

FORM B

Forest Resources and Timber Utilisation Act (Cap.40)

Forest Resources and Timber Utilisation (Felling Licences) Regulations 2005
Section 44, regulation 4)

FELLING LICENCE

Licence No: [REDACTED]

Licensee (name and address): [REDACTED]

Date Licence takes effect: 04/11/2019

Date Licence expires: 04/11/2024

Description of land licence applies to: (including province and locality where land is located) in [REDACTED]

[REDACTED]

Time after issue of licence within which licensee to commence operations:

Conditions of Licence:

- (1) The term of the licence is 5 years.
- (2) The licensee shall pay the prescribed annual fee (if any) on being granted the felling licence and then on the date in each year that is the anniversary of the date the licence was granted.
- (3) The licensee shall carry out his operations under the licence only within the area of land to which the licence applies, the boundaries of which are marked in red on the map issued by the Department of Lands and Survey, or the good quality certified copy of such a map, of the scale 1:50,000 or larger attached to the licence.

Signed: [Signature]

Reeves Moveni

Commissioner of Forest Resources

Date: 4/11/19

Date:

- (4) Any disputes relating to the ownership, boundaries or use of the land, or a part of the land, to which the licence applies shall be determined in accordance with the law of Solomon Islands.
- (5) The licensee shall conduct his operations under the licence in a manner that complies with the approved timber rights agreement, the conditions of the licence, the Act and subsidiary legislation made under the Act.
- (6) The licensee shall conduct his operations under the licence in a manner that complies with the Revised Solomon Islands Code of Logging Practice, May 2002 published by the Ministry of Forests, Environment and Conservation.
- (7) The licensee shall act in accordance with the agreement he certifies on his application for the grant of the licence;
- (8) Before commencing carrying out any operations under the licence, the licensee shall enter into, and give to the Commissioner of Forests Resources a copy of, a performance bond of \$250,000 that shall –
 - (a) be in the form of a bank guarantee or equivalent instrument acceptable to the Central Bank of Solomon Islands; and
 - (b) provide security for –
 - (i) payment of taxes, duties, levies, fees, royalties, rent, compensation and other charges or amounts that may be payable by him as licensee to the Government or the relevant provincial government under this Act or a provincial ordinance; and
 - (ii) payments arising from a contravention of the conditions of the licence, the Act and subsidiary legislation made under the Act; and
 - (c) be enforced by the Commissioner of Forest Resources against the issuing bank, insurance company or other authority if the licensee fails to pay a sum secured by it.
- (9) The licensee shall maintain the performance bond until he receives from the Commissioner of Forest Resources a written release from the performance bond in accordance with Form C.

- (10) The licensee shall pay all taxes, duties, levies, fees, royalties, rent, compensation and other charges or amounts as they fall due and payable by him as licensee to the Government or the relevant provincial government under the Forest Resources and Timber Utilisation Act or a provincial ordinance.
- (11) Subject to conditions (12) and (13), the volume of logs felled under the licence in a year shall not exceed the volume of logs specified by the Commissioner of Forest Resources as the maximum volume that may be felled under the licence during the year.
- (12) If the maximum volume of logs that may be felled in a year is not felled, the licensee may carry forward into the remaining years of the term of the licence the volume of logs not felled.
- (13) Logs that are 30 cm or more, but not more than 49cm, in diameter and less than 6 metres long shall not be included in the volume of logs felled referred to in conditions (11) and (12) if the licensee makes every endeavour to find a market for, and sell, those logs.
- (14) The licensee shall not carry out felling operations under the licensee's felling licence in a year during the term of the licence unless he has prepared, in accordance with the code of logging practice, an annual harvesting plan for the year and the Commissioner of Forest Resources has approved the plan.
- (15) The Licensee shall not commence felling operations in a coupe unless he has prepared, in accordance with the code of logging practice, a coupe plan for the coupe and the forest officer authorized to do so has approved the coupe plan.
- (16) The licensee shall comply with the directions (if any) given to him by the Commissioner of Forest Resources for the purpose of good silviculture, including the minimum girth of trees for seed bearing or regeneration.
- (17) The licensee shall take all necessary steps to prevent pollution of the ground, and any pond, river, stream or water source, including the following:
 - (a) ensuring all oil, fuel, chemicals and other pollutants are stored in secure containers and safeguards are in place to prevent accidental contamination of any water or soil;
 - (b) not allowing refuse, rubbish, sewage, oil, fuel or other pollutants to be discharged into any pond, river, stream or water source.

