

**FOREST COMPLIANCE AND ENFORCEMENT
HANDBOOK
MANUAL 101-22**

March 2022

ACKNOWLEDGEMENTS

The original version of this Handbook was developed for the Forestry Development Authority and the Ministry of Justice by Cllrs. Viana J. Blama, James A. A. Pierre, Mousa E. Dassama, John K. Wonseahlay, incorporating comments from Atty. Kou Dorliae of the Ministry of Justice and Cllr. Yanquoi Z. Dolo and Victoria Cole of the FDA. Subsequent stakeholder comments and edits were incorporated into the First Edition by Carl Bruch and Brett M. Korte of the Environmental Law Institute and Abraham Guillen of Liberia's Voluntary Partnership Agreement Support Unit.

This Handbook was produced under the “Forest Governance Capacity Building in Liberia with the Forestry Development Authority and the Ministry of Justice in Support of Voluntary Partnership Agreement (VPA) Implementation,” funded by the European Union and the United Kingdom Department for International Development – DFID Forest Governance Market and Climate Framework, implemented in Liberia by DAI Europe Ltd. assisted by the Environmental Law Institute.

SELECTED DEFINITIONS

Code of Forest Harvesting Practices: best practices guidelines established and enforceable under the NFRL.

Compliance: acting in conformity to laws and regulations. In the context of Liberian forestry governance, compliance is an Operator's adherence to the applicable laws, regulations, and the Code of Forest Harvesting Practices.

Chain of Custody System (COCS): a nationwide set of protocols for forestry Operators, transporters, and shippers, that tracks timber products from place of origin to place of export. The COCS is under the supervision of the FDA and can inform inspections, investigations, and enforcement actions.

Enforcement: the process of ensuring compliance with laws, regulations, and guidelines. In Liberian forestry governance, the process is undertaken by the FDA through administrative proceedings or jointly by the FDA and MOJ in civil and criminal actions.

Environmental Protection Agency (EPA): principal authority for developing the national environmental policy and enforcing Liberia's Environment Protection and Management Law.

Evidence: anything that can prove or disprove an allegation of violations of law, regulation, code, guideline, or manual.

Forest Law Enforcement Division (FLED): specific department at FDA that should receive all reported suspected violations and oversee all investigations.

Forestry Development Authority (FDA): State Corporation with the mandate of ensuring the sustainable management and conservation of Liberia's forest and related natural resources for the benefit of current and future generations.

Inspection: process to obtain information to determine compliance with the law at a point in time. FDA Rangers and Officers conduct inspections in accordance with agency protocol.

Investigation: process to collect information and evidence to verify the existence of a violation or substantiate an allegation of non-compliance. FDA Rangers and Officers conduct investigations in accordance with agency protocol.

Liberian National Police (LNP): Liberia's national law enforcement agency. The LNP is part of the MOJ.

Managing Director (MD): the head of the FDA. The MD authorizes FLED investigations and leads FDA coordination with other agencies.

Ministry of Justice (MOJ): agency responsible for enforcing the law and administration of justice. MOJ leads civil and criminal enforcement actions in coordination with FDA.

Ministry of Labor: agency responsible for implementing Liberia's labor laws. The Ministry of Labor coordinates with FDA and MOJ in cases involving physical injury or significant economic harm to an employee of an Operator.

National Forestry Reform Law of 2006 (NFRL): the primary governance framework for Liberia's forestry sector. Delegates regulatory power to FDA and criminalizes certain forestry-related offenses.

Operator: an individual or corporation that is a permit holder or undertakes commercial forestry activities on behalf of a permit holder.

Permit Holder: an individual or corporation licensed by the FDA to extract, exploit or use forest resources for commercial purposes.

INTRODUCTION

This Handbook is intended to provide an overview of compliance, inspections, investigations, and enforcement procedures under the laws, regulations, codes, and manuals governing the forest sector in Liberia. It aims to enhance the capacity of the Forest Development Authority (FDA) to enforce relevant laws and regulations and specifically to inform officers on best practices for identifying violations, gathering evidence, and recommending appropriate enforcement actions. This Handbook includes a guide to the various steps of the enforcement process along with a brief overview of the statutes applicable to the forestry sector. This Handbook is developed to support the enforcement of the existing legal and regulatory framework, including the National Forestry Reform Law of 2006 (NFRL), the Ten-Core Regulations, Community Rights Law and its regulations, as well as other regulations and applicable laws governing the forestry sector of Liberia.

The FDA, specifically the Conservation and Commercial Forestry Departments and the Forest Law Enforcement Division (FLED), are primarily responsible for conducting investigations to ensure enforcement and compliance. Thus, the content of this Handbook is targeted toward the personnel from those departments and divisions, as well as the relevant personnel from the Ministry of Justice (MOJ) who, when necessary, assist the FDA with investigations and enforcement. Additionally, the Handbook may be useful to other Liberian enforcement ministries, agencies, and commissions (MACs), including the Environmental Protection Agency (EPA), Ministry of Labor, National Port Authority, and others. For the comprehensive implementation of the legal framework for the sector, users should consult the statutes and implementing regulations applicable to or governing the agency or sector.

This Handbook is non-binding and does not create any substantive or procedural rights enforceable by or against any party in any matter, administrative, civil or criminal. It is intended only as a tool to improve governance in the forest sector.

How to Use this Handbook:

To enable the effective use of this Handbook, it is recommended that users first familiarize themselves with **Compliance and Enforcement (Section 1)**, which contains information and a step-by-step guide to FDA enforcement procedures, including inspections, investigations, case development, and prosecutorial actions. After understanding Section 1, the user may then go to the other sections consisting of overviews of key forestry laws and processes. The **Chain of Custody (CoC) System (Section 2)** is presented in some depth because of the importance of the CoC System in the verification process that the FDA carries out for approving commercial forest management plans and issuing export permits. Finally, an **Overview of the Legal Framework of Liberian Forests and the Forest Sector (Section 3)**, aims to familiarize users with other responsibilities of the agencies and the rights and responsibilities of third parties, Permit Holders, and Operators.

1. ENFORCEMENT AND COMPLIANCE

As the primary regulator of the forest sector, FDA is authorized to inspect for compliance and investigate, on its own initiative or upon being notified, any alleged violation of the National Forestry Reform Law of 2006, the Community Rights Law of 2009, or any other of its operating laws regulations. **Section 1** of the Handbook is intended to be used by FDA personnel to inform compliance inspections and investigations of alleged violations (**Sections 1.2 – 1.4**), as well as outline procedures for enforcement actions (**Sections 1.5 – 1.8**). Successful enforcement actions are built upon diligent and procedurally sound inspections and investigations, so it is helpful to always consider the entire enforcement process, even in those initial stages.

1.1 INSPECTIONS AND INVESTIGATIONS

An **inspection** is a process to obtain information to determine compliance with the law at a point in time. Inspections should be regularly conducted for permit holders in accordance with FDA policy. Inspections can result in finding no violations, documentary evidence for use in enforcement action, or lead to a focused investigation to obtain evidence. An **investigation** is a process of collecting information and evidence to verify the existence of a violation or substantiate an allegation of noncompliance. An investigation may be initiated from, amongst other situations, (a) an inspection; (b) a complaint by an interested party (including civil society, Community Forest Development Committee (CFDC), or community members); (c) a whistleblower's tip; (d) media reports; or (e) a reasonable suspicion that a violation has occurred or is ongoing (see Decision Tree for searches in Annex B, below). The process for initiating an investigation or enforcement action after obtaining information about an alleged violation is outlined in Section 1.3 below.

The information collected from an inspection or investigation may inform a decision about the appropriate type of enforcement the FDA should undertake or whether to refer the matter to the MOJ due to the magnitude of the alleged violation. This decision-making is also discussed in Section 1.3.

Note: Various personnel within FDA are responsible for the enforcement of different portions of Liberia's forestry laws, regulations, codes, and manuals. Enforcement Officers and Rangers should understand the specific enforcement duties of their positions, as outlined in the position descriptions and as directed by their supervisors.

1.1.1 Essential Principles for Conducting Inspections and Investigations

The primary purpose of inspections and investigations is to obtain and identify the relevant facts; it is not simply to confirm previously held opinions or suspicions or accuse anyone of wrongdoing. To conduct ethical and legally permissible inspections and investigations, the following basic principles should be respected:

- a. **Thoroughness:** Inspections or investigations should be conducted in a diligent and complete manner to ensure all information and evidence needed to verify and prove that a violation of a statute or regulation occurred or to verify an allegation of non-compliance. A sample Inspection Checklist is found in Annex D below.
- b. **Legal Soundness:** Inspections or investigations should be conducted in accordance with the laws of Liberia to ensure the rights of the persons involved, natural or juridical, are preserved. The rights being referred to may be guaranteed by the Constitution, Statutes, or regulations of Liberia. It may also be a right granted by way of an agreement or contract between the person and FDA or a third party.
- c. **Impartiality and Objectivity:** Inspections and investigations must be entirely fair. This includes obtaining facts and gathering evidence in an unbiased and independent manner, ensuring the inspection or investigation is not conducted in an arbitrary or capricious manner, and that the investigator does not abuse his/her discretion under the law.
- d. **Promptness:** Inspections or investigations should be handled in a timely manner without unreasonable delay. This is critical because time is of the essence when dealing with the memory of witnesses and the preservation of physical evidence. Additionally, the stigma for the regulated industry of being the subject of an ongoing inspection or investigation can potentially be harmful, so it is best for all parties to begin and conclude in a timely manner.
- e. **Documentation:** Because an inspection or investigation is the foundation for any potential enforcement proceeding (i.e., administrative hearing, civil or criminal proceeding), its findings must be supported by adequate documentation (photographs, notes, etc.). The investigative report must accurately, clearly, and concisely document the first-hand observations of Officer(s) or Ranger(s).
- f. **Recordkeeping:** All information related to a particular inspection or investigation must be efficiently organized, filed, and retained to be produced in possible administrative, civil, or criminal proceedings, as may be deemed legally appropriate. The filing and retention should be done in keeping with the record management protocol of the FDA or other agencies concerned.

1.1.2 Inspector Safety

Inspector safety is of utmost importance during all inspections and investigations, and Officers and Rangers should follow the relevant agency protocol when preparing for and conducting either activity.

Most inspections and some investigations pose minimal threat to the officers and are conducted with assistance from the regulated entity. One or more of the additional precautions listed below may be considered even during routine inspections, especially if there is a probability of encountering armed persons. In other situations, there is a high level of perceived risks. These may include entirely illegal logging operations (unauthorized chain sawing) or instances of organized poaching.

In these situations, the most stringent agency precautions can be taken. Safety precautions include:

- Requesting support from the Liberian National Police (LNP). This can be coordinated through the FLED and Managing Director's office or through FLED and county superintendents.
- Requesting support from village chiefs to provide escorts for investigators. This may put additional community pressure on potential violators to submit to FDA's authority.
- All instances of interference with inspections or investigations should be immediately reported to LNP and the FLED. Interference includes harassment of officers, intimidations or threats, offers of bribes, physical assault, and concealment of evidence.

1.2 EVIDENCE

Evidence is anything that can prove or disprove an allegation. It can generally be divided into four categories:

1. **Physical evidence** is any object whose physical characteristics or makeup is relevant to the investigation.
2. **Witness statement** or **testimonial evidence** is a statement of any person who has knowledge of facts that are relevant to the investigation.
3. **Documentary evidence** is any document or record that contains information that is relevant to the investigation. This includes but is not limited to business records, notes, maps, contracts, photographs, taped recordings, and printed emails.
4. **Electronic evidence** is any information stored or transmitted digitally or electronically. This includes but is not limited to electronic communications, computer hard drives, electronic documents, digital photos, etc.

Foundation of Evidence:

Rangers and Officers conducting investigations should collect and/or document any and all pieces of evidence of the violation(s). Because the significance of evidence may not be apparent until a later phase of the enforcement action, Rangers and Officers should err on the side of over-collecting evidence.

That said, it is helpful for subsequent stages of an investigation for the Rangers and Officers to consider the necessary requirements for admitting evidence in court when gathering evidence during an investigation. This framework can inform the types of evidence collected and the supplemental evidence that can be used to support key evidence. Establishing that a particular piece of evidence is authentic, material, and relevant enough to be admitted is called building its foundation, and it is a critical step in the litigation process. Without a firm foundation, otherwise useful evidence may be inadmissible.

First, evidence must be relevant, meaning it has “the tendency to make a fact more or less probable than it would be without the evidence.” Second, evidence must be material, meaning it must be offered to prove or disprove a fact that is at issue in the case. Lastly, evidence must be authenticated at trial, meaning there must be sufficient evidence to support a finding that the item is what the proponent says it is.

Note: Regardless of the type of evidence, it is the duty of the investigator to gather all types of evidence, including evidence that indicates the alleged violation did not occur or is otherwise favorable to the person accused. If evidence of other violations, related or unrelated, is uncovered during the investigation, this should be documented, and relevant evidence gathered as well.

