Independent Forest Monitoring Project in Nicaragua

Mission Report No. 014

Mission of the Independent Monitor

Forest Management General Plan in a conifer forest in communal lands in Alamikamba, Prinzapolka Municipality, RAAN.

<table>
<thead>
<tr>
<th>Name of the Plan:</th>
<th>Arco II</th>
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<tbody>
<tr>
<td>Forest Harvesting Permit 2007 – 2008:</td>
<td>PAF No. 0000008</td>
</tr>
<tr>
<td>Annual Operational Plan:</td>
<td>Dossier No. 1602 – P07023</td>
</tr>
<tr>
<td>Produced by:</td>
<td>Evelio Elías Gutiérrez López RFT. 160504010-0169</td>
</tr>
<tr>
<td>Owner of the area:</td>
<td>Sandalio Castellón</td>
</tr>
<tr>
<td>Beneficiary of the plan:</td>
<td>Roberto Aragón Mejía</td>
</tr>
<tr>
<td>Location:</td>
<td>Alamikamba, Prinzapolka, RAAN</td>
</tr>
</tbody>
</table>

Mission date: 25 August 2007

Report Date: 01 September 2007
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1. **Executive summary**

This is mission report No. 14, a document produced by the technical team of Global Witness (known as the independent monitor) within the framework of the Independent Forest Monitoring (IFM) Project in Nicaragua.

The monitoring mission was carried out jointly with the forest authority (INAFOR – *Instituto Nacional Forestal*) and with owners of Forest Management General Plan (FMGP) “El Arco II”, in Alamikamba, on 25 August 2007.

Activities focused on corroborating the location of points and demarcation of the area’s boundaries. An assessment of the harvesting activities undertaken in compartment No. 5 was also carried out, as well as an assessment of the post-harvesting activities and the registration of stumps logged beyond the boundaries. The existing documents were also reviewed, and this report is the result of processing all this information and activities.

The area of the Forest Management General Plan (FMGP) is 161 hectares, 94.4% of which are a production forest, and 6.6% of which are pasture lands and areas without forests. This area is located in communal lands that belong to the Alamikamba indigenous community, who handed over the rights of use to Mr. Sandalio Castellón, a member of the said community.

The official beneficiary of the FMGP according to the information INAFOR provided is Mr. Roberto Aragón Mejía, who, through Mr. Castellón, allegedly obtained legal rights to implement the FMPG for a period of 10 years. The forest manager currently responsible for the area is Juan Harvey Montalbán.

Compartment No. 5 is the first Annual Operational Plan (AOP) implemented in this area, and was authorised by the INAFOR municipal delegate through Forest Harvesting Permit No. 0000008 and dossier No. 1602 – P07023, dated 26 February 2007. A total volume of 1,153 m³ was authorised, which corresponds to 1,275 round wood pine trees (*Pinus caribaea*).

The conclusions and recommendations of the monitoring mission are presented below:

**Conclusions**

1. The delimitation of the FMGP is deficient regarding the demarcation and location of the boundaries of the plan, the compartments and the location of existing protection areas.

2. The people responsible for the FMGP (owner and forest regent) do not fully know the area, which poses an evident risk. Administrative regulations related to the substitution of the regent have also been violated (Art. 76).

3. During the harvesting activities carried out in compartment No. 5, 17 pine trees were logged illegally, which represents a total volume of approximately 15.368 m³.

4. The implementation of the Annual Operational Plan (AOP) for 2007 did not comply with what was approved by INAFOR, as activities due in compartment No. 6 were not carried out and there was a deficient estimation of the volume available for harvesting in compartment No. 5.
5. The existing documentation related to FMGP “El Arco II” is inconsistent with reality in terms of the beneficiary of the plan: on the one hand, the documents show that Mr. Roberto Aragón Mejía is the beneficiary, but the actual beneficiary on the ground appears to be Mr. Sandalio Castellón.

Recommendations

1. INAFOR should guarantee that, prior to the approval of a new AOP, those currently responsible for the management plan implement corrective measures in order to properly demarcate the said plan.

2. INAFOR should improve the mechanisms to monitor and evaluate approved management plans. There should be an increased control on the performance of forest regents, and the relevant administrative and technical regulations should be applied, with a view to setting precedents about their said performance.

3. Logging trees illegally should be penalised according to what is established in the forest law. To this end, INAFOR should investigate the causes and responsibilities in this case and proceed according to the law.

4. INAFOR should clarify the inconsistencies regarding the official beneficiary of management plan “El Arco II”, and avoid unclear amendments in the dossiers of approved management plans during their validity period.

2. Composition of the monitoring team

Humberto Méndez Reyes. Head of the Forest Monitoring Department. INAFOR.
IErick Velásquez. Matagalpa Municipal Delegate. INAFOR.
Sandalio Castellón. Owner of the area and current beneficiary of the management plan.
Juan Harvey Montalbán. Forest Regent responsible for the management plan.

