



**PRIVATE USE PERMIT CONTRACT**  
BETWEEN THE  
**FORESTRY DEVELOPMENT**  
**AUTHORITY**  
&  
THE PEOPLE OF  
BOE CLAN

*F.D.A.*

*P.O. Box 10-3010*

*Whein Town, Mount Barclay*

*1000, Monrovia 10 Liberia*

*Thursday, October 6, 2011*



**REPUBLIC OF LIBERIA)  
MONTSERRADO COUNTY)**

**PRIVATE USE PERMIT CONTRACT BETWEEN THE FORESTRY DEVELOPMENT AUTHORITY AND THE PEOPLE OF BOE CLAN, SINOE COUNTY, FOR THE HARVESTING OF 48,675 HECTARES OF FORESTLAND**

**THIS CONTRACT** made and entered into this 6<sup>th</sup> day of October 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 Boe Clan Administrative District, Sinoe County, hereinafter referred to as **Boe**, represented by the **District Forest Management Committee by and thru Senior Citizens, Frank Goll, Paramount Chief and Phenita Mamie Wotoe, Women Leader**, 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 **Boe** are legitimate owners of a tract of forestland of **48,675 hectares** by virtue of inheritance through a legitimate purchase from the Republic of Liberia;

**WHEREAS**, the Kulu Shaw-Boe Administrative District encompassing of Boe clan made an application to the Authority on **September 5, 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 Boe 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;

*See notes M/M*

**WHEREAS**, Boe is desirous of commercializing harvestable tree species on the said tract of 48,675 hectares of land;

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

**WHEREAS**, the people above described have given their written consent through a Memorandum of Understanding (MOU) to the Forest Venture Inc., for the management and supervision of their forestland as can be seen from copy of said MOU hereto attached and marked Exhibit "E"

**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,

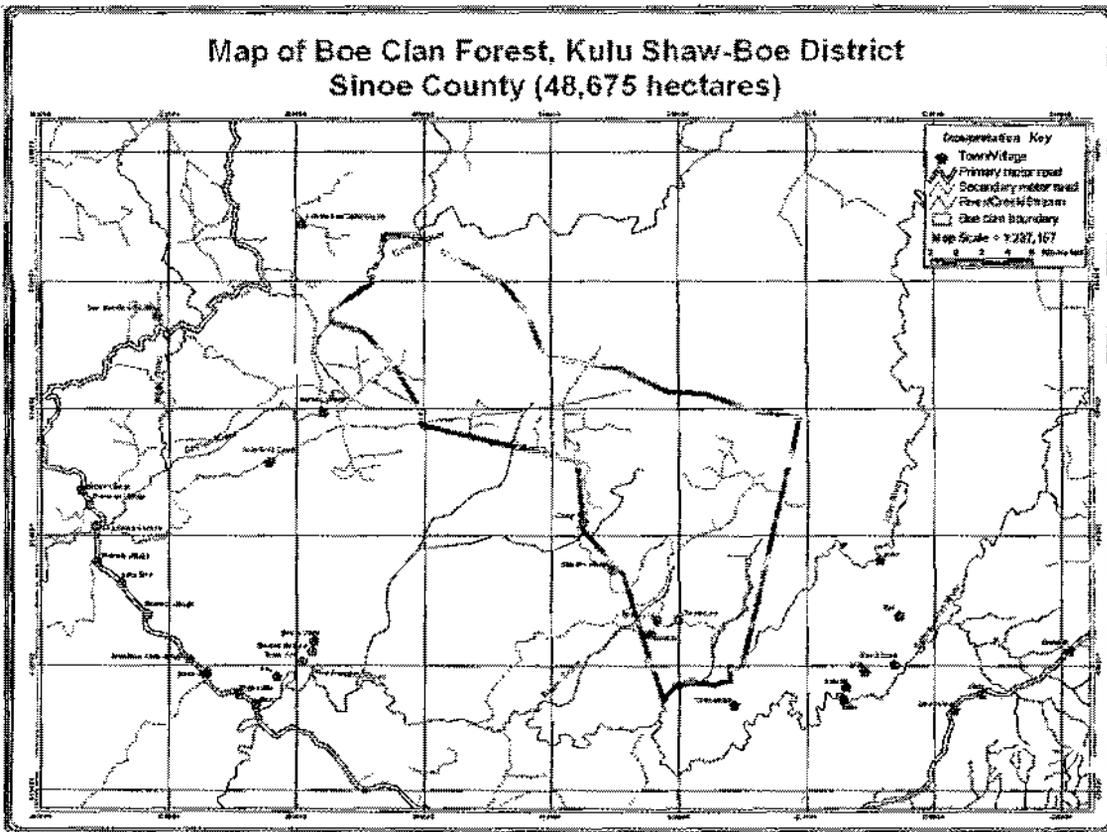
but not including land in permanent settlements and land that has been in long term use for non-shifting cultivation of crops or raising livestock.