1.2.1 Examples of Evidence to Collect for Common Forestry Related Violations

1) Illegal Chain Sawing

- a) Photographs and GPS coordinates of debris from felled trees, sawdust, slash, etc.;
- b) Photographs or videos of bundles of timber being taken away;
- c) Photographs and GPS coordinates of stumps and waste;
- d) Audio or video recording of chain sawing;
- e) Testimonies/ Statements of witnesses

2) Logging Outside Concession Boundaries:

- a) GPS map of boundaries (maintained by FDA);
- b) GPS coordinates of stump location;
- c) Photograph of stump beyond boundary limit;
- d) Statement of witness (es) (written/oral statement, affidavits, etc.);
- e) Barcode information;
- f) Species information;
 - i) Photograph; and/or ii)
 - Sample from the tree.

3) Hunting of Protected Fauna or Flora, or Hunting Any Fauna or Flora in Protected Area:

- a) Body of wounded or dead animal;
- b) Photographs of wounded or dead animal;
 - i) Photographs of the site; ii) Close-ups of animal to assist in species identification;
 - iii) Photograph with witnesses who can provide statements identifying species;
- c) Photo of hunter(s) (if possible);
- d) Photo of weapon(s) or trap(s) used (if possible);
- e) GPS coordinates of site, to be aligned with timestamp on photos;
- f) Statement from two witnesses that establish the species of the animal;
- g) Statement of two witnesses (written/oral statement, affidavits, etc.) that establish animal was hunted in the prohibited forest area.

- 4) **Logging in Protected Areas:**
 - a) Map that establishes the area is protected by law;
 - b) Photographs of logging activities in the protected area, including:
 - i) Tracks of machinery
 - ii) Machinery serial numbers
 - c) Statement of witness (es) (written/oral statement, affidavits, etc.);
 - d) Any documents (witness statements, communications, etc.) that indicate that logging occurred in a protected area;
 - e) Detailed description of the area, including ecosystem features (e.g., prevalent fauna) and geographic features.
- 5) **Non-payment of Fees, Royalties, Taxes, or Other Government Revenues:**
 - a) Documents (verification, shipping, etc.) that establish charges to be paid to the government;
 - b) Documents from FDA and/or LRA that establish the amount owed are yet to be paid.
- 6) **Harvesting of Wrong Species:**
 - a) Species information;
 - i) Photograph
 - ii) Sample of tree
 - iii) Testimony of the harvested log's species by qualified personnel;
 - b) GPS coordinates (match with time stamp on photo);
 - c) Barcode of the harvested log;
 - d) Supporting documents (e.g., Tree Data Form report) relating to the harvested log.
- 7) **Improper Tree Measurement:**
 - a) The log in question;
 - i) Log should be photographed and set aside until documents are corrected;
 - b) Documents listing the size of the tree;
 - c) Documentation of accurate measurement of the tree (e.g., Diameter at Breast Height (DBH), Tree Height found in Tree Data Form in the COC system);
 - d) Photographs with measurement instrument for corroboration.
- 8) **Waste of Timber Products:**
 - a) Photographs and GPS coordinates of wasted felled trees;
 - b) Audio or video recording of wasted timber disposal.
- 9) **Disposal of Waste on Forest Land:**
 - a) Physical Evidence (samples, field measurements, etc.) that establishes that the debris is prohibited waste (e.g., used oil, hazardous chemicals);
 - b) Photographs of physical evidence;
 - c) GPS coordinates for physical evidence;

- d) Documentary evidence (e.g., Waste Management Report) that establishes waste was on forest land.

1.2.2 Gathering of Evidence

1) Equipment

- a. Note-taking supplies
(Pen/pencil/notepad/paper)
- b. Waterproofing gear (for sensitive
Equipment including notebook and
forms)
- c. Camera (video/photographic/audio)
- d. GPS unit
- e. Map
- f. Compass
- g. Flashlight
- h. Camping gear
- i. Personal rain gear
- j. First aid kit
- k. Spare batteries (flashlight, GPS)
- l. Evidence Tracking Forms
- m. Inspection Report Form
- n. Inspection Checklist
- o. Tape measure
- p. Stapler
- q. Transparent bags (for collecting and
transporting the evidence)
- r. Gloves (to pick up the evidence to
avoid contamination)
- s. FDA uniform (shirt, pants, vest,
jacket)
- t. Safety boots
- u. Portable saw (to clear roads)
- v. Crime tape

2) Procedure at the Site

- a. Arrive at the location as promptly as possible.
- b. When necessary, to make sure that evidence is properly preserved, establish a perimeter where only authorized people can gain access.
- c. In case the incident scene has been tampered with or altered by natural factors, the investigator should document findings (e.g., photographs, GPS coordinates) and record the observations found in the scene.
- d. Thoroughly search the area to make sure that all potential evidence is found and documented.
- e. Properly package and label evidence to document where and when it was collected.
 - i. Use gloves to handle physical evidence
 - ii. Place in a plastic bag
 - iii. Attach Evidence Tracking Form (ETF) to the bag with stapler
- f. Obtain statements from any potential witnesses. (See Annex C for a Best Practices Guide for Witness Interviews).

3) Custody of Evidence

- a. Once the evidence has been collected, an Evidence Tracking Form (ETF) (see Annex A) should be prepared. The ETF includes Description, Tracking, and Final Disposal of evidence and should include a detailed description of the collected evidence.
- b. The ETF must be maintained in a secure location to ensure that it is not altered or otherwise tampered with. The FDA Law Enforcement Division is responsible for storing and maintaining evidence, including maintaining ETFs. When documents maintained by FDA are evidence of a violation, copies, and references to the location of originals maintained by the FDA should be kept in the secure evidence storage area.
- c. When transferring evidence to another facility or agency (e.g., for laboratory testing), a copy of the ETF should be attached to the evidence that describes when that evidence was turned over and follow internal procedures.
- d. The evidence should be preserved in a secure area and in a fashion that will not materially change the evidence. The specific area in which the evidence will be housed should be restricted and limited only to those with authorized access. The ETF should reflect whenever the evidence is removed, and it should identify the person removing the evidence plus other essential information such as the time, date, and purpose of the removal. As an example, refer to the sample Evidence Tracking Form in Annex A.

1.3 COMPLAINTS OR EVIDENCE OF ALLEGED VIOLATIONS

As noted in Section 1.1, evidence of a violation can arise from (a) an inspection; (b) an investigation, when there is a reasonable suspicion that a violation has occurred or is ongoing; (c) a complaint by an interested party (including civil society, CFDCs, community members and others); (d) a whistleblower's tip; or (e) media reports. Regardless of the way evidence is brought to the attention of the Law Enforcement Division, FDA Regulation 109-07 states that the Managing Director shall promptly be notified of all violations of any forestry-related laws, regulations, or codes. Therefore, the process by which the alleged violation is reported to FDA and then to the Managing Director is of utmost importance.

1.3.1 REPORTING SUSPECTED VIOLATIONS

Law enforcement officers, FDA Forest Officers, members of plant protection forces of concession holders, private security officers, etc., are required by Section 20.4 of the NFRL to promptly report to FDA any suspected violation of the NFRL and its accompanying regulations. Non-staff of the FDA, including private persons (natural or juridical), civil society organizations, etc., are also allowed to report suspected violations pursuant to the NFRL and its accompanying regulations. Both FDA staff and non-FDA staff are referred to as Reporting Person for the purpose of reporting suspected violations.

The Reporting Person (RP) shall fill out independently or where necessary, especially if said RP is not a Staff of the FDA; with the assistance of an FDA Staff, a Suspected Violation Notification Form (SVNF) is attached as an appendix) containing the following detailed information in order to aid the possible investigation or the determination thereof:

- a. Name of Violator/Any description may suffice
- b. Location
- c. Date of Incident (or Date it was observed)
Law/Regulation/Code/Guideline violated
- d. Description of event
- e. Evidence

Suspected Violation Notification can be made by any RP by walking into any FDA offices or by calling a Hotline. Where a Hotline is called, the Recipient of the call shall collect the requisite information and fill out the SVNF on behalf of the RP. All FDA offices should have an SVNF to facilitate accurate and orderly reporting of Suspected Violations.

The FLED is authorized to receive all Suspected Violation Notifications. If another FDA department receives such information, it shall transmit same to the FLED within 24 hours of receipt of said notice. The identity of the person (juridical or natural) who reports a suspected violation may only be disclosed to the public if the person consents or if the disclosure is ordered by a court.

Upon receipt of a Suspected Violation Notification, the FLED, through its head or a designee thereof, shall notify within 48 hours of receipt the FDA Managing Director of the Suspected Violation by transmitting the SVNf with a covering internal memorandum stating the following:

- a. Whether the information seems credible
- b. Whether the information is not credible
- c. Whether the information is likely credible
- d. Whether the information is likely incredible
- e. Any other detail that will provide clarity to the SVNf or the incident complained therein

The Managing Director, within five (5) working days of being notified, shall review the SVNf and, if there is reasonable suspicion that a violation has occurred, instruct the FLED to commence an **investigation** into the claims. The Managing Director may also inform other pertinent government agencies or ministries to join the FLED in the investigation.

In the event the allegation involves claims of **physical injury** or **significant economic harm** to an employee of an Operator, then the Managing Director is required to promptly inform the MOJ and the Ministry of Labor.

When authorized to investigate, the FLED shall investigate the alleged violations using the protocol outlined in Section 1.1 of this Handbook and in coordination with any other relevant agencies. FLED shall analyze the evidence collected and use professional judgment to determine if a violation has occurred.

1.3.2 SUSPECTED VIOLATION INVESTIGATION

All investigations of Suspected Violations shall be conducted by the FLED, or the FLED along with other pertinent government entities. Investigation may be conducted by FDA Inspector, a team of Inspectors, or a combination (Investigators) of FDA Inspector(s) and other Staff within the FLED or designated by the FLED. During the course of the investigation, the FLED must continually update the Managing Director of the investigation's progress based on updates received from the Inspector(s) or Investigators, provided that the Inspector(s)/Investigators shall enjoy reasonable independence in reaching their conclusion.

1.3.2.1 Suspected Violation Investigation Report (SVIR)

At the conclusion of the investigation, the Inspector(s)/Investigators should file a Suspected Violation Investigation Report (SVIR) with the Head of the FLED. The report should:

- a. Describe observations, facts, and information from the investigation;
- b. Describe any exculpatory evidence and/or relevant mitigating information if discovered during the investigation;
- c. Include a statement of the applicable law, rule, code, or regulation that was allegedly violated or that formed the basis for an investigation;
- d. Be organized, accurate, complete, concise, impartial, and issued in a timely manner;
- e. Be supported by documentation and contain an accurate recitation of facts;
- f. Clearly list all interviews, witnesses (and their contact information), or other investigative activities.
- g. Recommend whether or not the case justifies advancement based on the findings.

SVIR shall be signed by the Inspector(s)/Investigators who were assigned by the Head of the FLED to conduct the investigation. The SVIR shall be approved by the Head of the FLED, who shall review same along with accompanying evidence. The Head of FLED shall elect to approve with reservation, at which time such reservation shall be explained in detail in a covering internal memorandum to the Managing Director transmitted along with the SVIR. Where the Head of FLED does not agree at all with the Report, he/she shall not be required to approve the Report; rather, he/she shall transmit the Report to the Managing Director along with an Internal Memorandum stating his disagreement and recommendation/advice.

Upon receipt of an SVIR from the FLED, the Managing Director shall, within thirty (30) days:

- (1) **Take Judicial/Quasi-Judicial Action.** The Managing Director assesses penalties consistent with Section 20.9 of the NFRL and/or regulations implementing the NFRL or refers the matter to the Ministry of Justice to commence civil and/or criminal suit(s) against the suspected violator.
- (2) **Commission further Investigation.** The Managing Director, with advice from the Legal Counsel, may decline to take judicial/quasi-judicial actions on the grounds that the information and evidence adduced is inadequate to warrant the advancement of the matter. Where such determination is made, the Managing Director shall mandate further investigation for the collection of additional facts and evidence.
- (3) **Take no action.** If the Managing Director takes no action within thirty (30) days, the head of the FLED shall forward the SVIR and supporting evidence to the Minister of Justice within three (3) days of the expiration of the 30-day window.

1.4 ENFORCEMENT ACTIONS

PROMPT ENFORCEMENT ACTION

Sometimes routine inspections can result in enough evidence to initiate an enforcement action, in which case the Managing Director shall proceed directly to assess penalties consistent with Section 20.9 of the NFRL or its implementing regulations or refer the matter to the Ministry of Justice. In all other situations, including inspections that raise suspicion falling below the level of evidence required to proceed, FDA will follow up with an investigation into the alleged or suspected violations. Annex E is the Inspection Checklist for Assessing Environmental and Social Performance Indicators set out under the Code of Forest Harvesting Practices as Amended on May 31, 2017.

ADMINISTRATIVE JURISDICTION

If the Managing Director, to the best of his/her professional judgment, finds that a violation has indeed occurred, he/she may impose an administrative penalty only if *all* of the following conditions are fulfilled:

- a. The offense did not result in physical injury to any person;
- b. The offense did not significantly harm the interests of a local community;
- c. The violator consents to the imposition of an administrative penalty; **and**
- d. The alleged conduct and evidentiary record do not support a felony criminal charge.

Damage to Forest Resources or the Environment: The assessment should be done before the choice between administrative and civil enforcement is made to ensure fair costs are calculated. Though Liberian law provides for recovery of damages to natural resources and the environment, the damages at this step are generally calculated as the FOB price of the timber.