3. Positive aspects

The mission was supported by the willingness of the INAFOR staff, who provided the relevant documentation and, like those responsible for the plan, actively participated in the monitoring activities.

4. Constraints

The owner and forest regent’s lack of knowledge of some of the boundaries of the area under management partially hindered the monitoring activities. The absence of the Prinzapolka INAFOR municipal delegate made it impossible to have more detailed information about the approval and inspection of the management plan.
5. **Description of the fieldwork**

The forest monitoring activities carried out in the area under management were as follows:

- Covering the perimeter of the area and registering the coordinates of the boundaries.
- Registering the coordinates of stumps seemingly beyond the authorised area.
- Covering the perimeter of compartment No. 5 in order to assess the harvesting and post-harvesting activities.
- Covering other compartments to assess their demarcation and location.
- Discussing the results of the work amongst the participants of the mission.

In order to carry out these activities, two working groups were formed, each of which comprised representatives from INAFOR, people responsible for the plan and the independent monitoring team.

Several documents were reviewed for the production of this report. These are:

1) Forest Management General Plan (FMGP) “El Arco II”.
2) Annual Operational Plan (AOP) “El Arco”.
3) Forest Harvesting Permit (FAP).
4) Official map of the Forest Management General Plan.
5) Administrative regulations.
6) Nicaraguan Obligatory Technical Norms (NTON).
7) Law for the Conservation, Promotion and Sustainable Development of the Forest Sector (Law 462).
8) Special Law for Crimes against the Environment and Natural Resources (Law 559).
9) Logging Ban Law (Law 585).

6. **Mission results**

   **6.1. Background of the Forest Management General Plan**

Forest Management General Plan (FMGP) “El Arco II”, produced in 2006 in communal lands of Alamikamba, in the site known as El Arco, has an area of 161 hectares, of which 94.4% are production forests and the remaining 6.6% are pasture lands and areas without forests.

The area is under control of Mr. Sandalio Castellón, to whom the Alamikamba community handed over the usufruct rights. However, the official representative of the FMGP according to the INAFOR documentation is Mr. Sr. Roberto Aragón Mejía, who, through an agreement with Mr. Castellón, has allegedly acquired legal rights to implement the management plan for a period of 10 years. Currently, the regent for this plan is Mr. Juan Harvey Montalbán, who replaced the former regent, Mr. Evelio Gutierrez López.

During the first year of activities (2007-2008), compartments 5 and 6 are to be harvested using a “final cut leaving seedling trees” treatment and replanting activities respectively. According to the calculations presented in the documents, a total volume of 1,153 m³ of round wood is to be extracted, and 50 seedling trees per hectare are to be left standing. In
compartment 6, a total of 1,600 seedlings per hectare will be planted over a total of five hectares.

### 6.2. Main findings

After processing all the information stemming from the fieldwork and relevant documents, the findings reveal weaknesses in complying with the Nicaraguan Obligatory Technical Norms (NTON), administrative regulations and laws related to forest management.

With a view to supporting the improvement of the enforcement of the legal framework, the main findings of the monitoring mission are presented below.

#### 6.2.1. Deficient demarcation of the FMGP

In covering the perimeter of the management plan, it became evident that there are deficiencies regarding its delimitation. There are points that were not reflected in the official map, as is the case for points 8, 9 and 10; on the other hand, some points are located in the wrong place when compared with the official map, as is the case for points 12 and 18, which should rather be points 19 and 5 of the map respectively.

Another aspect worth noting is the owner’s – and current “beneficiary” of the management plan – lack of knowledge of part of the perimeter of the area. During the mission, he could not identify points 18, 17, 16, 15, 14, 8, 7, and 6 of the management plan’s official map. The forest regent was also unable to locate these points (see Annex 1).

Finally, there are also weaknesses related to the demarcation of compartments, mainly their perimeter, as there were no clear marks identifying them. Along with this, there was a lack of delimitation and demarcation of the existing protection areas, mainly that related to the water course located on the southern end of the management plan area, which is an affluent of the river Alamikamba and was not considered as a protection area by those responsible for the management plan.

The above contradicts what is established in the NTON for the mapping and harvesting activities; it also questions the veracity of the data related to the area (compartments and general plan) and increases the risk to log trees beyond the area and within protection areas.

#### 6.2.2. Illegal logging of trees

A total of 17 trees were logged outside the perimeter of the management plan and within the protection area of the affluent of the river Alamikamba, as can be seen from the map produced by the independent monitor and based on the coordinates of a total of 29 stumps registered during the mission (see Annex 2).

The total volume logged is approximately 15.368 m³ according to the average volume per tree presented in the document, which is 0.904 m³/tree (see Annex 3).

According to what is established in the administrative regulations, the breach in the implementation of the planned forest harvesting treatment is a crime subjected to a grave sanction.

