

Forestry Development Authority
Regulation No. 101-07
Regulation on Public Participation in Promulgation of
Regulations, Codes, and Manuals

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, meaningful public participation in forest sector decision-making is essential to the long-term success of forestry reform in the Republic; and

WHEREAS, an informed and engaged public can play a critical role in the forest sector by helping to ensure transparency and Government accountability, and also by educating the staff of the Forestry Development Authority about local priorities, concerns, and practices that are relevant to sustainable forest management; and

WHEREAS, broad public access to information concerning the forest sector is critical to the ability of the public to review and comment on the proposed actions of the Forestry Development Authority; and

WHEREAS, clear procedures are necessary to guarantee a high level of fully informed public participation in the forest sector; and

WHEREAS, the National Forestry Reform Law of 2006 provides for broad public access to information (Section 18.5) and authorizes the Forestry Development Authority to issue regulations and other rules necessary to implement the law (Section 19.1(a)), specifically including regulations that establish procedures for the public vetting of regulations (Section 19.2(b)); and regulations that pertain to any matter concerning documents or information under the law (Section 19.1(b));

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

**PART ONE: DEFINITIONS; PURPOSE; FORESET MANAGEMENT
STAKEHOLDER LIST**

Section 1. Definitions

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

- (a) Authority: Forestry Development Authority.
- (b) Board: Board of Directors of the Forestry Development Authority.
- (c) Code: Any Code of practices promulgated by the Forestry Development Authority.
- (d) Committee: Forestry Management Advisory Committee.

- (e) Managing Director: The Managing Director of the Forestry Development Authority.
- (f) Manual: Any procedural Manual promulgated by the Forestry Development Authority.
- (g) Regulation: Any regulation promulgated by the Forestry Development Authority.
- (h) Supporting Documents and Information: All plans, strategies, public comments, reports, inventories, databases, contracts, and other documents and information, in whatever format maintained, upon which the Authority has relied in adopting or amending Regulations, Codes, or Manuals.

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

Section 2. Purpose

This Regulation—

- (a) Establishes transparent, participatory procedures that the Authority shall follow in adopting or amending Regulations, Codes, and Manuals; and
- (b) Establishes procedures that the Authority shall follow to ensure broad public access to Regulations, Codes, and Manuals and to all Supporting Documents and Information, to the greatest extent permitted by law.

Section 3. Forest Management Stakeholder List

- (a) The Authority shall maintain a list of persons known to the Authority to be interested in forest management in the Republic, including businesses in the forest sector, community leaders, government officials, civil society organizations, international donors, persons who have expressed interest to the Authority about forest policy, and other concerned individuals.
- (b) For each person on the list, the list must indicate a physical address, electronic address, or other reliable way to send written notice to the person.
- (c) The Authority shall make a reasonable effort to keep names and addresses on the list current and shall add or remove a person from the list at the person's request.
- (d) This Section is intended to facilitate prompt and efficient communication between the Authority and stakeholders; accordingly, this Section may not be interpreted to limit public access to information or participation in Forestry decision-making processes.

Sections 4 to 20. Reserved

PART TWO: REGULATIONS—GENERALLY; EFFECT; ADOPTION; AMENDMENT

Section 21. Generally

- (a) The Authority shall adopt, and as necessary amend, Regulations to ensure the sustainable management of the Republic's forests and to implement the requirements and policies of the National Forestry Reform Law of 2006, as amended.
- (b) The Authority may adopt or amend Regulations jointly with another Ministry or Agency, so long as the Authority does so in accordance with the procedures established by this Part.
- (c) If a court strikes down any provision of a Regulation as contrary to law, the remaining provisions of the Regulation remain in effect.

Section 22. Effect

The Authority and all persons shall be bound by the requirements of a properly promulgated Regulation with respect to the subject matter addressed by the Regulation.