- 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/Technical Description of Boe Clan Forest Land & Location Map

Starting from a point on the Jobo River near the town of Zanwonjah; thence a line runs N 13° E for 65,485 feet to a point; thence a line runs N 75° W for 67,608 feet to a point; thence a line runs N 29° W for 21,695 feet to a point; thence a line runs N 62° W for 25,201 feet to the point on the Cestos River; thence a line runs along the Cestos River in the Southern direction for 37,596 feet to a point; thence a line runs S 42° E for 34,111 feet to a point; thence a line runs S 77° E for 41,446 feet to a point; thence a line runs S 5° E for 19,345 feet to a point; thence a line runs S 46° E for 13,843 feet to a point; thence a line runs S 17° E for 34,365 feet to the point on the Jobo River; thence a line runs along the Jobo River northward for 25,882 feet to the point of commencement, containing **120,279 acres** of land and NO MORE.

### Map of Boe Forestland



### 3. Contract Objective

- To harvest merchantable tree species from **48,675 hectares** of tract of land otherwise called the Boe Forest Land
- To engage in reforestation of the area involving indigenous species

*Parton*  
*MWJ*

- c. To create alternative uses of the tract of land after harvesting of trees ; Forest Venture Logging undertake to cultivate 120,276 acres/48,675 hectares of rubber and/or palm oil crops as part of its alternative use of the land during and after the harvesting of merchantable tree species from the indicated 48,675 hectares track of land
- 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 five (25) years, the land area being as an FMC.

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:

112. *PK*  
*P. Antor* *M/M*

- 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

HK  
JG  
P. Hunter  
MM

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.

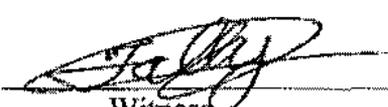
-----

45

*P. J. ...*  
*M. M. ...*

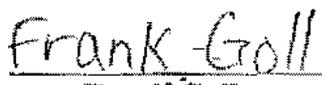
7

**FOR THE AUTHORITY**

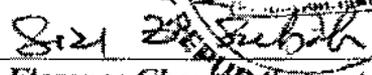
  
Witness

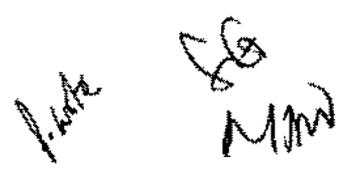
Approved:   
Moses D. Wogbeh, Sr.  
Managing Director 

**FOR THE PEOPLE OF BOE CLAN, KULU'S ADMINISTRATIVE DISTRICT**

  
Frank Goll  
Paramount Chief/Boe

  
Phenita Mamie Wotoe  
Women Leader/Boe

Approved   
Florence Chendu  
Chairman-FDA Board of Directors 



---

## **BOE CLAN, SINOE COUNTY, LIBERIA**

**June 14, 2011**

Hon. Moses D. Wogbeh, Sr.  
Managing Director  
Forestry Development Authority  
Whein Town, Paynesville City  
Republic of Liberia

Dear Hon. Wogbeh:

We the citizens of Boe Clan wish to harvest trees found on our deeded property for which we now apply for your permission and approval. We therefore apply for a Private Use Permit (PUP) to be able to carry out these activities. You will please find copy of our deed for authentication.

