

Forestry Development Authority
Regulation No. 102-07
Regulation on Forest Land Use Planning

WHEREAS, the National Forestry Reform Law of 2006 establishes a transparent framework for the use, management, and protection of forest resources that balances the commercial, community, and conservation priorities of the Republic; and

WHEREAS, a sound approach to forest land use planning is needed to maximize the benefits of forest land allocation to Liberian society as a whole; and

WHEREAS, forest land use planning must be consistent with national land use priorities in all sectors; and

WHEREAS, proposed uses for forest lands must be validated locally to ensure the accuracy and legitimacy of the planning process, and the results reached; and

WHEREAS, the National Forestry Reform Law of 2006 requires the Forestry Development Authority to adopt a National Forest Policy (Section 4.3); and to prepare and validate a National Forest Management Strategy (Sections 4.4 and 4.5); and further authorizes the Authority to issue regulations and other rules necessary to implement the law (Section 19.1(a));

NOW, THEREFORE, the Forestry Development Authority does hereby rule and regulate as follows:

PART ONE: DEFINITIONS

Section 1. Definitions

In this Regulation, the following terms have the meaning indicated, unless the context otherwise requires:

(a) Affected Community: a community comprising less than a statutory district (including chiefdoms, clans, townships, towns, villages, and all human settlements) whose interests are likely to be affected by Operations carried out under a Forest Resources License. “Interests” for purposes of this definition may be of an economic, environmental, health, livelihood, aesthetic, cultural, spiritual, or religious nature.

(b) Authority: Forestry Development Authority.

(c) Board: Board of Directors of the Forestry Development Authority.

(d) Commission: National Land Use Commission.

(e) Committee: Forestry Management Advisory Committee.

(f) End States: The ecological, economic, and social attributes characterizing desired outcomes from land management practices.

(g) Forest Land Suitability Maps: Color-coded maps that define the land uses for which Forest Land is most suitable.

(h) Forest Land Use Action: Activity recommended by the Authority to implement the National Forest Management Strategy with respect to a particular area of Forest Land.

(i) Forest Land Use Category: Classification of Forest Land as primarily suitable for conservation, commercial, or community use, or for a combination of uses.

(j) National Development Plan: A national-level land use plan addressing all natural resource management issues in the Republic.

(k) Strategy: National Forest Management Strategy.

Other terms used in this Regulation have the meaning provided in the National Forestry Reform Law of 2006, as amended.

Sections 2 to 20. Reserved

PART TWO: FOREST LAND USE PLANNING—PURPOSE AND POLICY; DUTIES OF FORESTRY DEVELOPMENT AUTHORITY

Section 21. Purpose; Policy

(a) The purpose of forest land use planning is to establish the suitability of Forest Lands for sustainable land use allocations through a participatory process, based on local validation, that optimizes the benefits of forest land allocation to Liberian society as a whole.

(b) The Authority shall conduct forest land use planning activities in a manner that advances and balances each of the following national priorities to the greatest possible extent: economic development; benefit to forest-dependent communities; and protection of the Republic's Environment and natural resources.

Section 22. Duties of the Forestry Development Authority

(a) The Authority shall develop a National Forest Management Strategy consistent with the requirements of this Regulation.

(b) The Authority shall implement the Strategy by proposing and validating Forest Land Use Actions following the procedure established by this Regulation.

(c) Subject to the conditions established by Paragraphs (1) and (2) of this Subsection, the Authority shall report to the National Land Use Commission its progress in developing a National Forest Management Strategy and validating Forest Land Use Actions to implement the Strategy.

(1) The Authority shall make progress reports to the Commission at least once every three months.

(2) This Subsection applies only if the Commission has been duly constituted under law.

(d) The Authority shall collect and maintain in a forest land use database all available socio-economic, biological, and physical data pertaining to Forest Land in the Republic, subject to the conditions established by Paragraphs (1), (2), and (3) of this Subsection.

(1) The Authority shall, when possible, collect and maintain data that is geographically quantifiable.

(2) The Authority may collect and maintain any form of data for scientific and economic planning purposes.

(3) The Authority shall collaborate with the Liberia Institute for Statistics and Geo-information Services (LISGIS) and may rely on data provided by LISGIS.

(e) The Authority shall respect customary and statutory land tenure rights in connection with all forest land use planning activities undertaken or sanctioned by the Authority. The Authority shall seek guidance on matters of land tenure, as necessary, from the Forestry Management Advisory Committee and any governmental entity that may be established to address land tenure issues in Liberia.

Sections 23 to 30. Reserved

PART THREE: PROHIBITIONS; ACTIVITIES TO BE CONSISTENT WITH NATIONAL FOREST MANAGEMENT STRATEGY

Section 31. Prohibitions

The Authority shall neither advertise nor award any Forest Resources License until the Authority has—

(a) Adopted a National Forest Management Strategy pursuant to the requirements of this Regulation; and

(b) Validated the Forest Land Use Action under which the Forest Resources License would be advertised or awarded.