Violator consent: In order for all of the conditions to be met, the violator must provide consent for FDA to impose an administrative penalty. The written consent to be provided must contain an admission that a violation has occurred, as well as explicit permission for

FDA to impose administrative penalties for the violation. For more information about violator consent in relation to the notice of penalty assessment.

CIVIL JURISDICTION

If any of these conditions are ***not*** met, then FDA must refer all alleged violations of the NFRL and its regulations to the MOJ. The FDA is then required to coordinate with the Ministry of Justice to move the case into the court system. Civil cases are discussed in more detail in **Section 1.5** below.

CRIMINAL JURISDICTION

The NFRL criminalizes various offenses. A list of these crimes can be found in **Section 1.4** below. In case of criminal violations, FLED should coordinate with LNP and MOJ to proceed.

1.4.1 PENALTY ASSESSMENT

ADMINISTRATIVE PENALTIES

The administrative penalties that may be imposed by FDA for violations are:

- a. A fine of not more than US\$5,000 (five thousand United States Dollars) or its equivalent in Liberia Dollars per offense;
- b. The reasonable expenses that FDA incurred in seizing, storing, maintaining, or removing articles in connection with the offense;
- c. All fees that would have been due to the government if the person had acted in compliance with laws and regulations; **and**
- d. An amount equal to the damages to natural resources and the environment caused by the offense.

To assess an administrative penalty, the Managing Director shall provide for personal service of a written notice of penalty assessment on the violator. A notice of penalty assessment shall, for each violation:

- (1) Describe the nature of the violation with reasonable particularity;

- (2) Provide the legal and factual grounds for the conclusion reached, which shall include a statement of the applicable law, rule, code, or regulation that was allegedly violated; (3) Describe the evidence collected at the time to support the conclusion that there was a violation;
- (4) Include a full copy of the investigation report;
- (5) Indicate the total amount of the penalty for the violation;
- (6) If applicable, indicate whether the violation is grounds for the termination of a forest resource license; and
- (7) Explain that each day of a continuing violation constitutes a separate violation.

If additional evidence is collected by FDA after the notice of penalty assessment has been issued, the Authority shall share the evidence with the violator within seven (7) working days.

In addition to the requirements above, a notice of penalty assessment shall provide three options for the alleged violator to address the violation, namely:

- (1) Where, when, and how the violator may pay the penalty voluntarily, either admitting to or not contesting the violation;
- (2) How the violator may challenge the notice of penalty assessment in an administrative hearing, with the possibility of an appeal; and
- (3) How the violator may challenge the notice of penalty assessment in court. This option will cease to exist if the FDA establishes an Administrative Hearing Panel with complete jurisdiction over all civil offenses and disagreements flowing out of forest operations.

The notice of penalty assessment shall clearly state that the violator has thirty (30) days from receipt of the notice of penalty assessment to notify the FDA in writing whether the penalty will be paid, challenged in an administrative hearing, or challenge the penalty in court. See Annex D for Summary of Proposed Fines for Most Common Forestry Violations.

1.4.2 ADMINISTRATIVE HEARINGS

The violator is entitled to a hearing prior to FDA taking any action against him/her/it and then a right to appeal any action taken by FDA. However, the violator must submit to the Managing Director a written request for a hearing within thirty (30) days of receipt of the notice of penalty assessment. The assessed penalty is then stayed pending the final resolution of the matter.

An Administrative Hearing Body at FDA, established by the Managing Director, will preside over the proceedings. The Administrative Hearing Body must provide the parties, FDA, and alleged violator with a Notice to Appear for the hearing. The notice shall include the following:

- i. A statement of the time, place, and nature of the hearing;
- ii. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- iii. A reference to the particular sections of the statutes and rules involved; and
- iv. A short and plain statement of the matters asserted.

After the hearing, at which minutes of the proceedings are taken, among other requirements as determined by the Administrative Procedure Act, the assessed penalty can be revoked, modified, or upheld. This final determination or order by the Authority shall be in writing and stated in the record. It shall include the findings of fact and conclusions of law, separately stated. The findings of fact shall be accompanied by a concise and explicit statement supporting the findings. The parties shall be served with a determination or order.

If the Hearing Body determines that the FDA determination is correct (and therefore final) and the violator does not timely appeal the decision and does not pay the fine, the MD is required to file a request to MOJ to begin an action to recover the amount of the assessment, together with interest and any additional fine that may be lawfully assessed for non-compliance.

1.4.3 POTENTIAL APPEAL

CIRCUIT COURT *APPEAL*

An alleged violator who disagrees with the Administrative Hearing Body's ruling may petition the Circuit Court of appropriate jurisdiction. However, the petition for judicial review must be filed within thirty (30) calendar days of receipt of the ruling of the Administrative Hearing Body. The petition shall serve the purpose of a bill of exception and notice of the completion of an appeal.

After judicial review, the court of law may reverse or modify the decision only if *inter alias* the administrative finding is:

- a. In violation of constitutional or statutory provisions;
- b. In excess of the statutory authority of the agency;

- c. Made upon unlawful procedure;
- d. Affected by other error of law;
- e. Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- f. Arbitrary, capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

SUPREME COURT APPEAL

After the court's final ruling, the aggrieved party may take exception to the ruling and appeal to the Supreme Court of Liberia. The aggrieved party shall follow and complete the appeal process as provided in the Civil Procedure Law of Liberia.

1.5 CRIMINAL CASES

The violation of certain provisions of the NFRL, or any regulation implementing those provisions, may be considered criminal offenses, punishable by fine and/or imprisonment.

The following are issues defined in the NFRL that may give rise to a criminal case:

- 1) The use of forest resources without the permission of the Forestry Development Authority (Section 5.1(a));
- 2) Seeking or holding permission to conduct commercial forest operations by any of the following individuals (Section 5.2(b)):
 - a) Anyone under 18 years old;
 - b) A person declared insolvent or bankrupt either in Liberia or abroad within the prior of 5 years, except otherwise approved by the Liberian courts or by a foreign court and permitted under Liberian law;
 - c) A person not qualified to conduct business in Liberia;
 - d) A person convicted of or has not contested in court a felony in the last five years;
 - e) Certain government employees (see Sections 5.2(b)(v-vi));
 - f) A person associated by means of investment or ownership with an individual covered in (2)d-(2)e above.
- 3) Failure to transfer permission to conduct commercial forest operations to an entity outside of an individual's control if that individual assumes a Government office or position covered in Sections 5.2(b)(v-vi) after obtaining permission (Section 5.2(c));

- 4) Failure of a Government official whose salary equals or exceeds the base salary of a Regional Forest Office to report annually any instance in which an immediate relative (spouse, parent, sibling, or child) has engaged in commercial trade in Timber or other Forest Products Section 5.2(d);
- 5) Assigning or receiving a Forest Resources License that does not have the prior, written approval of the FDA (Section 6.2(a));
- 6) Encroachment onto Forest Land which has been granted in an exclusive license to another Holder, for which the Holder may seek redress (Section 7.2(a));
- 7) Conducting activities on public or private Forest Land in violation of guidelines or codes (Section 8.1(c));
- 8) Conducting certain activities in Protected Areas (Section 9.10(b));
- 9) Conducting any of the following wildlife-related activities:
 - a) Hunting, capturing, or trading Protected Animals, except those born or lawfully placed in captivity (Section 9.12(b));
 - b) Possession of a whole or part of Protect Animal, either dead or alive, without a certificate of legal ownership (Section 9.12(d));
 - c) Guiding hunters without a valid Professional Hunting License (Section 9.12(f));
 - d) Keeping a live animal captive without a valid Wild Animal permit from the FDA (Section 9.12(g));
 - e) Trading wildlife without a valid Wildlife trading license issued by FDA (Section 9.12(i));
 - f) Exporting wild animals from Liberia, except as allowed under a valid permit issued by FDA (Section 13.1(a));
 - g) (Attempting to) export or re-export Protected Animals (as defined by Liberia) or as listed in Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), except for purposes of scientific research (Section 13.1(b)(i));
 - h) (Attempting to) import wildlife into Liberia, except with certain documentation (Section 13.1(c)).
- 10) A Land Owner engaging in prospection, logging, or hunting not in compliance with NFRL or its Regulations (Sections 11.2);
- 11) Conducting any of these actions, including by Holders, on Forest Lands without express written permission from the FDA (Sections 11.5):
 - a) Clear trees, shrubs, or other obstacles or cut wood on land not in a Holder's license;
 - b) Build hydropower facilities or electrical plants;
 - c) Build or operate a facility that prepares, concentrates, or chemically treats wood;
 - d) Build seaports, river ports, or airports;
 - e) Develop above-ground transportation conduits to transport products to areas outside those contained in the Forest Resources License.

12) Regarding environmental responsibility:

- a) Wasting or damaging Forest Resources, including the destruction of the long-term productivity of Forest Land, unless such action has been approved in an environmental impact assessment or was done in an emergency situation to either save a life or prevent major injury to property (Section 8.1(d)) and (d);
- b) The destruction, trimming, pruning, or felling of a tree on public land in a municipality without written consent of the FDA (Section 8.5(b));
- c) Disposal of construction materials, waste from demolition, or other wastes in an illegal or environmentally irresponsible manner (Section 12.4);
- d) Shifting cultivation or building settlements in National Forests, National Parks, Nature Reserves, or other Protected Areas, Proposed Protected Areas, or on any other Forest Land designated as high forest, unless permission is granted by FDA, which may require regulatory action (Section 16.3).

13) Regarding the trade or exportation of forest products

- a) Importing, transporting, processing, or exporting timber unless the timber is accurately enrolled in the Chain of Custody System (Section 13.5(e));
- b) Exporting timber or forest products not in compliance with established standards (Section 13.7);
- c) Exporting forest products without an export permit from FDA (Section 13.8(a)).

14) Regarding administrative procedures:

- a) Not having a main office in Monrovia for producers and exporters of timber (Section 13.3);
- b) Not paying the fees assessed in connection with a Forest Resources License (Section 14.2(d)).

15) Section 18.16 regarding employment of security personnel.

PENALTIES

Upon conviction of one of the abovementioned sections of the NFRL, a person may be subject to the following criminal penalties:

- a. A fine of up to US\$10,000 (ten thousand United States Dollars) or twice the economic benefit that the person obtained through the violation, whichever is greater.
- b. For knowing violations or violations resulting from gross negligence, one or both of the following:
 - i. A fine of up to US\$25,000 (twenty-five thousand United States Dollars) or three times the economic benefit that the person obtained through the violation, whichever is greater;

- ii. Imprisonment for up to twelve months.
- c. For violations resulting in damage to forest resources or the environment, an additional fine of twice the reduction in the market value of the damaged property, twice the cost of restoring the forest resources, or twice the cost of environmental restoration, whichever is greater.

Fraud: The NFRL also criminalizes the forgery of documents submitted to the FDA, misrepresentation to the FDA to obtain permission for any purpose, and destroying, moving, or altering a boundary marker of a protected area or an area subject to a forest resources license to be criminal offenses. These specific offenses are punishable by a fine of up to US\$10,000 (ten thousand United States Dollars), or imprisonment for up to twelve months, or both.

In addition to the criminal offenses set forth in the NFRL, a person may also be subjected to further criminal charges if the investigation determines that he/she has participated in conduct that is deemed criminal by any other law, such as the Penal Code or the Revenue Code. Penal Code violations should be referred to the LNP and MOJ, and Revenue Code violations to the LNP and Liberian Revenue Authority (LRA) or the relevant law enforcement agency.

1.6 CIVIL CASES

If the investigation reveals that the violations that have occurred are not criminal offenses and FDA is not able to initiate administrative proceedings because the five requirements for FDA to assert jurisdiction, outlined in Administrative Penalties, are not met, then civil judicial proceedings are the appropriate course of action. In that event, the Ministry of Justice, in coordination with FDA, will determine the cause of action to be filed and in which court to file the civil action.

For instance, the investigation could result in FDA aiming to terminate a forestry license that had been awarded. The grounds for termination are listed in Section 6.1 of NFRL:

- a. Felling trees either before the Felling Effective Date or those not covered by a valid Annual Harvesting Certificate;
- b. Failure to complete Pre-Felling Operations for Forest Management Contracts and Timber Sale Contracts within the set amount of time;
- c. Failure to satisfy any financial obligations to the Government or to local communities, except in the case of Force Majeure;
- d. Abandonment of operations for 12 or more months under a license that grants exclusive use of Forest Resources;
- e. Granting all or part of a license to a third party without FDA approval;
- f. Knowingly misrepresenting facts to the Government in order to receive a license;

- g. Intentional extraction of natural resources or Forest Products not authorized in a license or explicitly permitted by the Government;
- h. Intentional misclassification or mislabeling of Forest Products for any purpose;
- i. Failure to comply with NFRL or any regulations promulgated under NFRL;
- j. Any material breach of a Forest Management Contract or Timber Sale Contract;
- k. Any failure to satisfy the conditions of a Forest Use Permit or Private Use Permit;
- l. Bribing or otherwise monetarily compensating or benefiting someone in order to secure or avoid Government action relating to Forest Resources.

The prospect of an investigation concluding with a case in a court of law, whether it is civil or criminal, highlights the importance of coordination between MOJ and FDA because, in judicial proceedings, the MOJ is statutorily mandated to defend all ministries and agencies. It is a best practice for FDA and MOJ to cooperate and coordinate regarding all enforcement actions in which FDA is a party, including at the investigative stage.