Even if the post-harvesting activities are being carried out adequately – these include collecting residuals, firebreak rounds, and the protection of the existing natural
regeneration – this does not justify logging beyond the perimeter and within the protection area.

6.2.3. Weaknesses in the implementation of the AOP

Activities planned for compartment 5 in AOP 2007 – 2008 were final logging leaving seedlings, as well as post-harvesting activities such as collection, gathering and reusing of residuals, cleaning and allowing natural regeneration and firebreak rounds. On the other hand, within compartment 6, five hectares were due to be reforested, with a density of 1600 plants per hectare (see Annex 4).

According to the monitoring mission carried out in the management plan area, there are breaches in the implementation of such activities, mainly in relation to compartment 6, where the planned forest treatment was not carried out.

Moreover, there are weaknesses related to the estimation of the total volume for compartment 5, and the selection of seedling trees. In the former case, the beneficiary of the plan only harvested 50% of the calculated volume, as the forest didn’t allow for more timber to be extracted. This is a significant difference compared to what was expected. In trying to obtain the volume of timber authorised, the risk is that such timber could be logged beyond the boundaries of the authorised area. On the other hand, the selection of some trees as seedlings did not comply with the phenotypic and genotypic characteristics required.

6.2.4. Uncertainly about the official beneficiary of the management plan

According to the INAFOR official documents, the beneficiary of the plan is Mr. Roberto Aragón Mejía, as reflected in the forest harvesting permit (see Annex 5). However, it is currently Mr. Sandalio Castellón, the owner of the area, who is the beneficiary of the plan, according to the agreement established between these two people and to some of the requests for transport guides, which are signed by Mr. Castellón.

The review of the dossier of the FMGP reveals there is no document certifying that Mr. Castellón is the legal beneficiary of the management plan. Apparently, there have been verbal agreements with INAFOR, but these are not legally valid.

The above results in an uncertainty, and a lack of rigorousness and order, from INAFOR in the control and monitoring of the approved management plans. This can in turn lead to generate legal problems.
7. Conclusions and recommendations

After analysing the main findings related to management plan “El Arco II”, the independent monitor presents the following conclusions and recommendations:

Conclusions

1. The delimitation of the FMGP is deficient regarding the demarcation and location of the boundaries of the plan, the compartments and the location of existing protection areas.
2. The people responsible for the PMGP (owner and forest regent) do not fully know the area, which poses an evident risk. Administrative regulations related to the substitution of the regent have also been violated (Art. 76).
3. During the harvesting activities carried out in compartment No. 5, 17 pine trees were logged illegally, which represents a total volume of approximately 15,368 m³.
4. The implementation of the Annual Operational Plan (AOP) for 2007 did not comply with what was approved by INAFOR, as activities due in compartment No. 6 were not carried out and there was a deficient estimation of the volume available for harvesting in compartment No. 5.
5. The existing documentation related to FMGP “El Arco II” is inconsistent with reality in terms of the beneficiary of the plan: on the one hand, the documents show that Mr. Roberto Aragón Mejía is the beneficiary, but the actual beneficiary on the ground is Mr. Sandalio Castellón.

Recommendations

1. INAFOR should guarantee that, prior to the approval of a new AOP, those currently responsible for the management plan implement corrective measures in order to properly demarcate the said plan.
2. INAFOR should improve the mechanisms to monitor and evaluate approved management plans. There should be an increased control on the performance of forest regents, and the relevant administrative and technical regulations should be applied, with a view to setting precedents about the said performance.
3. Logging trees illegally should be penalised according to what is established in the forest law. To this end, INAFOR should investigate the causes and responsibilities in this case and proceed according to the law.
4. INAFOR should clarify the inconsistencies regarding the official beneficiary of management plan “El Arco II”, and avoid unclear amendments in the dossiers of approved management plans during their validity period.
8. Annexes

Annex 2. Map 02 of FMGP “El Arco II”. Illegal logging of trees
Annex 3. Table of coordinates of stumps located beyond the perimeter of the FMGP and within the protection area

<table>
<thead>
<tr>
<th>No.</th>
<th>Coordinates</th>
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### Annex 4. Schedule for AOP 2007 activities

**CRONOGRAMA DE ACTIVIDADES**

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Annex 5. Forest Harvesting Permit

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<td>Pino Caribe</td>
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TOTAL APROBADO

(1.275) 1.153 0.909

Esta autorización es válida hasta 26-02-2007 (900 días)

Dado en la Ciudad de 105.001 Kms. A 105 26 Días del Mes de Febrero del 2007

Para transportar la madera debe hacerse con la guía de transporte de madera en solo.

1. Datos del Reglamento

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<tbody>
<tr>
<td>Número de Registro:</td>
<td>1005 6080-0169</td>
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Delegado municipal  
Firma Sello Autorizado
Annex 6. Map of FMGP “EL ARCO II” according to the official document