Section 32. Activities to Be Consistent with Strategy; Exceptions

(a) The Authority shall ensure that all activities it undertakes or approves are consistent with the National Forest Management Strategy, subject to the exceptions established by Subsections (b) and (c) of this Section.

(b) The Authority may undertake or approve an activity that is inconsistent with the Strategy when the activity is allowed under a final Forest Land Use Action approved by the Board pursuant to this Regulation.

(c) The Authority may take emergency action inconsistent with the terms of the National Forest Management Strategy subject to the conditions established by Paragraphs (1) and (2) of this Subsection.

(1) The Authority may take emergency action inconsistent with the terms of the Strategy only to the extent that the emergency action is necessary to protect life, health, or property from an imminent and substantial threat.

(2) After taking emergency action under this Subsection, the Authority shall, within ninety days, review the Strategy to determine whether amendment of the Strategy has become necessary.

Sections 33 to 40. Reserved

PART FOUR: DEVELOPMENT OF NATIONAL FOREST MANAGEMENT STRATEGY DOCUMENT; CONTENTS; CONSULTATIONS AND ADOPTION; AMENDMENT

Section 41. Development of Strategy

(a) The Authority shall develop a National Forest Management Strategy.

(b) The Authority shall consult with the Forestry Management Advisory Committee throughout the process of developing the Strategy.

Section 42. Contents of Strategy

(a) The Authority shall ensure that the National Forest Management Strategy—

(1) Classifies all Forest Land in the Republic into one or more Forest Land Use Categories; and

(2) Includes one or more Forest Land Suitability Maps depicting the classification made pursuant to this Subsection.

(b) The Authority shall base the classifications required by Subsection (a) of this Section on its consideration of—

(1) The desired End States for particular Forest Land;

(2) Any relevant data, including data maintained in the forest land use database, data maintained by the Liberia Institute for Statistics and Geo-information Services (LISGIS), and data from any other source, provided that the Authority reasonably believes that the data is sound and has been obtained from a credible source; and

(3) All public comments received during the national-level and regional-level consultations required by this Part.

Section 43. National and Regional Consultations

- (a) Prior to adopting a National Forest Management Strategy, the Authority shall undertake national-level and regional-level consultations pursuant to this Section.
- (b) The Authority shall conduct a national-level consultation by convening a public meeting to present and solicit comment on the proposed Strategy.
- (c) Following the national-level consultation, the Authority shall conduct regional-level consultations by convening at least one public meeting for each relevant geographic region to present and solicit comment on the proposed Strategy as it pertains to that region. The Authority shall delineate geographic regions for purposes of this Subsection based on political boundaries, geographic boundaries, or as it may otherwise deem appropriate.
- (d) After the national-level and regional-level consultations required by Subsections (b) and (c) of this Section are completed, the Authority shall convene a final national-level public meeting to report on all public comments received to date on the proposed Strategy and to accept any additional public comments.
- (e) For each public meeting that it convenes under this Section, the Authority shall—
- (1) Prepare a newspaper advertisement and a radio announcement containing—
 - (A) A brief description of the proposed Strategy;
 - (B) The date, time, and location of the public meeting to be convened by the Authority to receive public comment on the proposed Strategy;
 - (C) The address or location of any Authority office where the public may review a copy of the proposed Strategy, free of charge, during regular business hours; and
 - (D) An invitation to the public to submit written or oral comments on the proposed Strategy, at any Authority office, during regular business hours, or at a public meeting convened by the Authority for this purpose.
 - (2) Provide written notice of the public meeting to all persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation.
 - (3) Run the advertisement required by Paragraph (e)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (e)(1) of this Subsection on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement for at least two days per week, for no fewer than two consecutive weeks.
 - (4) Make available, upon request by any person, paper or electronic copies of the Strategy, and the Authority also shall make the Strategy freely available according to Section 41 of Authority Regulation No. 101-07, concerning public participation.

(5) During the public meeting:

(A) Describe to meeting participants the proposed Strategy and its purpose;

(B) Allow each participant an opportunity to comment—orally, in writing, or both—on the proposed Strategy; and

(C) Record all public comments so that the Authority may consider and respond to them.

The Authority shall conduct each public meeting in English and at least one local vernacular.

(6) Open the public meeting to all members of the public, including, but not limited to, community members, industry representatives, government officials, members of civil society organizations, and the press.

(7) Use its best efforts to involve women, youth, and other historically excluded groups in the public meeting.

(8) Advertise the purpose, date, time, and location of each public meeting at least 15 days in advance.