1.7 CITIZENS SUIT

The NFRL Section 20.10 enables persons who are harmed as a result of noncompliance with the law, any of its regulations, Forest Management Contracts, Timber Sales Contracts, and Code of Forest Harvesting Practices, to sue the responsible person, except where the responsible Person is the Government and its employees. However, a person may bring about an action against a government agency to compel compliance with the law, the accompanying regulations, and/or FDA's internal procedural manuals.

Procedure: When a person has not complied with the NFRL and the government has not taken action against that person, any third party may give the FDA and the non-compliant person notice of intent to sue, and sixty (60) days thereafter may bring an action against the non-compliant person. In the event a third-party complaint is filed against a noncompliant person, the government may elect to intervene in the case, and the court shall grant the intervention as a matter of right. The court may then grant such relief as would be appropriate if the government was seeking damages and penalties for the non-compliance (NFRL 20.10).

If a third party gave notice to FDA and the non-compliant person and the Government responds by bringing an enforcement action, the third party may intervene as of right in the enforcement action and is eligible for any payment available under the NFRL as if it had originated the action (NFRL 20.10(i)).

2. CHAIN OF CUSTODY

2.1 PURPOSE OF CHAIN OF CUSTODY

The chain of custody system was established through Regulation 108-07 on Establishing a Chain of Custody System (COCS) within the “Ten Core Regulations” promulgated under the NFRL. This regulation establishes a transparent, nationwide Chain of Custody System under the supervision of the FDA. The COCS is used by FDA inspectors and investigators, and prosecutors at the Ministry of Justice in the performance of their jobs. The COCS:

- a. Ensures that illegal Logs, Timber, and Wood Products are identified and that they do not enter the COCS;
- b. Ensures that all Holders of Forest Resources Licenses are in compliance with laws and regulations governing block maps, annual yield limits, and COCS requirements;
- c. Ensures that all forest fees are accurately assessed and remitted to the appropriate authorities on time;
- d. Facilitates the certification of legal origin for all Logs and Timber originating in the Republic;
- e. Generates reliable information on national timber flows that can be used both to inform sound management and oversight of the forest sector and to provide a basis on which to issue reliable Timber legality verification statements and permits (for purposes of export); and
- f. Promotes good governance and law enforcement by strengthening FDA staff capacity and encourages adherence to the rule of law by all persons working in, and affected by, the forest sector.

2.2 PRE-FELLING REQUIREMENTS

Regulation 105-07 on Major Pre-Felling Operations under Forest Resources Licenses (FMCs, Community Forest Management Agreements (CFMAs), TSCs, PUPs, FUPs, Plantations), requires the following pre-felling operations are to be completed by the holder of a Forest Resource License before trees can be legally felled.

- a. Establish boundary line demarcation

- b. Fully execute a Social agreement with the affected community (for FMCs, and TSCs)
- c. Complete Environmental and Social Impact Assessment (ESIA) and obtain approval from EPA.
- d. Obtain approved Forest Management Plan (FMP):
 - Strategic FMP (for Forest Management Contract & Community Forest Management Agreement)
 - 5-year FMP (for Forest Management Contract & Community Forest Management Agreement)
 - Post a performance bond with the FDA
 - Annual Operation Plan (AOP) (for Forest Management Contract, Timber Sale Contract & Community Forest Management Agreement).
 - Annual Coupe Registration containing the blocks to be harvested within one year; ○ Preparation of Block Maps and Stock Surveys submitted by forest Operator and verified by FDA;
 - Annual Harvesting Certificate issued by FDA upon approval of the Block to commence felling operations.

2.3 FELLING AND POST FELLING REQUIREMENTS

Felling Requirements for the Operator:

Operators are required to fulfill the following felling requirements:

- a. Remit taxes to the LRA and obtain proof of clearance; remit pay of barcode issuance fee to FDA; remit payment of block inspection fee to LRA;
- b. Apply for and obtain an annual harvesting certificate from FDA;
- c. **Barcode Issuance:** After the award of the concession allotment, the Operator applies for barcodes to apply on trees (tree barcodes) and logs (log barcodes) to be enumerated, felled, converted to logs, and subsequently exported. The issued barcodes are Operator specific and cannot be used by other Operators. The barcodes are verified throughout the life cycle of the Operator's forestry operations in Liberia.
- d. **Verification of SSF/TDF:** The SSF (Stock Survey Form) is used to submit enumerated tree data (more than 50 cm diameter at breast height (DBH)) with the unique tree barcode affixed to that tree. The enumerated trees are then submitted (not less than 60 cm or as per the minimum cutting diameter for a specific tree species) for felling approval. Once approved by FDA's Legality Verification Division, the trees can be harvested and are submitted in the form of TDF (Tree Data Form) for stumpage invoicing.

Post-felling requirements for the Operator (following FMP and requirements for issuing Annual Operating Plans):

- a. **Stump verification:** Inspection to be conducted for stumps where the trees have been harvested.

- b. **Log Data Form (LDF):** Trees are then cut into logs, and log tags (log barcodes) are applied to each log. The log data is recorded onto an LDF. Logs are then prepared to be transported to log yards from the concession allotment, and waybills must accompany each shipment of logs.
- c. **Transportation and Waybill checks:** Waybills are issued to Operators having unique barcodes for identification and are checked in the forest concessions while loading, at check points during transportation, and also at the log yard while unloading by FDA and SGS. All logs being transported from bush landings to log yard landings must be accompanied by waybills. This also applies to logs from log yard landings to the port of export.
- d. **Export Permit Request (EPR)/Log Data Form (LDF) submission:** Upon successful inspection by the FDA of the logs designator by the Operator for export, these logs may be included in a submission for issuance of Shipment Specification (SPECs), Export Permits and Certificate of Origin by FDA. The log included under each certification may be subject to verification of LDF data with data contained in the TDF and SSF.
- e. **Log yard verification** – LDF verification is conducted in the log yard before transport to the port of export.
- f. **Shipment specification** – SPECs are issued to the Operator by the FDA, which includes the logs by log barcode that may be legally exported pursuant to the requirements of the NFRL and the implementing regulations.
- g. **Shipment verification:** By using the log barcodes, the FDA and Port Authority verify that the logs are approved at the time of export at the port.
- h. **Certificate of Origin:** The FDA issues a certificate of origin upon receipt of the original Bill of Lading (BL), and Short Shipped inspection report from FDA.

Verification of Taxes/Fees Paid: Prior to export, LRA will verify that all fees and taxes owing to the government of Liberia have been paid, such as stumpage, export invoice, way bills, etc.

2.4 EXPORT PERMIT REQUIREMENTS

The legal requirements that are met to export logs from Liberia are set forth in the NFRL, the Ten Core Regulations, the Code of Forest Harvesting Practices, and FDA Standard Operating Procedures (SOP) developed for the implementation of the Chain of Custody System. The following is a summary of key steps in the permitting process and requirements for permit holders:

- I. Export Permit Declaration/Document (Ministry of Commerce)

- II. Phytosanitary Certificate (Ministry of Agriculture)
- III. Export License (FDA)
- IV. Chain of Custody Export Permit (Legality Verification Department within FDA)

3.0 OVERVIEW OF LEGAL FRAMEWORK GOVERNING LIBERIAN FORESTS AND THE FORESTRY SECTOR

3.1 1976 ACT CREATING THE FORESTRY DEVELOPMENT AUTHORITY

The Act creates a Forestry Development Authority, the objective of which is, among others, to establish a permanent forest estate made up of reserved areas upon which scientific forestry will be practiced; devote all publicly owned forest lands to their most productive use for the permanent good of the whole people considering both direct and indirect values; 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; correlate forestry to all other land use and adjust the forest economy to the overall national.

3.2 NATIONAL FORESTRY REFORM LAW OF 2006

3.2.1 Introduction

The National Forestry Reform Law of 2006 (NFRL) is the statute governing the forestry sector in Liberia. The key priorities of the NFRL include (i) the regulation of commercial activity, (ii) protecting the rights of the respective adjoining communities, and (iii) the conservation of the forest.

3.2.2 Duties and responsibilities of the FDA

Under the NFRL, the FDA is responsible for ensuring compliance with this law, and shall conduct investigations that are necessary, appropriate, and in keeping with the laws of the Republic (Section 3.2); conduct/ensure the conduct of an annual Audit (Section 3.4); take precautionary approaches to prevent environmental degradation (Section 3.1(b)); and ensure sustainable management and conservation of the forest land and its resources (Section 3.1).

Under the NFRL, the FDA is responsible for implementing and ensuring compliance with this law. The FDA has been given the authority to issue regulations, perform inspections, and take enforcement action as appropriate to ensure the sustainable use of the forest resources. The FDA is required to take certain action to manage the Liberian forest resources, such as designate uses, award forest concession contracts, prepare a management strategy, and make certain reports to the government, among other duties.

3.2.3 Forest Resource Licenses

A person cannot undertake commercial use of forest resources without permission from FDA. This permission may take the form of:

- a. Forest Management Contracts (FMC)
 - i. 50,000-400,000 hectares
 - ii. 25-year contract
 - iii. Long-term Strategic Forest Management Plan
 - iv. Environmental Social Impact Assessment (ESIA) and Social Agreement
- b. Timber Sale Contracts (TSC)
 - i. Under 5,000 hectares
 - ii. 3-year contract (maximum)
 - iii. Can be awarded to clear land for agriculture
- c. Forest Use Permits (FUP)
 - i. Alternative commercial uses (e.g. charcoal, tourism, research and education, wildlife, harvest of small amounts of timber for local use)
 - ii. Public and private lands
 - iii. Qualified classes of persons
 - iv. Single permits vs. General permits
 - v. Exclusive use only for less than 1000 hectares
- d. Private Use Permits (PUP)
 - i. Use consistent with land classification
 - ii. Requires a business plan
 - iii. Requires a management plan

- iv. Requires a social agreement
- v. Limited duration

In order to be eligible to be granted a permit by FDA, one must be over 18 years old and duly licensed to do business in Liberia.

The following are ineligible for FDA contract or permit: government officials, FDA employees, or members of the Board of Directors; persons adjudged insolvent or bankrupt in the past five years; convicted of a felony in the past five years, or financially associated with a person who is ineligible under the NFRL, then that person is also deemed ineligible.

3.3 COMMUNITY RIGHTS LAW OF 2009 AND ITS IMPLEMENTING REGULATIONS

3.3.1 Introduction

The Liberian Constitution of 1986 recognizes the rights of the communities related to land in Articles 5 and 7. The Community Rights Law of 2009 (CRL) is intended to fill gaps left unattended by other statutes dealing with communities' rights to land and forest resources, and its drafting by FDA was mandated by NFRL §10.1(c).

3.3.2 Duties and Powers of FDA

Consistent with Chapter 5 of the Community Rights Law and Chapter 2.1 of its Implementing Regulation, FDA has the following duties and powers under the CRL:

- a. Retain Forest Management Plans and any other documents as well as a Registry of the forest governance and management.
- b. Help each forest community, with training and support, to be able to manage their forest resources.
- c. Document forest resources and help establish the community forest management structure.
- d. Provide technical assistance to communities.
- e. Ensure community rights to access, manage, use, benefit from, plan and implement forest management programs are respected.
- f. Provide evidence on settling and collecting community forest user fee(s), etc. as spelled out in Chapter 5 of the CRL and Chapter 6 of the Implementing Regulations to the Community Rights Law of 2009 with respect to forest land as Amended.
- g. Ensure community right to plan and implement Forest management programs and sessions is respected.
- h. Demarcate community forest boundaries.
- i. Recognize authorized forest communities.
- j. Co-ordinate implementation of CRL.
- k. Follow standard process of collection and analysis of local forest data.

- l. Report to community on the suitability of the area for the proposed use.
- m. Comment on draft FMPs that come from the community before submitting them to the Board (Section 4.5).
- n. Ensure the application of PPCA (Section 3.3) in awarding Forest Management Contracts, the timber sale Contracts, Forest Use Permit, or Private Use Permit.
- o. Take steps to implement the recommendations of the Board.
- p. To grant/permits for commercial use of forest resources.
- q. Set requirements (Performance Bond, Payment of fees, etc.) via regulation(s).
- r. Ensure the participation of the community in the management of the forest via regulation(s).
- s. Recognize and protect community land tenure rights.
- t. Develop a Code of Conduct and a Social Agreement between the holder and the community (ies) for FMCs.
- u. Set qualification requirements for people who want to conduct commercial forest operations in community forests (NFRL Section 5.2).
- v. Ensure that contracts are awarded in line with the Public Procurement and Concessions Act and other laws governing public concessions (Section 5.3).
- w. Develop, along with EPA, forest management guidelines and code of forest harvesting.
- x. Monitor forest land to ensure the sustainable use and harvest of forest resources.

3.3.3 Community Rights and Responsibilities

Chapter 7 of the CRL describes offenses and provides penalties for violations by Community Forest Management Bodies.

3.3.4 Permit/License Holders

Pursuant to Sections 11.5 and 13.1 of the NFRL of 2006 License/Permit Holder shall not:

- a. Clear trees, cut wood, shrubs, build hydro power infrastructure, build electrical plants, do chemical treatment of wood on forest land, build roads, etc., except authorized in writing by the Authority and other provisions in section 11.5.
- b. Export wild and protected animals, import of animals except authorized by the Authority, Ministry of Agriculture, and Ministry of Health and Social Welfare stating that the animal(s) are in good health, and other provisions in section 13.1.