We pray that our request will be granted.

Very truly yours,

  
Frank Goll

**PARAMOUNT CHIEF/BOE CLAN**

1/5

MM

Exhibit "A"

**ATLANTIC RESOURCES LOGGING COMPANY**

THINKER'S VILLAGE  
ROBERTSFIELD HIGHWAY  
MONROVIA, LIBERIA

September 5, 2011

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

Dear Hon. Director:

We are delighted to inform you that the citizens including the Superintendents, Representatives, and Commissioners of Belle, Gola Konneh, Kulu Shaw, Jaedea, Dugbeh River, Bade, Marbo, Beawor, Zorzor, Voinjama, Seekon, Gboe-Ploe, and Gbarma Districts met in a citizens meeting for the soul purpose of discussing the possibility of granting Atlantic Resources, Forest Venture & South Eastern Timber Company, 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 the above companies 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 awarded Private Use Permits in various parts of Liberia in line with the New Forestry Law of Liberia.

Against this backdrop Hon. Director, we are submitting a legal documentation, including MOU's, deeds and technical locations of said forest to your good offices for the purposes of issuing our company a *Private Use Permit (PUP)*, in consonance with the New National Forestry Law of 2006 and Community Rights Law.

Thanks in advance for your continued understanding.

Sincerely yours



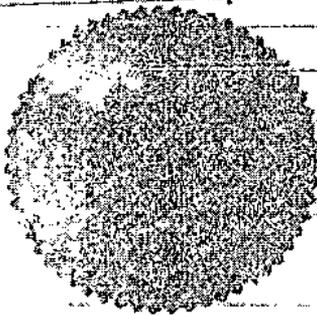
August Abriham  
Planning Manager  
Atlantic Resources Logging

File

1/2  
J. K. K. K.  
S. B.  
M. B. W.

ENDORSEMENT

ABORIGINEES GRANT from Republic of Liberia to Chief, Elders and Citizens of Boe Clan, Lot No. N/N situated in Sinoe County, "Let this be Registered" sgd. J. Everett Bull Commissioner of the Monthly and Probate Court; Mo. Co. Probated this 25th of January A. D. 1950, sgd. A. T. G. Appliston Clerk of the Monthly and Probate Court, Mo. Co. Registered according to law in Vol. 1 pages 260 - 261, sgd. Reuben B. Lagan, Registrar, Mo. Co.



GIVEN UNDER MY Hand and Seal of the Department of State this 1st day of Feb. A. D. 1961 and of the Republic the One Hundred and Fourteenth.

*J. Rudolph Amen*  
J. Rudolph Amen  
SECRETARY OF STATE

CHECKED BY:

*G. Miller*

G. Miller  
acting chief, Bureau of Archives



*MIM*

REPUBLIC OF LIBERIA

TO ALL WHOM THESE PRESENTS SHALL COME: Whereas it is the true policy of this Government to induce the Aborigines of the Country to adopt civilization and become loyal citizens of the Republic, and whereas one of the best means thereto is to grant land in fee simple to all those showing themselves fit to be entrusted with the rights and duties of full citizenship as voter, and whereas the ~~Chief, Elders and Citizens of Boe Clan~~, since County has showing themselves to be entrusted with said rights and duties. Now therefore know Ye: That I William V. S. Tubman President of the Republic of Liberia for in consideration of the various duties citizenship of said Clan, I the said 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 their heirs, executors, administrators or assigns forever all that piece or parcel of land situated, lying and being Boe Clan, in Since County and bearing in the authentic records of said Clan the number N/8 and bounded and described as follows: Commencing at Zanwonjah Town and running magnetic bearing as follows: North 13 degree East 991 chain to a point, thence running North 75 degree West 1024 chain to a point, thence running North 29 degree West 329 chain to a point, thence running North 62 degree West 382 chain to a point at the Cestos River to a point, thence running Southward along the Cestos River 570 chain to a point, thence running South 42 degree East 517 chain to a point, thence running South 77 degree East 628 chain to a point, thence running South 85 degree East 293 chain to a point, thence running South 17 degree East 521 chain to a point at the Jobo Cheek and thence running Northward along the Jobo Cheek 392 chain to the place of commencement and containing 120,279 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 thereto belonging to the said Chief, Elders and citizens of Clan 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