(9) Advertise the public meeting as follows:

(A) By notifying local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads;

(B) By running radio advertisements in the area of the public meeting;

(C) By posting signs in English and at least one local vernacular at the nearest Authority regional office; and

(D) By any other method that the Authority may devise to ensure maximum public participation, tailored to the specific locality and community needs.

Section 44. Adoption of Strategy

The National Forest Management Strategy shall not take effect until the Authority has—

(a) Completed all consultations required by Section 43 of this Regulation and revised the Strategy as necessary in response to comments received during the consultations;

(b) Presented the Strategy to the Forestry Management Advisory Committee for review and comment and revised the Strategy as necessary in response to comments received from the Committee; and

(c) Obtained written approval from the Board.

Section 45. Amendment of Strategy

(a) The Authority may amend the National Forest Management Strategy if—

- (1) New data has become available, substantially altering one or more of the assumptions on which the Strategy is based;
- (2) The Strategy no longer reflects national land use priorities;
- (3) A provision of the Strategy is inconsistent with the National Forestry Policy; or
- (4) A provision of the Strategy is inconsistent with a National Development Plan.

(b) At least once every five years, the Authority shall vet the Strategy at the regional level, subject to the requirements of Section 43 of this Regulation, to determine whether the Strategy should be amended pursuant to Subsection (a) of this Section.

(c) The Strategy, as amended, shall not take effect until the Authority has—

(1) For an amendment that is likely to result in an irretrievable commitment of Forest Lands or Forest Resources to a Commercial Use—

- (A) Satisfied the national-level consultation requirements established by Section 43 of this Regulation;
- (B) Satisfied the regional-level consultation requirements established by Section 43 of this Regulation for any region that will be directly affected by the amendment; and
- (C) Revised the Strategy as necessary in response to comments received during the consultations.

(2) For all amendments—

- (A) Presented the Strategy to the Forestry Management Advisory Committee for review and comment and revised the Strategy as necessary in response to any comments received from the Committee; and
- (B) Obtained written approval from the Board.

Sections 46 to 50. Reserved

PART FIVE: NATIONAL FOREST MANAGEMENT STRATEGY TO BE CONSISTENT WITH NATIONAL FORESTRY POLICY, NATIONAL DEVELOPMENT PLAN

Section 51. National Forestry Policy

- (a) The Authority may adopt or amend a National Forest Management Strategy only when a National Forestry Policy is in force.
- (b) The Authority shall ensure that the Strategy is consistent with the National Forestry Policy in effect at the time of the Strategy's adoption or amendment.

Section 52. National Development Plan

- (a) The Authority may adopt or amend a National Forest Management Strategy in the absence of a National Development Plan.
- (b) The Authority shall ensure that the Strategy is consistent with the National Development Plan, if any, in effect at the time of the Strategy's adoption or amendment.

Sections 53 to 60. Reserved

PART SIX: LOCAL VALIDATION

Section 61. Proposed Forest Land Use Actions

- (a) The Authority shall implement the National Forest Management Strategy with respect to a specific area of Forest Land through a Forest Land Use Action.
- (b) Each Forest Land Use Action proposed by the Authority shall—
 - (1) Be based on the suitability determinations made in the National Forest Management Strategy and on any relevant Forestry, ecological, socio-economic, and other data available to the Authority;
 - (2) Commit an area of Forest Land to a commercial, community, or conservation use, or to a combination of uses;
 - (3) Recommend one or more management tools for the area (for example, issuance of a Forest Resources License, creation of a Protected Area, creation of a Community Forest); and
 - (4) Include approximate metes and bounds for the area.
- (c) The Authority shall not propose a Forest Land Use Action that would allow Commercial Use unless each of the following conditions is satisfied:

(1) The area to be committed to Commercial Use does not include any part of a Protected Area or Proposed Protected Area, deeded or tribal land, or an area known to contain mineral deposits of substantial commercial value.

(2) The area to be committed to Commercial Use contains sufficient Timber volume to support the Commercial Use to be permitted.

(3) If the area to be committed to Commercial Use includes customarily held Forest Land, a Community Forestry Development Committee has granted prior, informed consent to the Commercial Use, in writing, on behalf of Affected Communities.

(d) The Authority shall validate each proposed Forest Land Use Action through the local validation procedure established by this Part before implementing the Forest Land Use Action.

Section 62. Procedure for Validating Proposed Forest Land Use Actions

(a) For each proposed Forest Land Use Action, the Authority shall convene one or more local public meetings for communities located within and immediately adjacent to the Forest Land that would be affected by the Forest Land Use Action, to assess potential local impacts and to evaluate alternatives.

(b) The Authority shall select the location for each local public meeting so as to ensure maximum community participation. Factors that the Authority may consider include, without limitation—

(1) Proximity to Forest Lands and communities likely to be most affected by the proposed Forest Land Use Action;

(2) Ease of access by community members; and

(3) Whether the venue is sufficiently large to accommodate all participants who are likely to attend.