Section 23. Procedure for Adopting New Regulations

- (a) The Authority shall initially prepare each new Regulation as a proposed Regulation.
- (b) The Authority shall submit each proposed Regulation for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.
 - (1) The Authority shall prepare a newspaper advertisement and a radio announcement containing—
 - (A) A brief summary of the proposed Regulation;
 - (B) The beginning and end dates of the public review and comment period;
 - (C) The dates, times, and locations of regional public meetings to be convened by the Authority to receive public comment on the proposed Regulation;
 - (D) The address or location of any Authority office where the public may review a copy of the proposed Regulation, free of charge, during regular business hours; and
 - (E) An invitation to the public to submit written or oral comments on the proposed Regulation, at any Authority office, during regular business hours, or at a regional public meeting convened by the Authority for this purpose.
 - (2) The Authority shall run the advertisement required by Paragraph (b)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (b)(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.

(3) The Authority shall make available, upon request by any person, paper or electronic copies of the proposed Regulation, according to Section 41 of this Regulation.

(4) The Authority shall provide written notice of the proposed Regulation to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.

(5) The Authority shall convene no fewer than three regional public meetings on the subject of the proposed Regulation.

(A) At each regional public meeting, the Authority shall—

(i) Describe to meeting participants the proposed Regulation and its purpose;

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

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

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

(B) The Authority shall open each regional 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.

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

(D) The Authority shall select the location for each regional public meeting so as to ensure maximum public participation. Factors that the Authority may consider include—

(i) Proximity to Forest Lands and communities likely to be most affected by the proposed Regulation;

(ii) Ease of access by community members; and

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

(E) The Authority shall advertise the purpose, date, time, and location of each regional public meeting at least 15 days in advance.

(6) The Authority shall advertise each regional 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 regional 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.

(c) At the close of the public review and comment period for a proposed Regulation, the Authority shall—

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

(2) Revise the proposed Regulation, as necessary, in response to the public comments received.

(d) Not later than 14 days prior to the effective date of the proposed Regulation, the Authority shall present the comment summary document and the revised proposed Regulation to—

(1) The Board; and

(2) The Forestry Management Advisory Committee.

The Board and the Committee shall review the comment summary document and the revised proposed Regulation and provide to the Authority their respective comments, if any, in writing.

(e) Taking into account the comments received during the public review and comment period from the Board, the Committee, and all other sources, the Authority shall—

(1) Prepare a final Regulation; and

(2) Prepare an accompanying justification document that—

(A) Explains how the Regulation was changed, if at all, in response to public comments; and

(B) For each public comment that resulted in no change to the Regulation, explains why the Authority reached this decision.

(f) Following signature by the Managing Director, the Regulation takes effect on the date established by the Regulation.

(g) Not later than ten days after the effective date, the Authority shall provide paper copies of the Regulation, the comment summary document, and the justification document to each local government official and community leader contacted by the Authority for purposes of organizing and convening regional public meetings during the public review and comment period.

Section 24. Amendments to Regulations

(a) The Authority shall initially prepare each amendment to a Regulation as a proposed amended Regulation.

(b) Subject to the conditions established by Paragraphs (1) and (2) of this Subsection, if the Authority believes that a proposed amended Regulation would materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority shall amend the Regulation by following the procedure established by Section 23 of this Regulation.

(1) The proposed repeal of any Regulation, in its entirety, is deemed to result in a material alteration of rights and responsibilities.

(2) Notwithstanding whether material rights or responsibilities would be altered by the proposed amended Regulation, the Authority may choose to follow the procedure established by Section 23 of this Regulation.

(c) If the Authority believes that a proposed amended Regulation would not materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the amendment is deemed minor and the Authority may amend the Regulation by following the procedure established by Section 25 of this Regulation.

Section 25. Procedure for Minor Amendments to Regulations

(a) The Authority shall submit each proposed amended Regulation for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.

(b) The Authority shall prepare a newspaper advertisement and radio announcement containing—

(1) A summary of the proposed amended Regulation;

(2) A statement that the Authority believes the proposed amendment to be minor;

(3) The beginning and end dates of the public review and comment period for the proposed amended Regulation;

(4) The address or location of any Authority office where the public may review a copy of the proposed amended Regulation, free of charge, during regular business hours; and

(5) An invitation to the public to submit written or oral comments on the proposed amended Regulation, at any Authority office, during regular business hours.