M/T

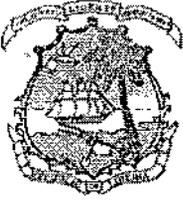
their heirs, executors, administrators or assigns that at and until  
ensealing hereto, I the said William V. S. Tubman president as aforesaid  
foresaid by virtue of my Office had good right and authority to convey  
the aforesaid premises in fee simple. And I the said William V. S.  
Tubman President as aforesaid and my successors in Office will for-  
ever Warrant and Defend the said Chief, Elders and Citizens their  
heirs, executors, administrators or assigns against the lawful claims  
and demands of all persons to any persons to 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 affixed  
this 10th day of March A.D. 1952  
and of the Republic the 105 year.

sgd. W. V. S. Tubman  
President.

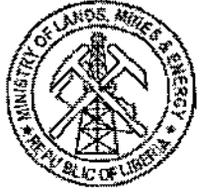
MM

Exhibit C



REPUBLIC OF LIBERIA  
MINISTRY OF LANDS, MINES AND ENERGY

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



Monday, October 03, 2011

Hon. Moses D. Wogbeh, Sr.  
**MANAGING DIRECTOR**  
Forestry Development Authority  
Whein Town, Mount Barclay  
Monrovia, Liberia

Dear Hon. Wogbeh:

We write to present our compliments, and acknowledge receipt of your letter dated 26<sup>th</sup> August 2011, Ref. No. FDA/MD/05/62-11, requesting the Ministry of Land, Mines & Energy to review, verify and authenticate deeds pertaining to Kpo, Dugbeh River, Jaedea, Beawor, Zorzor, Voinjama, Seekon, Gboepfoe, Gharma, Kulu-Shaw Boe, Gola Konneh, Bellah Yellah, Bopolu and Kongba Districts for which we are pleased to furnish you with our findings.

After plotting, analyzing and verification, it was observed that the documentations submitted to the Ministry were all found correct and the land un-incident thus advising the Forestry Development Authority (FDA) to proceed with the granting of the Private Use Permit (PUP) in the interest of the people of the above localities.

This Ministry remains available in these endeavours always.

Truly yours,

  
Maxwell C. F. Gwe  
**ACTING ASSISTANT MINISTER**  
Ministry of Lands, Mines & Energy



File.

GO  
Photo  
M/M



Exhibit 'D'



**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:** Towon Nyenty  
 Acting Manager, FDA GIS Labs

**THROUGH:** John D. Kantor, Snr.   
 Technical Manager, R&D/FDA

**Subject:** Verification of Bopolu, Kongba, Belle Yellah, Gola Konneh, Gbarma, Beawor, Voinjama, Zorzor, Seekon, Kulu-Shaw Bade and Marbo forests

**DATE:** October 16, 2009

**Background**

Predicated on a communication under the signature of Mr. August Abrihim, Planning Manager, Atlantic Resources Logging Company, requested an authentication of a tribal deeds, diagrams and locations of the above properties situated and lying in Lofa, Gbarpolu, Grand Cape Mount, Grand Gedeh, River Cess and Sinoe Counties. A team of technicians from the FDA was mandated to visit said properties for detail ground truthing, capturing of deed land marks and sightseeing of the area for management's reaction.

In light of the above, thematic maps were prepared for various localities using GIS desk-studies and validation concluded by sending two surveyors and two Global Positioning System (GPS) operators, traveled to the land under consideration to conduct a joint ground truthing exercise of the area along with the tribal people and company representative.

