

NEWSLETTER

Vol. No. 4

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MAIN ITEM

**FORESTRY
DEVELOPMENT AUTHORITY**

REGULATION NO. I

**ON WASTE OF
FOREST RESOURCES**

FORESTRY DEVELOPMENT AUTHORITY
REGULATION NO. 1
REGULATION ON WASTE OF FOREST RESOURCES

WHEREAS, according to the Act Creating the Forestry Development Authority, Approved November 1, 1976 and Published December 20, 1976 Section 3 (c), it is one of the primary objectives of the Forestry Development Authority to stop needless waste and destruction of the forest and associated natural resources and bring about the profitable harvesting of all forest products while assuring that supplies of these products are perpetuated; and

WHEREAS, the said Act Creating the Forestry Development Authority has conferred upon said Authority in Section 4 (j) and (n) the power to promulgate rules and regulations required to insure the accomplishment of all the policies and objectives of the Authority and the power to issue, amend and rescind forestry regulations; and

WHEREAS, inspite of the obligation to avoid waste contained in all forest concession agreements in Liberia, and inspite of the Regulation of the former Bureau of Forest Conservation dated 25 August, 1976 - Ref. 2476-7, abandoned logs are to be found in the forest areas of the Republic of Liberia.;

NOW, THEREFORE, the Forestry Development Authority does hereby rule and regulate;

Section 1. Definitions:

In this regulation the following words have the meaning indicated, unless the context otherwise requires;

(1) Logs: Felled trees and sections of felled trees of length not less than one (1) meter and not less than thirty (30) centimeter in the small diameter without recognized defects of more than thirty (30) percent;

(2) Revenue and Finance Law: An Act Adopting a new Revenue and Finance Law of the Republic of Liberia Approved May 24, 1977, Published June 20, 1977.

Section 2. Logs in the Forest:

A forest concessionaire who on publicly owned forest lands fells a tree, or cause it to be felled, and converts or causes it to be converted, into logs shall within thirty (30) days after felling move the log(s) of said tree, or cause it to be moved, from the felling site to a bush landing or log depot.

Section 3. Logs at a Landing Site or Log Depot:

A forest concessionaire who has deposited a log, or caused it to be deposited, in a bush landing on log depot shall within sixty (60) days after due scaling, recording and hammer marking move said log, or cause it to be moved, to a suitable storage site in a wood processing plant or in a shipping port.

Section 4. Logs on the Road:

A forest concessionaire who transports or causes to be transported, logs and who during transport accidentally or for whatever reason loses or drops a log, or causes it to be lost or dropped, on a road or by the wayside, shall within thirty (30) days after such loss or drop, recover and move said log, or cause it to be recovered and moved, to a suitable storage site in a wood processing plant or in a shipping port.

Section 5. Logs in Wood Processing Plant:

(1) A forest concessionaire who deposits a log, or causes it to be deposited, in a wood processing plant shall within six (6) months after the date of such deposit process, or cause to be processed, said log.

(2) Upon written application of the concessionaire, the period as prescribed in Section 5 (1) above may be extended to such other period as permitted by the Forestry Development Authority in writing.

Section 6. Logs in Shipping Port:

A concessionaire or buyer of a log who deposits a log or causes it to be deposited, in a shipping port shall within six (6) months after the date of such deposit, ship abroad, or cause to be shipped abroad, said log.

Section 7. Penalty Fee:

In the event of non-fulfillment of any of the obligations prescribed in Section 2 and 3 above, the concessionaire shall pay in addition to other payments paid or due, an amount equivalent to the Industrialization Incentive Fee according to Section 20.3 of the Revenue and Finance Law together with the Stumpage Fee Regulation (Bulletin) of the Forestry Development Authority being in force at the time, for the respective log regardless of the destination of the log.

Section 8. Abandonment:

A forest concessionaire or a timber buyer respectively, who thirty (30) days after the period stated in Section 2 to 6 above still has not fulfilled the respective obligation prescribed in said Sections, shall be deemed to have abandoned said log and the Forestry Development Authority shall have the right of first choice to acquire unencumbered ownership and possession of said log.

Section 9. Further Measures by FDA:

(1) In the event of a forest concessionaire defaulting in any of the obligations prescribed in Sections 2 and 6 above, the Forestry Development Authority shall also have the right to:

- (a) Oblige him to build and maintain a log pond or other suitable place for timber storage, and/or
- (b) Reduce the annual coupe of said concessionaire, and/or
- (c) Suspend the export by said forest concessionaire of a number of logs equivalent to the number of logs not moved, not processed, not recovered, not shipped, respectively.

(2) In the event of a timber buyer defaulting in the obligation in Section 6 above, the Forestry Development Authority shall also have the right to:

- (a) Refuse future export permits, or
- (b) Request the Ministry of Commerce, Industry and Transportation to revoke the business registration in the Republic of Liberia of said timber buyer.

Section 10. Abandoned Logs:

(1) Notwithstanding the provisions above, all logs which on the day of taking effect of this Regulation have been lying for more than twelve (12) months on publicly owned forest land, on waysides, in sawmills or in shipping ports, shall be deemed abandoned. The Forestry Development Authority shall have the right:

- (a) of first choice to acquire unencumbered ownership and possession; or
- (b) to require, in writing, the forest concessionaire from whose concession the log originates to remove and process said log at his own expense.

(2) The Forestry Development Authority reserves the right to mark any log, tree or section of a tree, deemed abandoned according to Section 10 (1) above, which is rotten or spoilt to such a degree that transport and processing of such log, tree or section of tree have become technically or economically impossible or prohibitive, with a visible paint mark indicating a rotten as spoilt log, tree or section of tree to be freely utilized by anyone for any purpose at his own expense.

Section 11. Right to Acquire Abandoned Logs:

Anyone considering any log to be abandoned under the provisions this Regulation, shall have the right to apply to the Forestry Development Authority in writing giving the log number, the hammer mark and location of a log for the right to take possession and ownership of said log. In the event that neither the Forestry Development Authority nor anyone else has already claimed said log, the Forestry Development Authority shall award the log to said applicant.

Section 12. Effective Date:

This Regulation shall be announced in the public media and shall become effective on the day of publication in the "FDA Newsletter". Monrovia, Liberia April 15, 1978.

John T. Woods

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MANAGING DIRECTOR

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