(c) The Authority shall run the advertisement required by Subsection (b) of this Section in a newspaper of general circulation in Monrovia, and the radio announcement required by Subsection (b) of this Section 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.

(d) The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed amended Regulation, according to Section 41 of this Regulation.

(e) The Authority shall provide written notice of the proposed amended Regulation to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.

(f) At the close of the public review and comment period, the Authority shall—

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

(2) Revise the proposed amended Regulation, as necessary, in response to the public comments received.

(g) Not later than 14 days prior to the effective date of the proposed amended Regulation, the Authority shall present the comment summary document and the revised proposed amended Regulation to the Board, and the Authority *may* submit the comment summary document and the revised proposed amended Regulation to the Forestry Management Advisory Committee. The Board (and the Committee, if the Authority chooses to consult with the Committee) shall review the comment summary document and the revised proposed amended Regulation and provide to the Authority their respective comments, if any, in writing.

(h) Taking into account the comments received during the public review and comment period from the Board (and, if consulted, the Committee) and all other sources, the Authority shall—

(1) Prepare a final Regulation; and

(2) Prepare an accompanying justification document that—

(A) Explains how the Regulation was changed, if at all, in response to public comments; and

(B) For each public comment that resulted in no change to the Regulation, explains why the Authority reached this decision.

(i) Following signature by the Managing Director, the Regulation takes effect on the date established by the Regulation.

Sections 26 to 30. Reserved

PART THREE: CODES AND MANUALS—GENERALLY; EFFECT; CONFLICTS; ADOPTION; AMENDMENT

Section 31. Generally

- (a) The Authority shall adopt, and as necessary amend, Codes that regulate and give guidance to all persons engaged in forest-sector activities, and Manuals that regulate and provide detailed guidance to Authority staff.
- (b) The Authority shall adopt, and as necessary amend, Codes and Manuals in accordance with the procedure established by this Part.
- (c) The Authority may adopt or amend Codes or Manuals jointly with another Ministry or Agency, so long as the Authority does so otherwise in accordance with the procedure established by this Part.
- (d) If a court strikes down any provision of a Code or Manual as contrary to law, the remaining provisions of the Code or Manual remain in effect.

Section 32. Effect

- (a) The Authority and all persons are bound by the requirements of a properly promulgated Code with respect to the subject matter addressed by the Code.
- (b) The Authority is bound by the requirements of a properly promulgated Manual with respect to the subject matter addressed by the Manual.

Section 33. Conflicts

- (a) The Authority shall resolve any conflict between a Regulation and either a Code or a Manual in favor of the Regulation.
- (b) The Authority shall resolve any conflict between a Code and a Manual in favor of the Code.

Section 34. Procedure for Adopting Codes

- (a) The Authority shall initially prepare each new Code in the form of a proposed Code.
- (b) The Authority shall submit each proposed Code for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.
 - (1) The Authority shall prepare a newspaper advertisement and a radio announcement containing—
 - (A) A brief description of the purpose and contents of the proposed Code;
 - (B) The beginning and end dates of the public review and comment period;

(C) The address or location of any Authority office where the public may review a copy of the proposed Code, free of charge, during regular business hours; and

(D) An invitation to the public to submit written or oral comments on the proposed Code, at any Authority office, during regular business hours.

(2) The Authority shall run the advertisement required by Paragraph (b)(1) of this Subsection in a newspaper of general circulation in Monrovia, and the radio announcement required by Paragraph (b)(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.

(3) The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed Code, according to Section 41 of this Regulation.

(4) The Authority shall provide written notice of the proposed Code to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.

(c) At the close of the public review and comment period for a proposed Code, the Authority shall—

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

(2) Revise the proposed Code as necessary in light of the public comments received.

(d) Not later than 14 days prior to the effective date of the proposed Code, the Authority shall present the comment summary document and the revised proposed Code to—

(1) The Board; and

(2) The Forestry Management Advisory Committee.

The Board and the Committee shall review the comment summary document and the revised proposed Code and provide to the Authority their respective comments, if any, in writing.