- (18) The licensee shall comply with the River Waters Act (Cap 135), and subsidiary legislation made under that Act, and shall ensure that all his officers and employees are aware of their obligations under that Act.
- (19) The licensee shall ensure that the working practices carried out under the licence are safe and shall comply with all relevant laws, including the Act and subsidiary legislation made under the Act, the Safety at Work Act (Cap 74) and any directions given from time to time by the Commissioner of Labour for the prevention of accidents and securing safe working conditions for his officers and employees.
- (20) The licensee shall ensure that all trees felled under the licence are felled so as to minimize waste and produce the maximum volume of merchantable timber.
- (21) The licensee shall remove all logs from where they are harvested to storage areas within 3 months after felling the timber, but in any case as soon as is necessary, to prevent damage to the timber by decay, insects, fungus or disease.
- (22) The licensee shall at all times allow the Commissioner of Forest Resources or a forest officer access without notice to all and any areas of the licensee's operations including any vehicles, facilities, equipment or premises, for the purposes of ascertaining whether or not the licensee is contravening the licence, the Act or subsidiary legislation made under the Act.
- (23) The licensee shall at all times allow the Commissioner of Forest Resources or a forest officer access to any timber obtained under the licence for the purpose of inspecting the timber and for ascertaining the following;
 - (a) the volume, species and grade of the timber;
 - (b) whether there has been any degradation of the timber since it was felled.
 - (c) Whether the timber is timber felled under the licence;
 - (d) Whether the timber is of suitable quality for the purpose for which it is to be used.
- (24) The licensee shall keep true and proper records, of his operations carried out under his felling licence, which shall include –
 - (a) a record of the species of timber felled, sawn, sold or exported;
 - (b) a record of the areas where timber is felled and a record showing which timber is taken from which area;

- (c) a record of the volume of timber felled, sawn, sold or exported;
 - (d) a record of the value of timber sold or exported;
 - (e) copies of all documentation for exporting of logs and sawn timber;
 - (f) copies of all documentation required for importing machinery used by the licensee;
 - (g) the royalties payable and paid to the owner of land;
 - (h) reforestation activities carried out;
 - (i) conservation and rehabilitation activities carried out;
 - (j) the amount of duty payable on exported timber and, of that amount, the amount of duty paid and the amount of duty remitted;
 - (k) a copy of each annual plan and coupe plan approved in accordance with regulation 12;
 - (l) a copy of his application for his felling licence and all accompanying documents; and
 - (m) a copy of his felling licence.
- (25) The licensee shall have respect for and interfere as little as possible with the rights of the owner of the land and any other person who has an interest in or a right to carry out activities on, the land on which the licence has effect (which, if the land is customary land, includes hunting, fishing and collecting, felling and taking away trees on other materials for domestic or traditional purposes).
- (26) The licensee shall take all reasonable steps to ensure that his officers and employees are respectful to and observant of local customs and will not enter cultural areas, such as tambu areas and garden and village areas.
- (27) The licensee shall not transfer, assign or dispose of the licence but may, with the Commissioner of Forest Resource's approval in writing, enter into a subcontracting arrangement for the carrying out of operations under the licence.
- (28) If the licensee is required to be authorized under or comply with an Act other than the Forest Resources and Timber Utilization Act (Cap 40) or a provincial ordinance for conducting the felling operations authorized by the licence, the

licensee shall maintain that authorization and shall not contravene that Act or provincial ordinance.

- (29) The licensee may, at any time, surrender the licence by giving to the Commissioner of Forest Resources 6 months' notice in writing of his intention to surrender the licence.
- (30) On the expiry, surrender or cancellation of the licence, the licensee remains liable for –
- (a) an act or omission done, caused or permitted or made by him as the licensee prior to the expiry, surrender or cancellation;
 - (b) a liability incurred by him as the licensee under this Act prior to the expiry, surrender or cancellation; and
 - (c) complying with the requirements relating to completing his operations and departing from the land to which the licence applied and to being released from his performance bond.
- (31) If the licence is about to expire or has been cancelled; or the licensee is about to cease operations under his licence, the licensee shall complete his operations in a manner that is satisfactory to the Commissioner of Forest Resources or a forest officer authorized for that purpose by the Commissioner of Forest Resources, and in particular shall have –
- (a) rectified, to the satisfaction of an inspector under the River Waters Act (Cap 135), any damage to a pond, river, stream or water source caused by carrying out operations under the licence;
 - (b) cleared all ponds, rivers, streams and watercourses of obstructions, dams and temporary culverts caused or constructed when carrying out operations under the licence;
 - (c) dammed and drained all skidding tracks on slopes;
 - (d) ripped, to broken up soil compaction, all Yarding and working areas on the land subject to the licence and spread topsoil evenly back across the disturbed areas;
 - (e) removed, and satisfactorily disposed of, all oil, chemical and similar pollutants and rubbish from the land subject to the licence;
 - (f) restored all quarries, pits and gravel extraction areas on the land subject to the licence applied to a safe and environmentally acceptable condition;

- (g) filled or drained areas of stagnant water created by operations on the land subject to the licence;
 - (h) carried out a thorough final maintenance of all roads and bridges on the land subject to the licence and left materials for future repairs and maintenance in accordance with the approved timber rights agreement; and
 - (i) paid all taxes, duties, levies, fees, royalties, rent, compensation and other charges or amounts that payable to the Government or the relevant provincial government by him as licensee under this Act or a provincial ordinance.
- (32) Any building, structure or apparatus erected or placed by the licensee on the land subject to the licence shall, on the expiry of 12 months after the licensee ceases operations under the licence (for whatever reason), become the property of the owner of the land.

Any other conditions:

- (1) Production quota per annum: 50,000m3
- (2) Allowable Export quota per annum: 46,000m3
- (3) Allowable volume input of Sawn timber per annum: 4,000 m3

Signed
COMMISSIONER OF FORESTS
Reeves Moveni
Commissioner of Forest Resources
Date:
Date:

Attach a map issued by the Department of Lands and Survey, or a good quality certified copy of such a map, of scale 1:50,000 or larger, with the boundaries of the area of land to which the licence applies marked in red.