3.3.5 Commercial Activities on Community Forest Land

The CRL and its Implementing Regulations (Sections 6.2, 6.4 of the CRL, and Chapter 10 of the Implementing Regulations) give the right to an Authorized Forest Community to engage in commercial activities on community forest land. Commercial activities are governed by the terms of a CFMA and Community Forest Management Plan (CFMP), which are authorized by the FDA. Characteristics of CFMAs include:

- Duration of 15 years
- Commercial use is classified into three levels: small, medium, and large scale

Before an authorized Forest Community engages in commercial activities, it must comply with the provision of Section 6.4 of the CRL and Chapter 10 of the CRL Regulations.

3.4 ENVIRONMENT PROTECTION AND MANAGEMENT LAW OF 2003

3.4.1 Introduction

In 2003, responding to the growing concern for sustainable resource use and effective environmental governance, the Legislature enacted the Environment Protection and Management Law of 2002 (EPML).

3.4.2 Environmental Social Impact Assessment (ESIA or EIA)

Sections 6 and 23 - Part III of the EPML requires the development of an Environmental Impact Assessment as part of the process of obtaining licenses or permits for activities that may have an impact on the environment.

An EIA is a systematic examination of a project or activity that may have an adverse impact on the environment. EIA also includes an information gathering and documentation process carried out by a developer for EPA to understand the environmental effects of development before deciding whether or not it should grant an EIA License or permit. An example of an EIA permit for a Forest Operator is included in Annex B.

3.4.3 Actors within EIA Process

The EIA process has five (5) main actors who are:

- a. The EPA
- b. The Project Proponent
- c. The Independent Environment Evaluator

- d. The Affected Community, and
- e. Different stakeholder groups (Line Ministries and Agencies, Civil Society, Interest Groups and the Local Government).

3.4.4 When EIA License or Permit is Required

Part III Section 6 of EPML requires a Project Proponent to obtain an EIA License or Permit prior to the commencement of all projects and activities specified in Annex I of the EPML. These include agriculture, livestock, range management, forestry activities, fishery activities, wildlife, tourism and recreational development, wood pulp and paper industries, building and civil engineering industries, extractive industries, waste treatment and disposal, and others.

3.4.5 Timing of EIA Process

The EIA Procedural Guidelines of 2006 lists the following steps to be followed in the EIA process:

- a. Project Proponent applies to EPA for a License by submitting a Project Brief and publishing a Notice of Intent. If Project Brief is accepted by EPA, within ten days, EPA submits it to FDA for comments.
- b. FDA shall review documents and submit comments to EPA on Project Brief submitted by a developer or project proponent within ten days.
- c. After receiving comments from FDA, EPA communicates to the proponent its decision, requiring EIA or not, on Project Brief 25 days after submission.
- d. If EIA is not required, EPA issues License 15 days after Project Brief or EIA Report is approved.
- e. If EIA is required, EPA will make the EIA Report available to line ministries/ agencies and communities after receipt, and public comments will be received within 30 days after publication of Notice with respect to the EIA Report.
- f. EPA makes a decision on EIA Report 90 days after receipt and issues EIA License.

3.4.6 Violations

Any person who violates any provision of the EPML and any EPA regulation shall be punished in accordance with EPA administrative procedures and other Liberian Laws if deemed necessary.

3.5 LIBERIA EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE ACT OF 2009

3.5.1 Introduction

Liberia Extractive Industries Transparency Initiative (LEITI) was established in 2009 to ensure transparency in the extractive industries. LEITI goes beyond the traditional EITI concept of dealing with oil, gas, and minerals to include forest resources.

3.5.2 Violations

Each and every violation that is discovered by LEITI is reported or brought to the attention of the government in accordance with Section 4.1(h) of the LEITI Act for appropriate actions. Such violation could be: Institutional and procedural deficiencies, lapses, understatements, misrepresentations, tax delinquencies, etc.

3.6 PUBLIC PROCUREMENT AND CONCESSION ACT 2010

3.6.1 Introduction

In an effort to prevent wrongdoing in the Government's procurement of goods and services and awarding of government contracts, the Public Procurement and Concession Act of 2010 requires that all governmental entities comply with the requirements of awarding contracts for and on behalf of the government, or contracts financed by government funds. Additionally, it deals with the selling or giving away of government properties and equipment, as well as offering contracts and concessions. The PPCA further mandates that in granting contracts such as Forest Management Contracts and Timber Sale Contracts, FDA shall comply with the requirements of the Act and other applicable laws.

In compliance with the PPCA, two main committees are established for the procurement of goods and services and for granting concessions.

3.6.2 Procurement Committee

The Head of each Procuring Entity shall appoint a five (5) members committee as provided for by the Act. This committee is responsible for ensuring that their entities comply with the procurement procedures, policies, rules, laws, regulations, etc. This body shall supervise the procurement unit in each entity and staff with two persons who are trained and knowledgeable in procurement procedures and shall act accordingly, in keeping with law. This Procurement Committee shall also constitute the bid evaluation panel to evaluate all bids and submit reports and recommendation(s) to the Procurement Committee for consideration.

3.6.3 Concessions Committee

Each concession shall have 3-7 committee members appointed by the head of the Procuring Entity to prepare procurement plans, bid documents, etc., consistent with the controlling law and with the objectives to increase Government revenue, bring about competition in service provision, create jobs, ensure that each concession meets the legal requirements to be granted and issued permission (certificate) to operate accordingly.

There shall also be the inter-ministerial concession committee comprising of nine (9) members or persons constituted on an ad hoc basis for a specific concession. The committee members are appointed by the President of the Republic of Liberia for the purpose of reviewing and approving the concession. The committee is dissolved as soon as the concession is signed.

3.6.4 Violations

Any violation of any provision of the PPCA and its regulation shall be punished consistent with Part IX, Section 138 of the PPCA.

3.7 PROTECTION OF WHISTLEBLOWERS

3.7.1 Introduction

In 2009, Executive Order # 22 (EO #22) was issued with the aim of encouraging individuals who are employed in public or private institutions to disclose information related to unlawful activity or any action against the public interest within any public or private institution. EO #22 contained safeguards to protect whistleblowers and provides whistleblowers the right to take legal action in the event they had to face reprisals due to the disclosure. **EO #22 has expired and is no longer in effect, but it still provides a good overview of ideal whistleblower protection.**

3.7.2 Protected Disclosures

The specific disclosures that were protected by EO #22 pertain to information that alleges any of the following:

- a. A criminal offense has been committed, is being committed, or is likely to be committed,
- b. A person has failed, is failing, or is likely to fail to comply with any legal obligation to which he or she is subject,
- c. A miscarriage of justice has occurred, is occurring, or is likely to occur,
- d. The health or safety of an individual has been, is being, or is likely to be endangered,

- e. That corruption, dishonesty, or serious maladministration in a governmental body or on the part of an official of that body has taken place, is taking place, or is likely to take place,
- f. Negligent administration, resulting or likely to result into a substantial waste of resources, danger to the health, or safety of an individual or the public has occurred, is occurring, or is likely to occur,
- g. The environment has been degraded, is being degraded, or is likely to be degraded,
- h. Price-fixing or other anti-competitive conduct, or
- i. Misleading or unfair practices toward consumers.

It does not matter if the improper conduct that is the subject of the protected disclosures takes place outside of Liberia. As long as the conduct has a harmful effect in Liberia, EO #22 shall protect the disclosure.

3.7.3 Protected Persons

In order to be considered to be a whistleblower under EO #22, an individual must be in one of the following categories:

- a. an employee who discloses information about their employer;
- b. an employee who discloses information about another employee; or
- c. a person who discloses information about another person or an institution.

3.7.4 Receiving Protected Disclosures

Protected disclosures may be made to the following persons:

- a. Law Enforcement Agencies;
- b. Public or Private Institutions;
- c. Superintendent of a County;
- d. Civil Organizations; or

- e. Other persons that are capable of acting and investigating the disclosure.

3.7.5 Protection of Identity

A person from FDA, MOJ, or other competent authority who receives a disclosure, whether oral or written, is obligated to protect the identity of the person who made the disclosure until an investigation is commenced or declined by the FDA or MOJ.

When a disclosure is made pursuant to EO #22, the person receiving it shall:

- a. Make a record of the disclosure, including the identity of the person making the disclosure, provided that the record shall be made in a format that protects the identity of the person making the disclosure and be available only to individuals with the legal authority to view such disclosure;
- b. Give a written acknowledgment to the whistleblower of the receipt of the disclosure, provided that acknowledgment shall not expose the identity of the person making the disclosure;
- c. Keep the disclosure in a manner that will clearly protect the confidentiality of the content and identity of the person making the disclosure, pending investigation of the matter; and
- d. Submit a written copy of the disclosure to the Minister of Justice, and their representative, including County Attorneys, clearly marked "Confidential."

3.7.6 Investigations

When a disclosure is made to a competent authority representative, that representative has a duty to report the case within five days to the proper channel, provided that no conflict of interest exists while protecting the identity of the whistleblower, for the purpose of conducting a preliminary investigation into the alleged wrongdoing for appropriate legal action.

The investigation must be carried out as expeditiously as possible and shall, in any event, be completed within sixty (60) days of receipt of the disclosure or directives to undertake the investigation.

Following the investigation, the authority will determine whether the allegation is worthy of any further action, such as a civil, criminal, or administrative proceeding, and will act accordingly.

3.7.7 Retaliation

It is unlawful for an employer, fellow employee, or another person to retaliate against a whistleblower because a disclosure has been made. According to EO #22, retaliation is a criminal offense that is punishable by a penalty of up to two (2) years imprisonment.

3.8 FREEDOM OF INFORMATION ACT

Liberia's Freedom of Information (FOI) Act, signed into law on September 16, 2010, provides all persons the right of access to public information. The right of access to information, including forestry-related information, is a fundamental right guaranteed by the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, as well as the Constitution of Liberia. Anyone can make a request. Under the FOI law, everyone has the right to request and receive information without having to give any reason or justification or have a "legal interest" in the information; however, the cost associated with the production of the requested information may have to be paid by the requester. All public agencies of the Government of Liberia are required to provide information under the FOI law.

Annex A: Forestry Development Authority Evidence Tracking Form

Case Number: _____ Violation: _____ Submitting Officer: (Name/ID#)

Date/Time Collected: _____ Location of Seizure: _____

Description of Evidence		
Item #	Quantity	Description of Item (Model, Serial #, Condition, Identifying or Unique Marks)

Tracking of Evidence				
Item #	Date/Time	Released by (Print Name/Signature & ID#)	Received by (Print Name/Signature & ID#)	Comments/ Location

Final Disposal Authority

Authorization for Disposal

Item(s) #: _____ on this document pertaining to:

_____ is(are) no longer needed as
evidence and is/are authorized for disposal by (check appropriate disposal method) ☐

Return to Owner

☐ Auction/Destroy/Divert

Name & ID# of Authorizing Officer: _____

Signature: _____ Date: _____

Witness to Destruction of Evidence

Item(s) #: _____ on this document were destroyed by Evidence Custodian

_____ ID#: _____

in my presence on (date)

Name & ID# of Witness to destruction: _____ Signature:

Date: _____

Release to Lawful Owner

Item(s) #: _____ on this document was/were released by Evidence Custodian
_____ ID#: _____ to _____

Name

Address: _____ City: _____ County:

Telephone Number: (____) _____

Under penalty of law, I certify that I am the lawful owner of the above item(s).