(e) Taking into account the comments received during the public review and comment period from all sources, and from the Board and the Committee, the Authority shall—

(1) Prepare a final Code; and

(2) Prepare an accompanying justification document that—

(A) Explains how the Code was changed, if at all, in response to public comments; and

(B) For each public comment that resulted in no change to the Code, explains why the Authority reached this decision.

(f) Following signature by the Managing Director, the Code takes effect on the date established by the Code.

Section 35. Amendments to Codes

(a) The Authority shall initially prepare each amendment to a Code as a proposed amendment to a Code. This document shall contain—

- (1) The name of the Code to be amended;
- (2) Any language (or a summary of the language) proposed to be added to the existing Code;
- (3) Any language (or a summary of the language) proposed to be stricken from the existing Code; and
- (4) A brief description of the purpose of the proposed amendment.

(b) Subject to the conditions established in this Subsection, if the Authority believes that a proposed amendment to a Code would materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority shall amend the Code by following the procedure established by Section 34 of this Regulation.

- (1) The proposed repeal of a Code, in its entirety, is deemed to result in a material alteration of rights and responsibilities.
- (2) Notwithstanding whether material rights or responsibilities would be altered by the proposed amendment to a Code, the Authority may choose to follow the procedure established by Section 34 of this Regulation.

(c) If the Authority believes that a proposed amendment to a Code would not materially alter the rights or responsibilities of any person under any law of the Republic, or under any Regulation, Code, or Manual, the Authority may amend the Code by following the procedure established by Section 36 of this Regulation.

Section 36. Procedure for Minor Amendments to Codes

(a) The Authority shall submit each proposed amendment to a Code for a public review and comment period of no fewer than 60 days, subject to the requirements of this Subsection.

(b) The Authority shall prepare a newspaper advertisement and a radio announcement containing—

- (1) A summary of the proposed amendment, as described in Subsection 35(a) of this Regulation;
- (2) A statement that the Authority believes the proposed amendment to be minor;

- (3) The beginning and end dates of the public review and comment period;
 - (4) The address or location of any Authority office where the public may review a copy of the proposed amendment, free of charge, during regular business hours; and
 - (5) An invitation to the public to submit written or oral comments on the proposed amendment, at any Authority office, during regular business hours.
- (c) The Authority shall run the advertisement required by Subsection (b) this Section in a newspaper of general circulation in Monrovia, and the radio announcement required by Subsection (b) of this Section on a radio station with national coverage and on local community radio stations. The Authority shall run both the advertisement and the announcement at least one time.
- (d) The Authority shall make available, upon request by any person, a paper or electronic copy of the proposed amendment, according to Section 41 of this Regulation.
- (e) At the close of the public review and comment period, the Authority shall—
- (1) Prepare a document summarizing the substance of all public comments; and
 - (2) Revise the proposed amendment as necessary in light of the public comments received.
- (f) Not later than 14 days prior to the effective date of the proposed amendment, the Authority shall present the comment summary document and the revised proposed amendment to the Board, and the Authority *may* submit the comment summary document and the revised proposed amendment to the Forestry Management Advisory Committee. The Board (and the Committee, if the Authority chooses to consult with the Committee) shall review the comment summary document and the revised proposed amendment and provide to the Authority their respective comments, if any, in writing.
- (g) Taking into account the comments received during the public review and comment period from the Board (and, if consulted, the Committee) and all other sources, the Authority shall—
- (1) Prepare a final Code; and
 - (2) Prepare an accompanying justification document that—
 - (A) Explains how the Code was changed, if at all, in response to public comments; and
 - (B) For each public comment that resulted in no change to the Code, explains why the Authority reached this decision.
- (h) Following signature by the Managing Director, the Code, as amended, takes effect on the date established by the Code.

Section 37. Adoption and Amendment of Manuals

(a) The Authority shall initially prepare each Manual or Manual amendment as a proposed Manual or Manual amendment.

(b) The Authority shall make a determination whether the proposed Manual or Manual amendment involves a high degree of public interest or controversy, based on the following factors:

- (1) The degree of interest already expressed in the subject by stakeholders, the press, or the public.
- (2) The degree of interest or controversy attached to similar proposals in the past.
- (3) The magnitude of change the proposal represents compared to present policy.
- (4) The likelihood that the proposal will have a significant impact, good or bad, on stakeholders, the public, or the environment.

