



Independent Forest Monitoring Pilot Project in Nicaragua

Mission Report No. 009

Mission of the Independent Monitor

Annual Operational Plan for Private Conifer Forest

Location:	El Junquillo
Annual Operational Plan 2006-2007:	Authorisation no. 1305 P 389 - 063
Forest Management General Plan:	Authorisation no. 1305 P 389
Produced by:	Silvia Elena Castellanos
Owner:	INFORESA
Municipality:	Macuelizo, Nueva Segovia

Mission dates: 16, 18 and 19 February 2007

Report date: 28 February 2007

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1. Executive summary

Within the framework of the Cooperation Agreement signed by INAFOR¹ and Global Witness in August 2006 for the implementation of an Independent Forest Monitoring Pilot Project in Nicaragua, the Global Witness technical team (known as the independent monitor), together with the Forest Regent Nohemigdio Tercero, carried out a monitoring mission on 16, 18 and 19 February 2007 in the area of the Forest Management General Plan (FMGP) for conifer forest at El Junquillo², operated by the company Inversiones Forestales S.A (INFORESA). El Junquillo is in Macuelizo Municipality, Nueva Segovia Department.

The FMGP was initially approved by the Ministry of the Environment and Natural Resources³ (MARENA) in 1997 in the name of the company Hermanos Espinoza. The Plan was revised and authorised by INAFOR in 2000 for a period of 10 years until 2009. However, in July 2006, the FMGP was corrected and rectified, and INAFOR accordingly issued a new authorisation to INFORESA for the period 1997-2007. Forest activities conducted in 2006 were authorised by the renewal of the Forest Harvesting Permit (FHP) corresponding to the 2004-2005 period.

The activities carried out during the monitoring mission focused on reviewing sections north and south of the FMGP area perimeter as well as gathering information on the felling of trees in two zones marked as protection areas on the FMGP forest map (corrected in 2006) and on logging outside the authorised area between corners 12, 13 and 14. Subsequently the FMGP and AOP documentation was reviewed.

After concluding the fieldwork and reviewing the relevant documentation, the independent monitor presents the following conclusions:

1. The FMGP documentation presents inconsistencies with regards to:
 - The re-registration period for the El Junquillo FMGP,
 - The FMGP geographical coordinates,
 - The estimated area of the FMGP.
2. The authorised area of the El Junquillo FMGP is not marked on the ground.
3. INAFOR did not require the 2004-2005 AOP to be updated when renewing the FHP and re-registering the FMGP.
4. By renewing the FHP, INAFOR was in breach of the provisions of Art. 38 of Forest Regulations and Art. 4 of the Logging Ban.
5. The illegal logging of 86 trees in at least two protection areas in the El Junquillo FMGP has occurred, although the independent monitor could not identify those persons responsible.

¹ Instituto Nacional Forestal – Nicaraguan Forest Authority

² Authorisation 1305 P389

³ This institution was responsible for forest management until 1998 when INAFOR was established.

6. INFORESA illegally logged 46 trees outside the perimeter of the El Junquillo FMGP.

On the basis of these conclusions, the following recommendations are made:

1. INAFOR should clarify the period of validity of the El Junquillo FMGP.
2. INAFOR should assess the legality of the renewal of FHP 0002967.
3. INFORESA should update the Forest Map and Map of Coordinates in order to clarify the actual area of the FMGP and proceed to delimit and mark out the managed area.
4. INAFOR should conduct effective monitoring of the implementation of forest management activities for the El Junquillo FMGP, as established by the prevailing forest legislation, and should apply any corrective measures that are appropriate.
5. INAFOR should check and inform the environmental and municipal authorities of the illegal logging of 46 trees by INFORESA outside the perimeter of the El Junquillo FMGP.