18   
   
 1

### Field Patrol

During the period 2010-2011, the joint team patrolled a significant portion of the area and gathered detail information relating to ongoing multiple uses of the area, types of vegetation, topology, and livelihood of communities dwellers within the parameters of the forest.

### Findings

Following an intensive tour by the team they observed and authenticated that:

- New maps and technical descriptions were prepared for Bopolu, Kongba, Gola Konneh, Gbārma, Belle, Voinjama, Beawor, Zorzor, and Seekon Districts that excluded the Gola National Forest, Alpha Logging and other concessions.
- Indeed the Bopolu, Kongba, Gola Konneh, Gbarma, Belle, Voinjama, Zorzor deeded land falls directly into proposed Forest Management Contract areas "D and M"
- Beawor, Kulu Shaw Boe and **Boe are un-encumbered** but Bade forest is heavily occupied by miners
- Large portion of the area under investigation consists of primary forest while at least five percent is totally degraded
- Technically, the description in the Metes & Bounds on all the deeds are correct

### Recommendation

In view of the verification and confirmation of documents for this area by the Forestry Development Authority, we herein recommend that.

- ♣ That the deed be forwarded to the Ministry of Lands, Mines & Surveys for authentication. After authenticating the 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 Permits** of the above districts 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.
- ♣ Forestry Development Authority requests the companies representing the communities to demarcate their deeded land property boundary lines to avoid possible trespass cases.

1/3

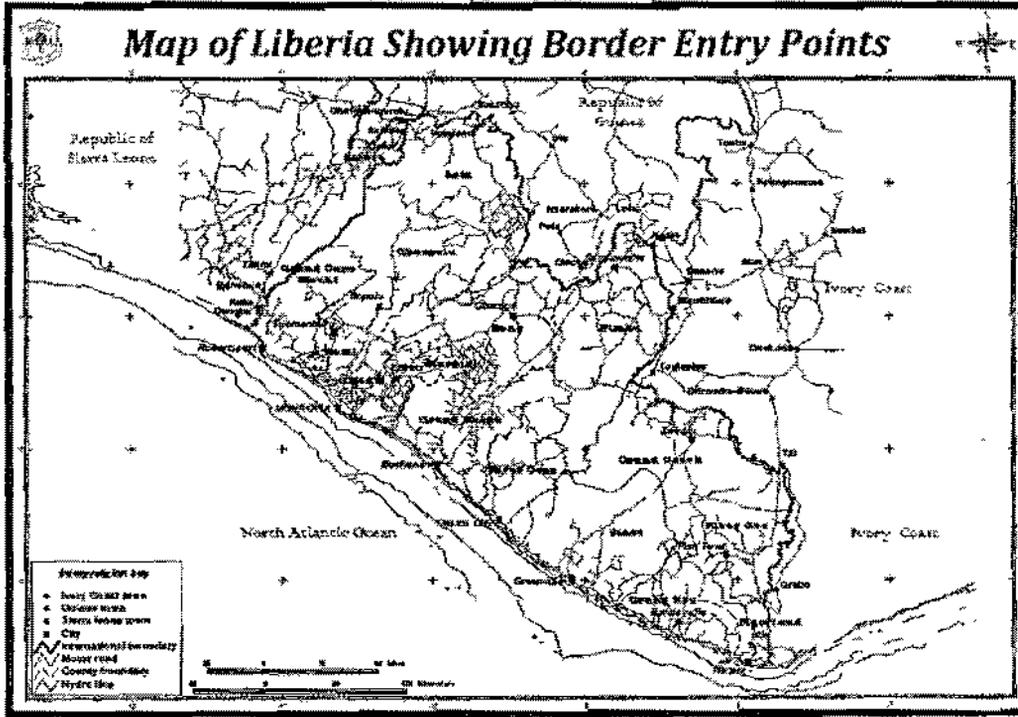
Handwritten signature

Handwritten signature

Handwritten signature

2

Liberia's Forestry Development Authority



Private Use

Permit