(c) If the Authority determines that the Manual or Manual amendment involves a high degree of public interest or controversy, the Authority shall allow a period of public comment on the proposal as follows:

- (1) The Authority shall send a brief description of the proposal, along with an invitation to view the full proposal and comment on it, to all persons on any forest management stakeholder list that the Authority maintains pursuant to Section 3 of this Regulation.
- (2) The Authority shall make copies of the proposal available to all interested persons, in both electronic and printed form, according to Section 41 of this Regulation.
- (3) The Authority shall accept written comment on the proposal for a period of at least 30 days.

(d) The Authority may substitute an alternative process that provides at least as much opportunity for notice and comment, such as combining public review of a Manual with public review of a Code or Regulation, or public review of an environmental impact assessment or land management plan of national interest.

(e) If the Authority receives comments on a proposal, the Authority shall analyze the comments and employ them in the revision of the proposed Manual or Manual amendment.

(f) The Authority shall submit the proposed Manual or Manual amendment to the Board together with a written statement explaining—

- (1) Whether the proposal involves a high degree of public interest or controversy;
- (2) The general nature and content of comments that the Authority received on the proposal, if any; and

- (3) Any changes that the Authority has made to the proposal in response to comments.
- (g) The Manual or Manual amendment becomes effective upon approval by the Board, unless the Board in its approval sets a later date.

Sections 38 to 40. Reserved

PART FOUR: PUBLIC ACCESS TO REGULATIONS, CODES, MANUALS, AND SUPPORTING DOCUMENTS AND INFORMATION

Section 41. Public Access—Generally

(a) The Authority shall maintain at all of its offices complete and accurate paper copies of the National Forestry Reform Law of 2006, as amended, and all Regulations, Codes, and Manuals, as amended, and all publicly released drafts of proposals for, or proposed amendments to, Regulations, Codes, and Manuals.

(1) The Authority shall maintain a public area in all its offices where these materials are available for inspection by any person during normal business hours, without prior request.

(2) The Authority shall, upon request, offer paper copies of these materials for sale to the requesting person at a cost not exceeding one United States dollar (US \$1) for every 20 pages of copies.

(b) The Authority shall maintain at its headquarters in Monrovia complete and accurate electronic copies of the National Forestry Reform Law of 2006, as amended; and all Regulations, Codes, and Manuals, as amended; and all publicly released drafts of proposed amendments or additions to Regulations, Codes, and Manuals.

(1) The Authority shall make these materials freely available on the Internet.

(2) The Authority shall make these materials freely available by electronic mail (email), upon request by any person.

Section 42. Public Access to Supporting Documents and Information

(a) The Authority shall retain, for at least five years, all Supporting Documents and Information upon which the Authority has relied in adopting or amending any Regulation, Code, or Manual.

(b) The Authority shall, upon written request, make available for inspection by any person, at no cost, any Supporting Documents and Information upon which the Authority has relied in adopting or amending any Regulation, Code, or Manual, subject to the conditions set forth in this Subsection.

(1) Within 30 days of receiving a written or oral request, the Authority shall make Supporting Documents and Information available for inspection.

(2) The Authority shall permit inspection during normal business hours at its headquarters offices in Monrovia or at the Authority regional office nearest the residence or principal place of business of the requesting person.

(3) The Authority shall make Supporting Documents and Information available for inspection in whatever format (paper or electronic) they have been maintained in the ordinary course of business, unless the requesting person indicates a preference for paper or electronic copy—in which case the Authority shall accommodate this preference.

(4) The Authority shall, upon request, offer paper copies of Supporting Documents and Information for sale to the requesting person at a cost not exceeding one United States dollar (US \$1) for every 20 pages of copies.

(5) The Authority shall not make available for public inspection documents and supporting information exempted from public release under Section 18.15 of the National Forestry Reform Law of 2006, as amended.

Sections 43 to 50. Reserved

PART FIVE: REPEALS AND EFFECTIVE DATE

Section 51. Repeals

This Regulation repeals no existing regulations.

Section 52. 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**