2. Composition of the monitoring team

The monitoring team comprised the following persons:

- Nohemigdio Tercero, INFORESA / MADESSA Forest Regent,
- Edwin Ponce, guide,
- Arturo Avila, Independent Forest Monitoring Technical Staff, Global Witness.
- César Zelaya, Independent Forest Monitoring Technical Staff, Global Witness.

3. Assistance provided to the mission

This forest monitoring mission was made possible and assisted by the participation and collaboration of INAFOR and INFORESA officials in relation to the following matters:

- Providing documentation and information on the Forest Management General Plan for El Junquillo.
- The accompaniment of Nohemigdio Tercero, Forest Regent responsible for AOP implementation.

4. Constraints

No restrictions of any type were encountered in carrying out this mission.

5. Description of the fieldwork

Day 1:

- Checking the coordinates of the northern perimeter of the FMGP area at points 1, 2, 3 and 4.
- Recording geographical points (Universal Transverse Mercator - UTM) using GPS equipment.⁴
- Inventory of tree stumps (diameter and location) in the water source protection area in sector 46.

Day 2:

- Checking the coordinates of the north-eastern perimeter of the FMGP area at points 5, 6, 7, 8, 9, 10, 11, 12 and 13.
- Inventory of tree stumps (diameter and location) outside the authorised perimeter between points 12, 13 and 14, between sectors 6 and 14.

Day 3:

- Checking the coordinates of the south-eastern perimeter of the FMGP area at points 40, 41, 42, 43 and 44.
- Inventory of tree stumps (diameter and location) in the water source protection area in sector 55.

6. Mission results

6.1 General description and background of El Junquillo FMGP

El Junquillo is located in the district of the same name, in the municipality of Macuelizo, Nueva Segovia department. The El Junquillo Conifer FMGP was initially approved by MARENA in 1997. This was subsequently revised and authorised by INAFOR in 2000 for a period of 10 years until 2009. The authorisation was issued to the company Hermanos Espinoza, the owners of the land, who sold the use and exploitation of the pine forest (sale of rights) to INFORESA by means of Deed 341: Sale of Standing Timber and Forest Harvesting Rights, dated 24/11/2005.

In 2005 legal disputes arose between members of the Espinoza family and INFORESA. The former denounced INFORESA for harvesting part of the forest that had not been included in the original sale of rights. As a result of this, INAFOR initiated administrative proceedings against INFORESA which led to Administrative Resolution 01-2005, dated 14/01/05, which ordered the cessation of logging and extracting forest resources from the El Junquillo FMGP and also cancelled FHP no. 0002967 (2004-2005). Faced with this situation, INFORESA lodged an Appeal for Review dated 28/01/05 with the INAFOR Municipal Delegation at Macuelizo. This resulted in Administrative Resolution 04-2005 that dismissed the Appeal for Review and rejected the request that logging should continue in the El Junquillo FMGP. In this way Administrative Resolution 01 – 2005 was confirmed.

In view of this Resolution, INFORESA lodged Protection Appeal No. 360 -2005 against the Executive Director of INAFOR and representatives. In response to this situation, the

⁴ Global Positioning System

INAFOR authorities sought an extrajudicial settlement with INFORESA in order to have the Protection Appeal removed. An agreement was reached based on updating the El Junquillo FMGP documentation and reassessing the volume of timber and the area encompassed by the Plan. Under these conditions, INFORESA withdrew the Protection Appeal as the reasons for lodging it had been resolved.

Using previous agreements as a basis, INFORESA requested INAFOR to make changes in the allocation of the El Junquillo FMGP and for the renewal of FHP no. 0002967. As a result, the Forest Authorisation for the El Junquillo FMGP (retaining the number 1305 - P389) allowed the owner INFORESA to conduct sustainable forest management operations for the period 1997-2007 at the previously-described site. This approval was issued on 20 July 2006. INAFOR also renewed the FHP (2004-2005) on 21/07/06 until 21/07/07.