(c) The Authority shall advertise the purpose, date, time, and location of each local public meeting at least 15 days in advance, using the following methods:

(1) Notification of local government officials and community leaders, including District Commissioners, Corps of Officers, Township Commissioners, City Mayors, Paramount Chiefs, Clan Chiefs, Landlords, General Town Chiefs, Town Chiefs, Quarter Chiefs, all members of Community Forestry Development Committees, and village heads;

(2) Running a radio announcement that satisfies the requirements of Subsections (d) and (e) of this Section;

(3) Posting signs in English and all relevant local vernaculars at any Authority regional office located within or immediately adjacent to the Forest Land that would be affected by the Forest Land Use Action;

(4) Providing written notice to all persons on any forest management stakeholder list maintained under Authority Regulation No. 101-07, concerning public participation; and

(5) Any other method that the Authority may devise to ensure maximum local participation, tailored to the specific locality and community needs.

(d) For each local public meeting, the Authority shall prepare a radio announcement containing—

(1) A brief summary of the proposed Forest Land Use Action to be discussed at the meeting;

(2) The date, time, and location of the meeting; and

(3) An invitation to the public to submit written or oral comments on the proposed Forest Land Use Action, at any Authority office, during regular business hours, or at the meeting.

(e) The Authority shall run the radio announcement required by Subsection (d) of this Section on one or more radio stations (national radio stations, community radio stations, or both), as needed, to ensure full coverage of the affected communities. The Authority shall run the announcement at least two days per week, for no fewer than two consecutive weeks.

(f) At each local public meeting, the Authority shall—

(1) Describe to participants the proposed Forest Land Use Action;

(2) Allow each participant an opportunity to comment—orally, in writing, or both—on the proposed Forest Land Use Action; and

(3) Record all public comments so that they may be fully considered by the Authority.

(g) The Authority shall conduct each local public meeting in English and at least one local vernacular.

(h) The Authority shall open each local public meeting to the public, including community members, industry representatives, government officials, members of civil society organizations, and the press.

(i) The Authority shall use its best efforts to involve women, youth, and other historically excluded groups in each local public meeting.

(j) Following the local public meeting or meetings convened to validate a proposed Forest Land Use Action, the Authority shall—

(1) Collect any additional Forestry, ecological, socio-economic, and other relevant data required to validate the proposed Forest Land Use Action.

(2) Prepare a document summarizing the substance of all public comments; and

(3) Prepare a Justification Document for the proposed Forest Land Use Action that responds to the public comments received. The Authority shall ensure that the Justification Document—

(A) Includes boundaries for the area subject to proposed Forest Land Use Action that are, to the extent feasible, easily identifiable on the ground.

(B) Addresses all ecological, economic, cultural, and social issues that have been identified by any person with respect to the area.

(k) The Authority shall validate the Justification Document as follows:

(1) Pursuant to the requirements of Subsections (a) through (j) of this Section, the Authority shall present the Justification Document for comment at one or more additional local public meetings, and;

(2) The Authority shall present the Justification Document to the Forestry Management Advisory Committee for review and comment.

(l) Taking into account the comments received from the public, the Committee, and all other sources, the Authority shall prepare a final Justification Document setting forth the Forest Land Use Action for the area and submit it to the Board for approval.

(m) The Board may approve the final Forest Land Use Action, modify it, or require the Authority to undertake further validation activities under this Part.

Section 63. Environmental Impacts; Coordination with Environmental Protection Agency

(a) The Authority shall use its best efforts to identify adverse environmental impacts that could result from a suitability determination under the National Forest Management Strategy or from implementation of any proposed Forest Land Use Action.

(b) The Authority shall work with stakeholders in connection with all activities required by this Regulation to identify means of minimizing or mitigating adverse environmental impacts identified under Subsection (a) of this Section.

(c) To the extent feasible, the Authority shall coordinate its activities under this Regulation with the Environmental Protection Agency.

Section 64. Requirement of Continued Stakeholder Involvement in Planning

The Authority shall adopt a formal procedure for ensuring continued stakeholder involvement in the land use planning processes established by this Regulation. Specifically, the Authority shall ensure a defined community role in—

(a) Identifying further potential uses for Forest Lands; and

(b) Monitoring and evaluating the implementation of each approved Forest Land Use Action.

Sections 65 to 70. Reserved

PART SEVEN: REPEALS AND EFFECTIVE DATE

Section 71. Repeals

This Regulation repeals no existing regulations.

Section 72. Effective Date

(a) This Regulation is effective on September 11, 2007.

(b) The Authority shall announce this Regulation and make it available to the public and the media.

SIGNED:

**Managing Director
Forestry Development Authority**