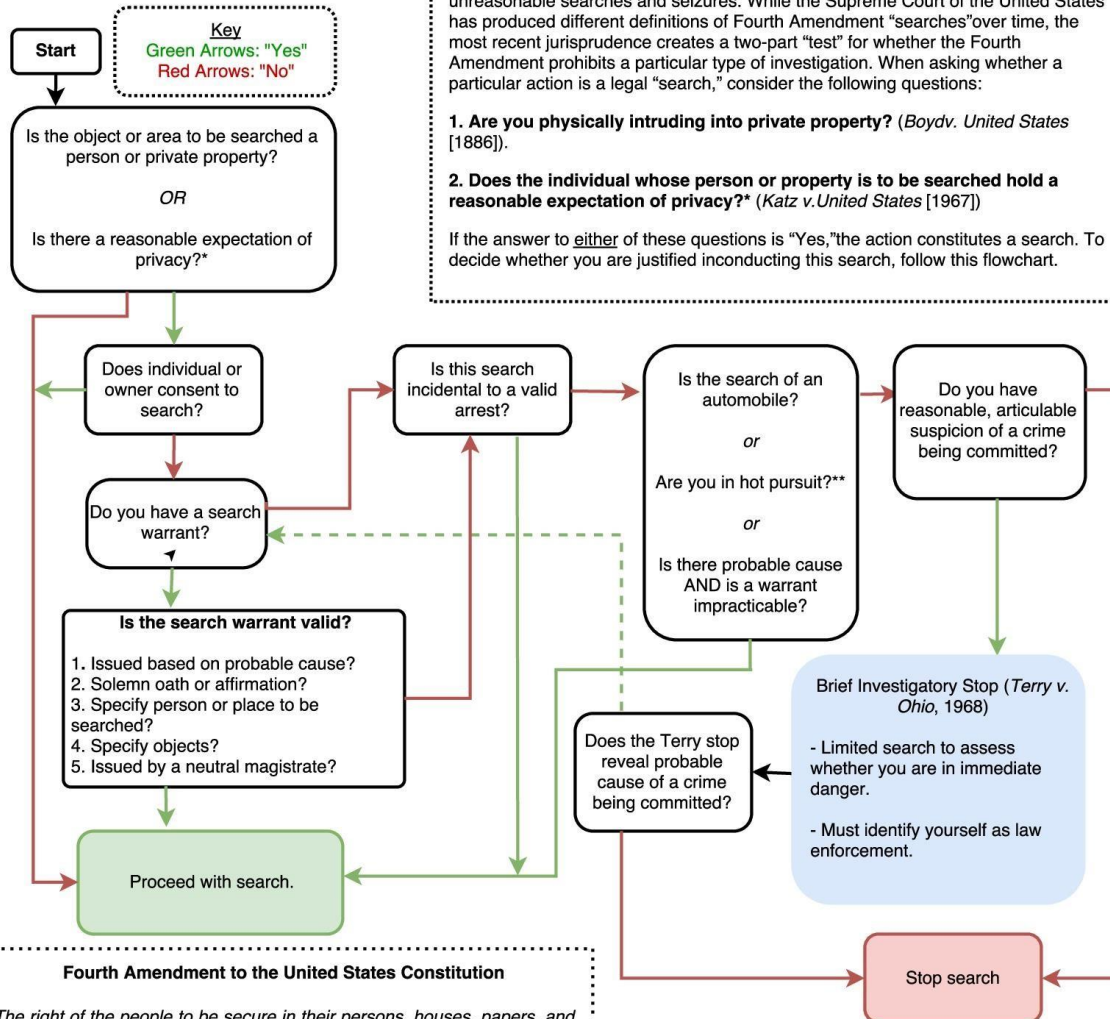
Signature: _____ Date:

Copy of Government-issued photo identification is attached. ☐ Yes ☐ No

Annex B: Decision Tree for Searches

When can I search?

Respecting Article 21 (b)



Article 21(b) of the Liberian Constitution, which closely resembles the Fourth Amendment to the United States Constitution (see below) protects citizens against unreasonable searches and seizures. While the Supreme Court of the United States has produced different definitions of Fourth Amendment "searches" over time, the most recent jurisprudence creates a two-part "test" for whether the Fourth Amendment prohibits a particular type of investigation. When asking whether a particular action is a legal "search," consider the following questions:

1. Are you physically intruding into private property? (*Boyd v. United States* [1886]).

2. Does the individual whose person or property is to be searched hold a reasonable expectation of privacy?* (*Katz v. United States* [1967])

If the answer to *either* of these questions is "Yes," the action constitutes a search. To decide whether you are justified in conducting this search, follow this flowchart.

Fourth Amendment to the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched or things to be seized.

Article 21(b) of the Liberian Constitution

b) No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be

* What is a reasonable expectation of privacy?

As explained by Justice Harlan in his concurrence to the decision in *Katz v. United States* (1967), for a person to have a reasonable expectation of privacy, that person:

1. "have exhibited an actual (subjective) expectation of privacy" and;
2. "the expectation [must] be one that society is prepared to recognize as "reasonable."

Annex C: Best Practices for Witness Interviews

The following best practice recommendations for witness interviews are general in nature and should be tailored for the specific witness and investigation. For example, most of the recommendations do not contemplate a hostile witness, and therefore, many would need to be adapted to that situation. Additionally, evidentiary considerations under Liberian law and all internal agency protocol should be observed.

A witness interview is typically broken into four parts: planning, explanation and engagement, accounting, and closure. The **planning stage** takes place before engaging with a witness. It is an opportunity to review what materials and evidence are already available, to determine how you wish to conduct the interview and to decide on the objectives of the interview. For example, you should consider what perspective the witness can offer, why that perspective is useful, and what information you want to obtain from the interview. You should frame your questions based on these answers.

At the beginning of the interview, the **explanation and engagement stage**, it is important to establish a rapport with the witness and to explain the purpose and expectations of the interview to the witness. First is to establish trust between the witness and the interviewer(s) so that the witness feels comfortable and is willing to reveal information. Some good techniques include engaging in active listening (which consists of practices like affirming the witness' story, encouraging them to continue talking, and not interrupting their narrative), showing understanding and concern, and personalizing the interview (e.g., using the witness' name). Second is to set expectations for the witness. This includes:

- Explaining clearly the reason they are being interviewed
- Explaining the objectives of the interview
- Stating what is expected of them
- Explaining the type of information you are interested in, including the level of detail you expect from their answers
- Listing the topics, you will cover in the interview and that you might address other topics as you deem necessary in order to properly establish the facts
- Explaining how non-verbal cues will be interpreted or noted
- Explaining that they should feel free to talk as long as they want
- Reminding the witness of their duty to provide complete and accurate information

The third stage, **accounting**, is conducting the interview itself. It is best to ask witnesses questions that are short, simple and do not use legal or technically specific jargon that the witness would not understand. It is often recommended that the interviewer default to open-

ended questions so that the witness has the opportunity to provide full and unrestricted accounts of events and accounts that are less likely to be influenced by the perceptions of the interviewer. Open-ended questions ask witnesses to explain or describe a scenario without prompting specific details. Some other useful practices include:

- Not interrupting a witness when they answer a question
- Clarifying a witness' account by breaking the situation into smaller pieces
- Encouraging the witness to mentally recreate the incident, including detailing what they were thinking and feeling at the time (particularly if they were in proximity to danger)
- Encouraging the witness to convey information using non-verbal communication, including by gesturing or drawing
- Asking questions on the issues you identified in the planning stage
- Asking questions that clarify or expand on the witness' answer
- Asking important questions in different ways to ensure a correct answer
- Not using specifics about the case in the questions you ask
- Using closed-ended questions in order to clarify or complete the responses provided by the witness
- Avoiding leading questions
- Discouraging the witness from guessing
- Asking the witness if there are others who would be able to provide helpful information
- Taking notes throughout the interview.

The last stage of a witness interview, **closure**, should be planned and structured so that the interview does not end abruptly or unexpectedly. Before concluding the interview, the interviewer should answer whatever questions the witness has and should explain the next steps to the interviewee.

Other Considerations

Outside of conducting the interview itself, there are other considerations to take into account:

- What information should you collect in advance of an interview with a particular witness? Does that require interviewing other witnesses beforehand?
- In what order it makes the most sense to interview witnesses? What are the benefits of different orders?
- When is the best time to interview a witness? It is best to conduct an interview as soon as the witness is physically and emotionally capable.
- Consider how many interviewers should conduct the interview

- Conduct the interview in a place with few distractions and where the witness will be comfortable.

Rights of an Accused Individual

If a witness has been arrested and taken into custody, that witness must be informed of their rights. In Article 21 of the Liberian Constitution, certain fundamental rights are granted to suspects and accused persons who are arrested: they shall be informed of their charges upon arrest; of their right to remain silent; of the fact that any statement they make can be used against them; that they have a right to a have counsel at every stage of the investigation; that they have a right not to be interrogated except in the presence of counsel; and that any statement made in the absence of such counsel shall be deemed inadmissible.

In any instance where an employee of the Republic of Liberia is interrogating, interviewing, or examining a witness – regardless of whether that witness has been taken into custody – the interviewers must first inform the witness of:

- The offense they are suspected or accused of
- The right to legal counsel at all stages of an investigation, including while being questioned or in making a statement
- The right to remain silent regarding the offense
- That any statement or admission made may be used as evidence in criminal prosecution.

Annex D: SUMMARY OF PROPOSED PENALTIES FOR MOST COMMON FORESTRY VIOLATIONS

VIOLATION/ NON-COMPLIANCES	PROPOSED FINE (USD)	LEGAL REFERENCE
Possessing and or transporting firearms, bush meat and or hunters in company vehicles	USD 500 per occurrence	Amended Code Forest Harvesting Practices (CFHP) Section 2.5.3
Hunting in Forest Resource License Area by contract holder workers or subcontractors using firearms, traps or other means	USD 1,000 per occurrence	Amended CFHP Section 2.5.3
Lack of personal protective equipment (PPE) by chainsaw fellers or heavy machine operators	USD 500 first violation then double	Amended CFHP Section 2.3.7
Commencing felling before FDA authorization complying with harvesting pre-requisites (Social Agreement, Approved Annual Operations Plan, Annual Audit, Annual Harvesting Certificate)	USD 5,000 per occurrence	Amended CFHP Section 2.8.2, Regulation 105-07, SGS SOP 9 & 10
Mother/seed trees and protected trees not marked with a chain of custody identification number	USD 100 per block in Annual Operation Plan	Amended CFHP 2.8.2
Felling of seed/mother trees	Double the FOB value per species applied to the felled tree's commercial mother log volume	Amended CFHP Section 2.8.1, 2.5.3
Felling of protected trees or prohibited trees	USD 500 per tree	Amended CFHP Section 2.8.1, 2.5.3

Felling of trees within protected or exclusion areas and their respective buffer strips	Double the FOB value per species applied to the felled tree's commercial mother log volume	Amended CFHP Section 2.8.1
Felling of trees on slopes steeper than 40%	Double the FOB value per species applied to the felled tree's commercial mother log volume	Amended CFHP Section 2.8.1
Felling of trees under approved minimum diameter (DBH) Cutting Limits	Double the FOB value per species applied to the felled tree's commercial mother log volume	Amended CFHP Section 3.2.2
Felling of trees not marked with a chain of custody identification number and / or not approved by FDA to be felled	Double the FOB value per species applied to the felled tree's commercial mother log volume	Amended CFHP Section 3.2.2
VIOLATION/ NON-COMPLIANCES	PROPOSED FINE (USD)	LEGAL REFERENCE
Felling of trees outside the authorized area	Double the FOB value per species applied to the felled tree's commercial mother log volume	Regulation 108-07
Log landings exceeding 2,500 m ² in size and exceeding the maximum of 4 landings within a 100 ha block	USD 1,000 for each log landing exceeding maximum area and number	Amended CFHP Section 2.9.2
Logging activities outside the chain of custody system	USD 5,000 per occurrence	Regulation 108-07, Section 22
Transport or acceptance of logs, timber or wood products without waybills	USD 1,000 per occurrence	Regulation 108-07, section 31

Falsifying data declaration (species, diameter, height, log length, volume, barcode/identification) or reports or documentation submitted to the Authority	USD 5,000 per occurrence	Regulation 108-07, SGS SOP 10 & 11
Mother or child log is not the property of the Forest Resource License holder	FOB value per species applied to the trees' commercial mother log volume	Regulation 108-07, SGS SOP 13
Tree or log identification tag not authorized to the Forest Resource License holder	USD 1,000 per occurrence	Regulation 108-07, SGS SOP 13
Primary processing facility (sawmill, plywood, particleboard, other) not registered and operating without the FDA authorized Processing Permit	USD 5,000 per occurrence	SGS SOP 19, Regulation 112-08 Forest Products Processing and Marketing
Other volume-based violations	To be defined by Authority based on the FOB value per species applied to the trees' commercial mother log volume	
Other violations	A lump sum to be defined by the Authority	

Annex E: Inspection Checklist and Reporting Template for Assessing Environmental and Social Performance Indicators set out in the Liberian Code of Forest Harvesting Practices of 2017

INTRODUCTION

This document serves as a resource for inspectors of the Forestry Development Authority (FDA), the Environmental Protection Agency (EPA), and the Ministry of Labor (MOL) to verify that the performance requirements of the Code of Forest Harvesting Practices are met during forest harvesting operations. This checklist is non-exhaustive as any forest operation must also adhere to the other applicable laws and regulations, including but not limited to the National Forestry Reform Law of 2006 and its implementing regulations, the Environmental Protection and Management Law of 2003, and the Community Rights Law of 2009 and its regulations.

This document is both a checklist and a report – no other document needs to be generated. Once the operator and the inspector have signed off the checklist/ report, it is ready for distribution and follow-up.

How to use this document?

The checklists below reflect the mandatory requirements enumerated in the Code of Forest Harvesting Practice. The following example illustrates the meaning and use of each column in the checklist:

Refers to the corresponding chapter in the CFHP

Institution responsible for inspecting this requirement (e.g. Ministry of Labor)

Performance requirement summarized from the CFHP

"X" when compliant

"X" when not compliant and give location and Objective evidence

"X" when not assessed or not applicable

Give location of non-compliance, e.g.: Main logging camp or Block JJ03

Objective evidence of non-compliance, e.g. "Some rooms house 5 persons"

2.3 General Safety and Planning Requirements

2.3.1 Camp Hygiene

	Yes	No	N/a	Location	Notes on non-conformity
a) Semi-permanent Logging camps - MOL					
Housing for single workers without families shall not exceed two people per unit					

GENERAL INFORMATION

Name of Forest Resource Area/ License:		Location:	
Name of Forest Resource License Holder:		Contact Person:	
Name of Inspector(s)/ Institution(s):	1) /	2) /	
	3) /	4) /	
Start of Inspection (Date/ Time):	/	End of Inspection (Date/ Time):	/

Sampling (Blocks inspected – indicate Block ID, e.g. JJ03):

Ongoing activities									
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Post harvesting									
--------------------	--	--	--	--	--	--	--	--	--

AFFIDAVIT

The content of this checklist has been introduced to the Holder by the Authority.