According to the corrected FMGP document (April 2006), the managed area corresponds to 856.80 hectares divided into sectors numbered from 1 to 80. The area is forested with pine (*Pinus oocarpa*) and an association of oak (*Quercus* sp) and pine. The FHP does not specify the sectors to be harvested but does indicate that harvesting activities relate to an area of 478 hectares and 24,230 trees giving a total timber volume of 8,420 m³ and an average volume per tree of 0.34 m³.

All the approval documentation relating to the FMGP and AOP is provided in annexes.

6.2 Main findings

6.2.1 Inconsistencies in El Junquillo FMGP documentation

A review of the El Junquillo FMGP documentation by the independent monitor identified inconsistencies relating to the re-registration of the FMGP, authorisation of the AOP and renewal of the FHP, as described below:

- The first authorisation of the El Junquillo FMGP issued by INAFOR in June 2000 related to the period 2000-2009. However, the updated and re-registered El Junquillo FMGP (April 2006) describes the management period as 1997-2007.
- The 2004-2005 AOP⁵ was drawn up in August 2004 but was not updated despite the changes to the El Junquillo FMGP made in April 2006.
- The FHP⁶ was authorised in October 2004 with expiry in October 2005. However, the FHP was renewed in July 2006 with expiry in July 2007; in other words the permit for the 2005-2006 period was not renewed in breach of the provisions of Art. 38 of the Regulations of the Forest Law and the provisions of Art. 4 of Law 585 (Logging Ban), in force from June 2006.
- Both the Forest Map and the Map of Coordinates drawn up in 1996 and corrected in 2006 display contradictions in respect of the area of forest that INFORESA asserts that it is managing. These contradictions relate to differences in the coordinates of the corners of the FMGP area described by the documentation.

⁵ Authorisation 1305 P389063

⁶ Forest Harvesting Permit 0002967

- According to INFORESA, the estimated area of the El Junquillo FMGP is 856.80 hectares while the map drawn up using Arc View software from the coordinates of the corners described in the documentation estimates the area at some 1050 hectares, namely a difference of ± 200 hectares.

6.2.2 Delimitation of the FMGP perimeter

The monitor did not encounter any clear markers determining the limits of the managed area during the inspection of the FMGP area. Using coordinates from the documentation and approximations, and with the assistance of GPS, it was possible to check some of the position of the boundary. Furthermore, the Forest Regent could not identify the exact boundary of the FMGP.

6.2.3 The felling of trees in protection areas

The Forest Map used as a reference document for planning forest management activities shows that there are various water source protection areas in the FMGP area, (*see Annex 1: Forest Map*).

The monitor noted logging in the protection areas in sector 41 and in the proximity of sector 55. An inventory of 57 and 26 stumps was drawn up for these areas respectively.

Tables 1 and 2 provide inventory data on the stumps of trees harvested inside these protection areas. The stump number, diameter in centimetres and UTM coordinates are given.

Table no. 1 Inventory of stumps of trees illegally harvested in protection area (Sector 41)

Stump No.	Diameter	Coordinates		Stump No.	Diameter	Coordinates	
		Longitude	Latitude			Longitude	Latitude
1	46	543602	1514706	30	30	543640	1514746
2	27	543622	1514716	31	27	543649	1514747
3	25	543616	1514714	32	36	543669	1514766
4	43	543622	1514705	33	45	543661	1514761
5	52	543620	1514711	34	31	543680	1514762
6	40	543643	1514721	35	27	543688	1514777
7	27	543677	1514741	36	28	543688	1514782
8	50	543685	1514745	37	29	543693	1514776
9	30	543683	1514752	38	33	543706	1514780
10	26	543684	1514737	39	36	543728	1514787
11	25	543694	1514738	40	36	543750	1514782
12	23	543704	1514741	41	38	543780	1514781
13	23	543699	1514737	42	37	543788	1514777
14	24	543700	1514734	43	46	543814	1514786
15	22	543708	1514744	44	32	543837	1514778
16	30	543725	1514745	45	40	543845	1514784
17	25	543723	1514736	46	37	543856	1514792
18	25	543722	1514739	47	29	543862	1514784
19	40	543846	1514760	48	29	543866	1514774
20	57	543842	1514741	49	44	543883	1514788
21	41	543863	1514761	50	38	543873	1514781
22	38	543610	1514718	51	30	543906	1514793
23	40	543604	1514732	52	30	543908	1514803
24	35	543618	1514733	53	40	543905	1514801
25	30	543622	1514739	54	41	543901	1514798
26	30	543629	1514733	55	43	543884	1514765
27	30	543628	1514730	56	43	543877	1514769
28	43	543638	1514739	57	30	543871	1514757
29	37	543633	1514746				

