order to avoid any necessary delays.

Thanks for your patience and we regret the delay of this communication as the result of bad roads and climatic condition.

Sincerely yours,

*[Signature]*  
Hon. George Y. Miller  
Assistant Minister  
Department of Lands, Surveys & Cartography



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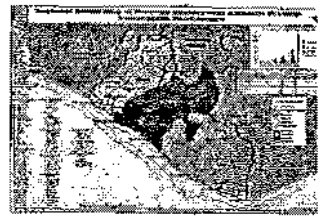
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# Forestry Development Authority

**P.O. Box 10-3010**  
Elise Saliby's Compound  
Kappa House, Congo Town  
Monrovia, Liberia



## MEMORANDUM

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

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

*Augustine B.M. Johnson*

**Subject:** *Authentication & Verification of Deeded Land Properties in Southeastern Liberia Pertaining to: Trenbo, Upper & Lower Jloh, Bolloh Forests (Grand Kru County), Karluway # 1 & 2, Barrobo Forests (Maryland County), Nyenebo, 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.

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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. Pough 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 Bolhen, 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 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 Blamoh Nelson, Representative Gbemimah 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.

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## 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 Tiehpo 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.

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- \* That a compromise of Tiehpo, Bolloh, 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, Snr.  
Teehncial Manager, Research & Development/FDA
2. Augustine B.M. Johnson:  
GIS & Remote Sensing Expert/FDA
3. Philip K. Joekolo:  
Regional Forester, Region # 4/FDA
4. Alexander D. Akoi:  
Management Officer, Region # 4/FDA
5. Soko Koryon:  
Extension Community Officer, Region # 4/FDA
6. Emmanuel S. Nmah  
Contract Administrator, Harper City, Region # 4/FDA
7. William Glay  
Inspection Forester, Region # 4/FDA
8. Franeis Togba  
Concession Preparation Officer, Region # 4/FDA
9. Koffa Wiah  
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

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copy

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Kappa House  
Elise Saliby's Compound  
P.O. Box 10-3010  
Congo Town, Paynesville  
City  
Monrovia, Liberia