The Forest Resource License Holder has shown the site to the Inspector(s) and informed him/her about all site specific conditions and features. The Inspecting Officer affirms that the information reflected here is to the best of (his/her) knowledge, true and accurate.

Signed by the Lead Inspection Officer _____ on (date) _____

Signed by the Forest Resource License Holder _____ on (date) _____

GENERAL COMMENTS

2.3 General Safety and Planning Requirements

2.3.1 Camp Hygiene	Yes	No	N/a	Location	Notes on non-conformity
a) Semi-permanent Logging camps - MOL					
Housing for single workers without families shall not exceed two people per unit [S]					
Houses are safe, dry, w/ sufficient ventilation and have lockers for personal belongings [S]					
Canteen taking into consideration the size of camp [S]					
Kitchen facilities available to cook under roof in case of rain [S]					
Storage Facility for Food available [S]					

Sufficient supply of potable water [S]					
Facilities for washing and drying clothes [S]					
Storage facility for general materials [S]					
Separate storage facility for any inflammable, chemical or explosive substances at a safe distance from the living quarters [S]					
Recreational facilities considering scale and intensity and agreed upon in collaboration with workers [S]					
Means of control of rodents and harmful insects in case of infestation outbreaks (e.g. Mosquito nets where required) [S]					
Lighting in houses with safe and legal electrical wiring; generators should be repaired as soon as practicable [S]					
First aid facility for emergencies: Qualified nurse/first aider, basic medical support, emergency evacuation procedure known [S]					
Sanitary facilities - EPA					
Sufficient sanitary facilities ("bathrooms"/showers, toilets or latrines), separated from sleeping and dining areas, kitchen facilities and storage areas for food, complying with hygienic requirements, equipped and located in accordance with the cultural environment of the workers [S];					
2.3.1 Camp Hygiene	Yes	No	N/a	Location	Notes on non-conformity
Toilets and septic tanks are located at least 100m from water sources					
Shower waste water disperses into soak pits					
b) Survey camps and mobile camps (several weeks) - FDA					
Sleeping quarters shall be constructed at least 20m from the closest water body [E];					
A waste pit shall be dug at least 50m from the stream and all waste shall be dumped in the waste pit. The waste pit shall be covered with at least 30cm of soil when the camp is abandoned [E];					
Toilet facilities shall not be closer than 50m from the closest water body.					

Adequate supply of high protein food supplied to workers to prevent illegal hunting [E];					
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2.3.2 Construction of workshops - EPA	Yes	No	N/a	Location	Notes on non-conformity
Workshops shall be located at least 100 m away from any watercourse or water body on a stable surface					
Hydrocarbon (fuel and oil) storage shall include bund wall that allows for containment of at least the contents of the largest tank within the bunded area [E];					
Hydrocarbon storage shall be placed at least 100m from the nearest river and at least 100m from the nearest inhabited house [E];					
Hydrocarbon storage shall include drainage to an oily water separator before discharge [E];					
Used oil either reused or disposed of appropriately					

2.3.3 Hazardous Chemicals - EPA	Yes	No	N/a	Location	Notes on non-conformity
Hazardous chemicals shall be stored in a well-drained area at least 100m from any watercourse or any inhabited building [E];					
Chemicals shall be stored in a locked, dry, well-ventilated storeroom. Wet products are to be effectively separated from dry products;					
2.3.3 Hazardous Chemicals - EPA	Yes	No	N/a	Location	Notes on non-conformity
All entrances shall be clearly marked with a sign reading “warning – hazardous chemical storage - authorized persons only” or equivalent [E];					
All containers used in the transport, storage and use of toxic chemicals shall be leak proof, marked as “hazardous” and clearly labeled with the contents’ name [E];					
Access to the storerooms of toxic materials should be restricted to authorized personnel [E];					
Concrete bunds with a capacity of the storage capacity of the largest storage container may be provided around all storage facilities [E];					

Equipment used for applying chemicals shall not be washed in watercourses [E];					
Excess chemicals are to be either removed from the forest or chemically treated (neutralized) in an approved manner [E];					
Empty containers shall be safely disposed and not reused: containers are triple rinsed and holes are punched. Containers are flattened (optional) [E];					

2.3.4 Waste Management - EPA	Yes	No	N/a	Location	Notes on non-conformity
Specifications from waste management ESIA prepared by company are complied with [E];					
Waste pits shall be used for non-hazardous inorganic waste disposal (e.g. plastic, metal, glass) [E];					
Waste pits should be used for organic waste disposal (food waste and paper) [E];					
Waste pits should be burnt out from time to time to prolong their useful life [E];					
Waste pits shall be located at least 100 meters from any water body and at least 1m above the groundwater table [E];					
The area should be fenced off and signs should be erected identifying waste pits [E];					
Waste pits should be covered with at least one (1) m of soil once they reach the end of their useful life [E];					
Toxic materials shall never be disposed of into watercourses or lakes [E];					
Hazardous waste as defined by the FHCP shall be managed correctly [E];					
2.3.6 First aid and emergency response - FDA	Yes	No	N/a	Location	Notes on non-conformity
Each logging team shall be familiar with the emergency response procedure in the case of accidents [S];					
A fully equipped first-aid kit shall be provided to every logging crew and located close to where felling crews are working [S];					
At least one formally trained First Aider shall be present at each worksite at all times [S];					

2.5.3 Protection of Plant and Animal species - FDA	Yes	No	N/a	Location	Notes on non-conformity
All forest operators shall apply appropriate measures aiming at mitigating illegal hunting practices and trade of bush meat of protected species [E];					
Prohibition of possessing and/ or transporting firearms, bush meat and/ or hunters in company vehicles, even outside the commercial forest area [E];					
Contract holder workers are prohibited from hunting using firearms, traps or other means [E];					
Prohibition to engage in trade of bush meat in the concession area, company camps, worksites [E];					

6.6 Decommissioning of logging camps - EPA	Yes	No	N/a	Location	Notes on non-conformity
The site shall be cleaned of all refuse including oil/fuel drums, wire rope, tires and machinery parts, as well as building materials, and all biodegradable waste shall be buried (Figure 84) [SE];					
All areas where water may pond shall be drained (but drains are not to empty directly into watercourses) and drains shall be cleared regularly until the campsite has stabilized [E];					
Discarded machinery shall be removed from the contract area to the designated waste disposal facilities [E].					

2.8 Planning Requirements Related to Tree Felling

2.8.1 Chainsaw Safety and PPE - FDA	Yes	No	N/a	Location	Notes on non-conformity
Protective clothing (PPE) for chainsaw fellers shall meet the requirements listed in 2.3.7 of CFHP					
Chainsaws shall meet the safety requirements listed in <i>CFHP Figure 7</i>					
2.8.2 General Felling Requirements - FDA	Yes	No	N/a	Location	Notes on non-conformity
Felling shall only commence once the FDA has given its authorization [SPEQ];					
All commercial trees included in the approved yield shall have been marked for felling and their predetermined felling direction indicated [SPEQ];					

Seed trees and protected trees shall also be marked [E]					
The felling crew shall take both the harvesting map and the file of information on trees to be harvested into the forest[P];					
Felling shall not occur within protected or exclusion areas and their respective buffer strips (table 6) [E];					
Felling is not allowed on slopes steeper than 40% [E];					

3.2 Implementing Felling Operations

3.2 Felling Requirements - FDA	Yes	No	N/a	Location	Notes on non-conformity
Felling operations should follow the prescriptions given in the block plan [PEQ]					
Depth gauges on saw chains shall not be filed down outside the prescribed manufacturer specifications (figure 18) [S]					
Chainsaw operators should always have an assistant and shall never work alone in case of accidents [S];					
No persons should approach closer to the feller than twice the height of the tree being felled, unless the feller has acknowledged that it is safe to do so (Figure 19) [S];					
3.2.1 Apply directional felling:					
Fell tree using generally accepted felling techniques					

3.2 Felling Requirements - FDA	Yes	No	N/a	Location	Notes on non-conformity
Fell trees away from exclusion zones, buffer strips and watercourses. If it is not possible to fell the tree away from the buffer strip or watercourse, then it shall not be harvested [E];					
Where trees fall into a watercourse or its buffer strip, the crown as well as any accompanying logging debris should be pulled clear, unless unacceptable damage to the bank or buffer strip is likely to occur [E];					
Felling direction and corresponding escape routes shall take into consideration vines that are attached to trees at canopy level [S];					

3.2.2 Sizing up the tree:					
Operators should clear undergrowth and debris away from the base of the tree to provide an adequate and safe working space. Clear two escape paths on the side opposite from the intended direction of fall and at about a 45° angle opposite the line of fall (Figure 22) [S];					
All vines/lianas attached to the selected trees or trailing from the canopy should be cut as far as practicable. This is to improve safety by preventing nearby trees from being pulled over or broken when the harvested tree falls [S];					
The stump height should be as low as practical to maximize saleable volume [Q]: <ul style="list-style-type: none"> • In cylindrical trees without buttresses, approximately 30 cm (Figure 23); • Buttressed trees should be cut at a height not greater than the point at which buttresses can be trimmed to provide a diameter equal to that immediately above the buttressed section – normally around waist height; 					
The logs and the stump are numbered and recorded with species and number of the harvesting block according to the standard operation procedures issued by the FDA [Q].					
No unnumbered trees and undersized trees shall be felled.					
3.2.4 Hung-up trees					
Chainsaw operators should not (Figure 28a) [S]: <ul style="list-style-type: none"> • work under the hung-up tree; • fell the holding tree; 					
3.2 Felling Requirements - FDA	Yes	No	N/a	Location	Notes on non-conformity
<input type="checkbox"/> fell another tree onto the hung-up tree					
For the safe treatment of hung-up trees, use a skidder or bulldozer winch to pull the cut-up or hung-up tree down (Figure 28) [S];					

2.9 Planning Requirements Related to Extraction Operation

2.9.1 Heavy Machinery Safety Requirements - FDA	Yes	No	N/a	Location	Notes on non-conformity
Protective clothing (PPE) shall meet the requirements listed in 2.3.6 of CFHP					
A safety cab with a Roll Over Protection Structure (ROPS) and Falling Object Protection Structure (FOPS)					
Access to and exit from machinery designed to provide hand and footholds of a convenient height and spacing;					
Securely mounted seats and seat belts;					
Rear portion of cabs fitted with protective wire mesh (except loaders, excavators and graders) (see Figure 9);					
Engine emergency stopping devices that are clearly marked and easily accessible from the normal operating position;					
Parking brakes shall be capable of keeping the machine and its rated load stationary on all slopes likely to be encountered;					
Fire extinguisher or 5-gallon container filled with water (operators shall be trained in their use).					
No modifications should be made to a machine that: <ul style="list-style-type: none"> • Interferes with operator visibility • Interferes with access to and exit from the machine • Interferes with the ROPS and FOPS Structure of the cab 					
Use a cast ferrule or hook at the end of the cable on the winch drum (no knots in cable) of skidders (Figure 37) [SP];					
No loose objects should be carried on the skidder unless a space is provided for that purpose and the object can be firmly fixed into place [S];					

2.9.2 Landing Location - FDA	Yes	No	N/a	Location	Notes on non-conformity
Log landings shall be spaced between 250m and 1000m					
All merchantable trees shall be felled from the log landing site and extracted before clearing (these trees will be part of the approved yield from the block);					

Log landings shall be well drained. Proper drainage requires					
<ul style="list-style-type: none"> • A domed surface to prevent the ponding of water; • Drains to channel runoff to vegetated areas; 					
At least 30 m from the edge of buffer strips (i.e. 40m from the bank of a stream, 50m from the bank of a creek, 60m from the bank of a river), so that mud and debris do not enter watercourses (Figure 11) [E];					
A log landing should not exceed 2500 m ² (e.g. 50m x 50m) in size and a maximum of 4 landings within a 100 ha or 1 km ² block (Figure 12)					

2.9.3 Skid trail layout and construction - FDA	Yes	No	N/a	Location	Notes on non-conformity
Skid trail construction as described in figure 14					
The total area occupied by skid trails should not exceed a total linear distance of 200 m per hectare ; (Figure 13)					
Skid trails shall not be constructed in areas excluded from harvesting and buffer strips;					
The maximum allowable gradient for skid trails is 45% where a dozer and 6x6 skidder is used and 35% where a 4x4 skidder is used for extraction;					
Skidding on slopes greater than 45% (dozer) and 35% (skidder) is only permitted allowed for short distances (less than 20 m) where adequate provision for drainage is possible to prevent excessive erosion;					

2.9.4 Preparing skid Trails - FDA	Yes	No	N/a	Location	Notes on non-conformity
The maximum skid trail width is 4 meters.					
Avoid trees above 20cm dbh during skid trail construction					
2.9.4 Preparing skid Trails - FDA	Yes	No	N/a	Location	Notes on non-conformity
The construction of skid trails should not require any earthworks.					
Skid trails avoid buffer zones, except where water crossing are required (Table 6)					

2.9.5 Watercourse crossings for skid trails - FDA	Yes	No	n/a	Location	Notes on non-conformity
Logging machinery should not cross watercourses except where indicated in the annual operation and block plans and after crossing points have been properly constructed (Figure 46) [E];					
Width of the crossing should be not more than four meters.					
Skid trails should cross waterways at right angles with straight approaches of at least 10 m on either side.					

2.10 Weather Limitations on Logging Operations

FDA	Yes	No	n/a	Location	Notes on non-conformity
The annual plan should specify wet and dry weather blocks.					
Skidding, loading and hauling should be avoided during the peak of the rainy season (July to September)					

3.4 Implementing skidding operations

3.4 skidding - FDA	Yes	No	N/a	Location	Notes on non-conformity
No harvesting debris shall be pushed into exclusion areas or their buffer strips [E];					
Skidding should cease when: <ul style="list-style-type: none"> • Soils are saturated and turbid water or mud is flowing down a skid trail [PE]; • Turbid water or mud is flowing from a skid trail or road into a watercourse [PE]; • Any affected section of the trail or road shall not be by-passed by opening up a new trail/road alongside or close by (Figure 47) [E]. 					

3.5 Implementing activities on the landing

3.5.1 Log storage - FDA	Yes	No	N/a	Location	Notes on non-conformity
Protective clothing (PPE) for chainsaw operators on the landing shall meet the requirements listed in 2.3.6 of CFHP					

Chainsaws shall meet the safety requirements listed in Figure 7					
Logging operations on the landing shall cease when [E]: <ul style="list-style-type: none"> • Water is ponding on the surface of the log landing; • Soils are rutted to the extent that the depth of mud is greater than the rim of wheeled machinery or reaches the final drive on tracked machinery; 					
Log landings should not be bladed off to keep them operational [E];					
Logs stored at the landing should be sprayed with permissible fungicides and insecticides to protect against bio-deterioration. All pesticides shall be used in accordance with chemical use described in paragraph 2.3.3 [SQ]; <ul style="list-style-type: none"> • Workers applying hazardous chemicals must receive training and full information on the risks involved in the use of protective equipment and first-aid techniques [S]; • Workers handling chemicals must wear protective clothing as recommended on the container label. It is the company's responsibility to ensure that its workers use all protective clothing provided [S]; • Chemicals must always be utilized with the proper equipment, as recommended by the manufacturer [S]; • The equipment must function properly and be free from leaks and blockages [S]; • Worker should be allowed to bath or properly clean him or herself with water immediately after returning from work [S]; 					
When cross cutting logs, the chainsaw operator shall follow safe cutting techniques.					
When cross cutting logs, the chainsaw operator shall minimise waste and optimize value					

3.5.2 Log Loading - FDA	Yes	No	N/a	Location	Notes on non-conformity
Protective clothing (PPE) for loader operators shall meet the requirements listed in 2.3.6 of CFHP					

Any protruding limbs bark or trailing material shall be removed before the truck departs the loading point [SQ];					
All loads shall be secured with at least two load binders [S];					
All employees shall keep a distance of at least 20 meters away from loading truck during loading operations (Figure 49) [S].					

3.6 Road Transport - FDA	Yes	No	N/a	Location	Notes on non-conformity
Trucking shall be halted when: <ul style="list-style-type: none"> • Trucks cannot move unassisted along the roads because of slippery conditions [SPE]; • Turbid water or mud runs in wheel ruts, and forestry roads are rutted to the extent that the depth of mud is greater than halfway of the rim of wheeled machinery [PE]; 					
Truck should be roadworthy. The following is operational/roadworthy [S]: <ul style="list-style-type: none"> • Windscreen wipers • Front lights • Rear bottom light on truck • Rear bottom lights on trailer • Indicators • Tires • License plate 					
The trailer unit should be loaded onto the tractor before traveling unloaded [P];					
Unauthorized passengers, bush meat, fire arms or protected wildlife shall not be transported on logging trucks [E];					

3.1 Field servicing and maintenance of harvesting equipment - EPA	Yes	No	N/a	Location	Notes on non-conformity
Field fuel tanks, refueling points, chemical mixing points and maintenance areas shall be located:					
3.1 Field servicing and maintenance of harvesting equipment - EPA	Yes	No	N/a	Location	Notes on non-conformity

<ul style="list-style-type: none"> • In well-drained areas such as log landings or road junctions [E]; • Outside areas excluded from harvesting and their buffer strips [E]; • No closer than 100m to any habitation [SSo]; • More than 50m away from any watercourse [E]; 					
All containers used in the transport, storage and use of hydrocarbons shall be leak proof, marked as “hazardous” and clearly labeled with the contents’ name					

5 Roads Used for Logging

5.1.2 Road planning - FDA	Yes	No	N/a	Location	Notes on non-conformity
Roads shall be classified into primary, secondary and tertiary forest roads.					
Secondary and tertiary forest roads shall avoid all protected and exclusion areas and their respective buffer strips [E]; Such road classes shall follow the standards given in Table 7. Steeper grades than those given in table 7 are permitted for short sections (<20m) if this shortens construction significantly or reduces earthworks, provided that adequate drainage or other acceptable water slowing or soil stabilization techniques are used [P].					
Secondary roads should be constructed a few months ahead of log truck use to ensure that the road has time to stabilize [PE].					

5.1.2 c) Roadway construction - FDA	Yes	No	N/a	Location	Notes on non-conformity
The construction of primary and secondary forest roadways using bulldozers and excavators should consider the following:					
Before earthworks, the road center line shall again be established [PQ];					
All trees within the clearing width should be felled. Merchantable stems should be processed and stored for extraction if possible. Nonmerchantable stems and logging residues should be removed outside of the planned roadway and preferably placed in the road reserve [P];					
5.1.2 c) Roadway construction - FDA	Yes	No	N/a	Location	Notes on non-conformity

Where residues are excessive, some material may need to be placed outside of the road reserve. Care should be taken not to damage trees outside of the road reserve [PE];					
Trees outside of the road reserve which have or could become hazardous due to the road construction activities (damaged roots or unstable) should to be felled [S].					
Stumps within the roadway shall be removed and placed in a suitable location as per the other biomass indicated above [Q];					
Organic material should not remain in the roadway. This material cannot be compacted and results in road failure when it decomposes. Organic material also absorbs moisture which reduces road strength [Q];					
Topsoil may be stockpiled for use in road stabilization (cut and fill batters) or road rehabilitation [PQ];					
Drainage structures should be completed immediately after the earthworks [P];					
Gravelling should be added to primary roads and recommended for secondary roads [Q];					
Where possible, gravel should be compacted with appropriate compaction equipment. If this is not possible, the road should either be given sufficient time to settle before use, or wheeled machines and trucks should try and travel over the entire width of the carriage way when the road is first used [Q].					

5.1.2 d) Side slope construction - FDA	Yes	No	N/a	Location	Notes on non-conformity
When constructing side cut roads, the maximum slope upon which they can be built shall depend on how stable the soils are and which soil stabilization techniques are used, but it should not exceed 45% slope [E];					

5.2

Drainage

5.2.2 Methods of drainage - FDA	Yes	No	N/a	Location	Notes on non-conformity
On both primary and secondary roads, a crowned road surface shall be required. This is to ensure that water drains freely from the road.					

5.2.2 Methods of drainage - FDA	Yes	No	N/a	Location	Notes on non-conformity
Side drains shall be installed alongside all roads, constructed to a minimum depth of 30 cm below the level of the crown of the road. This removes water that has collected from the road surface or from the cut batter [EQ];					
Turnout drains shall be constructed at an appropriate spacing. Turnout drains are used to remove water from side drains before the water has gained excessive speed or built up excessive volume (Figure 58) [EQ]; Crossroad culverts should be used where turnout drains are not possible. They are used to remove water from side drains before the water has gained excessive speed or built up excessive volume [EQ];					

5.2.3 Location and spacing between drains - FDA	Yes	No	N/a	Location	Notes on non-conformity
Install culverts Within 50 m of watercourse crossings – see Figures 60 and 61 [EQ].					
Turnout drains should be used to avoid side drains from draining directly into watercourses. Rather turnout drains should be installed within 50m of meeting a watercourse to divert water into the surrounding vegetation (Figure 61). Where turnout drains are not practicable, drainage diversion using culverts shall be used [EQ];					

5.5 Bridges

5.5.1 Bridge construction - FDA	Yes	No	N/a	Location	Notes on non-conformity
Bridges are constructed where required on water crossings					
Bridges should be sufficiently elevated to allow wet season flood flows to pass without damage to the crossing or its foundation [PE];					
The bridge span should extend at least 120% of the width of the watercourse measured from bank to bank; i.e. extend beyond the river or creek channel by 10% on either side [Q];					
All approaches shall have a straight and level alignment for a minimum of 20 meters on either side [Q].					

Large timber bridges shall follow the construction design reflected in Figures 68 and 69					
5.5.1 Bridge construction - FDA	Yes	No	N/a	Location	Notes on non-conformity
Low level timber bridges shall follow the construction design reflected in Figure 70					
All parts of timber bridges should be constructed using durable timbers with high strength such as Dahoma, Irvingia, Klainodoxa, Ekki, or other species as recommended by the FDA. Decks should be constructed with durable sawn timber of the same species [Q].					

5.5.2 Culverts - FDA	Yes	No	N/a	Location	Notes on non-conformity
Culverts should be set at or marginally below the level of the natural watercourse bed (see Figure 72) [EQ];					
They should have an opening with a diameter of 45 cm or larger depending on the wet-season flood-flow level (figures 66 and 75) [Q];					
In flat, swampy areas; log lengths used for culverts shall be at least 120% of the width of the roadway to minimize siltation of the culvert [EQ]; See also Figure 75.					
In steep areas where there is a risk of erosion at the culvert outlet, this shall be mitigated by the use of logs or rocks, as illustrated in Figure 73 [EQ];					
As per Figure 77, culverts shall be kept open during the rainy season [EQ];					

5.6 Gravel Pits

Gravel Pits -FDA	Yes	No	N/a	Location	Notes on non-conformity
All merchantable trees shall be harvested on the proposed gravel pit site (these will be included in the approved yield) [P];					
When opening the pit, topsoil should be stored for later use during rehabilitation [E];					

When planning the pit operation, thought should be given as to the sequence of operation during the pit, the calculated the quantity of material available, space for loading machines and haulage vehicles, safety aspects and pit rehabilitation [SP];					
Gravel Pits -FDA	Yes	No	N/a	Location	Notes on non-conformity
The base of the pit shall be drained at all times. Drains shall not directly enter watercourses, and due to the area exposed, it may be necessary to use a silt trap where water exits the pit [PE];					
The face of the pit shall be maintained in a stable condition at all times. Steep unstable slopes may need to be benched [S];					
At least one side of the pit shall have a slope gentle enough to allow wildlife that has entered the pit to safely exit it again [E].					

6 POST- HARVEST ACTIVITIES

6.1 Block Closure - FDA	Yes	No	N/a	Location	Notes on non-conformity
No reentry permit shall be issued for a compartment that has reached its expiry date after 5 years [E];					
However, in a 5-year compartment period, a reentry permit can be issued for blocks not completed in the previous year [E];					
Logging operations in a specific block should be completed in a single logging season. The only exception to this rule that may be applied is when weather or market conditions have prevented the approved yield to be felled and extracted. In such cases the FDA shall provide an extension to complete harvesting operations [E];					
All refuse introduced to the forest e.g. pieces of wire rope, packing material, bottles, containers, etc. shall be removed from the forest, placed in a refuse pit, buried and covered to a level surface [SE];					
Fuel and oil drums, used oil filters, oily rags, empty grease gun cartridges, worn machinery parts, paint tins, etc. shall be removed to a designated disposal area; or returned to the supplier (Figure 78) [E].					
6.2 Road Closure - FDA	Yes	No	N/a	Location	Notes on non-conformity

The primary and secondary forest road network shall be maintained in good condition [EQ];					
There should be no ruts in the surface and the road surface should be crowned [EQ];					
Likewise, all side drains, turnout drains and culverts that will not be removed shall be left in good working condition.					
6.2 Road Closure - FDA	Yes	No	N/a	Location	Notes on non-conformity
Roads not to be used until the next rotation shall be closed to all traffic by placing a large log across the roadway across the roadway. For roads that are being decommissioned log culverts and temporary bridges shall be removed to allow unobstructed water flow [E].					

6.3 Log Landings - FDA	Yes	No	N/a	Location	Notes on non-conformity
All areas where water may pond shall be drained [E];					
Bark, debris and topsoil should be disbursed evenly across the site to assist in stabilization (Figure 79) [E].					
The site shall be cleaned of all refuse including oil/fuel drums, wire rope, tires and machinery parts [E].					
All commercial logs shall be removed from the landing					

6.4 Temporary Stream Crossing Closure on Skid Trails - FDA	Yes	No	N/a	Location	Notes on non-conformity
All material used in the construction of temporary crossings (Figure 81) shall be moved at least 10 meters away from the watercourse [E];					
Action shall be taken to restore water flow to its original watercourse where necessary [E];					

6.5 Gravel Pits - FDA	Yes	No	N/a	Location	Notes on non-conformity
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<p>Gravel pits shall be decommissioned by:</p> <ul style="list-style-type: none"> • Stabilizing steep cuts (Figure 83) [E]; • Re-grading the drain on the uphill side and ensuring that runoff cannot enter the pit [E]; • Draining the surface of the pit if water is likely to pond [E]. 					
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