Table no. 2 Inventory of stumps of trees illegally harvested in protection area (Sector 55)

Stump No.	Diameter	Coordinates		Stump No.	Diameter	Coordinates	
		Longitude	Latitude			Longitude	Latitude
1	40	543985	1512991	14	37	544274	1513020
2	53	544011	1513000	15	24	544278	1513023
3	40	544026	1512981	16	26	544331	1513015
4	33	544064	1512988	17	40	544325	1513015
5	27	544055	1512999	18	34	544348	1513011
6	22	544072	1512990	19	47	544346	1513013
7	33	544087	1512988	20	31	544368	1513026
8	27	544102	1513008	21	41	544376	1513022
9	28	544140	1513008	22	39	544386	1513027
10	24	544126	1513001	23	32	544373	1513025
11	35	544246	1513027	24	37	544397	1513018
12	28	544247	1513021	25	28	544405	1513020
13	45	544260	1513025	26	27	544405	1513023

The monitor was not able to determine the exact date of logging nor the persons responsible for the trees felled as described in Table no. 1. With regards to the logging described by Table no. 2, INFORESA informed INAFOR of this illegal activity. This institution is still responsible for the case and the outcome has yet to be determined.

6.2.4 Logging outside the FMGP perimeter

The logging of 46 trees was discovered during the inspection of the El Junquillo FMGP perimeter, between corners 12, 13 and 14. The monitor, using GPS devices (and the management plan coordinates) noted that this logging was outside the area authorised to INFORESA. As a result, an inventory of the stumps was conducted.

The table below shows the stump numbers, diameter in centimetres and UTM coordinates.

Table no. 3 Inventory of trees illegally logged outside the perimeter of the El Junquillo FMGP.

Stump No.	Diameter	Coordinates		Stump No.	Diameter	Coordinates	
		Longitude	Latitude			Longitude	Latitude
1	36	543323	1514825	24	38	543202	1514802
2	38	545331	1514835	25	35	545301	1514802
3	38	545323	1514832	26	23	545306	1514783
4	45	545317	1514829	27	23	545310	1514782
5	36	545318	1514834	28	24	545293	1514779
6	28	545316	1514835	29	28	545293	1514779
7	47	545321	1514841	30	26	545293	1514782
8	40	545309	1514836	31	30	545290	1514779
9	56	545317	1514842	32	27	545289	1514767
10	56	545310	1514843	33	26	545291	1514764
11	35	545335	1514815	34	28	545304	1514759
12	40	545329	1514800	35	36	545299	1514758
13	45	545329	1514805	36	30	545290	1514761
14	57	545340	1514803	37	35	545287	1514761
15	26	545340	1514800	38	36	545281	1514770
16	27	545357	1514793	39	26	545278	1514780
17	40	545347	1514793	40	26	545279	1514780
18	35	545338	1514797	41	28	545291	1514794
19	35	545332	1514801	42	28	545283	1514788
20	40	545331	1514808	43	44	545287	1514786
21	35	545310	1514879	44	40	545279	1514792
22	40	545307	1514785	45	45	545284	1514808
23	50	545309	1514787	46	36	545319	1514816

The forest monitor applied the following formula in order to calculate the volume of illegally logged timber:

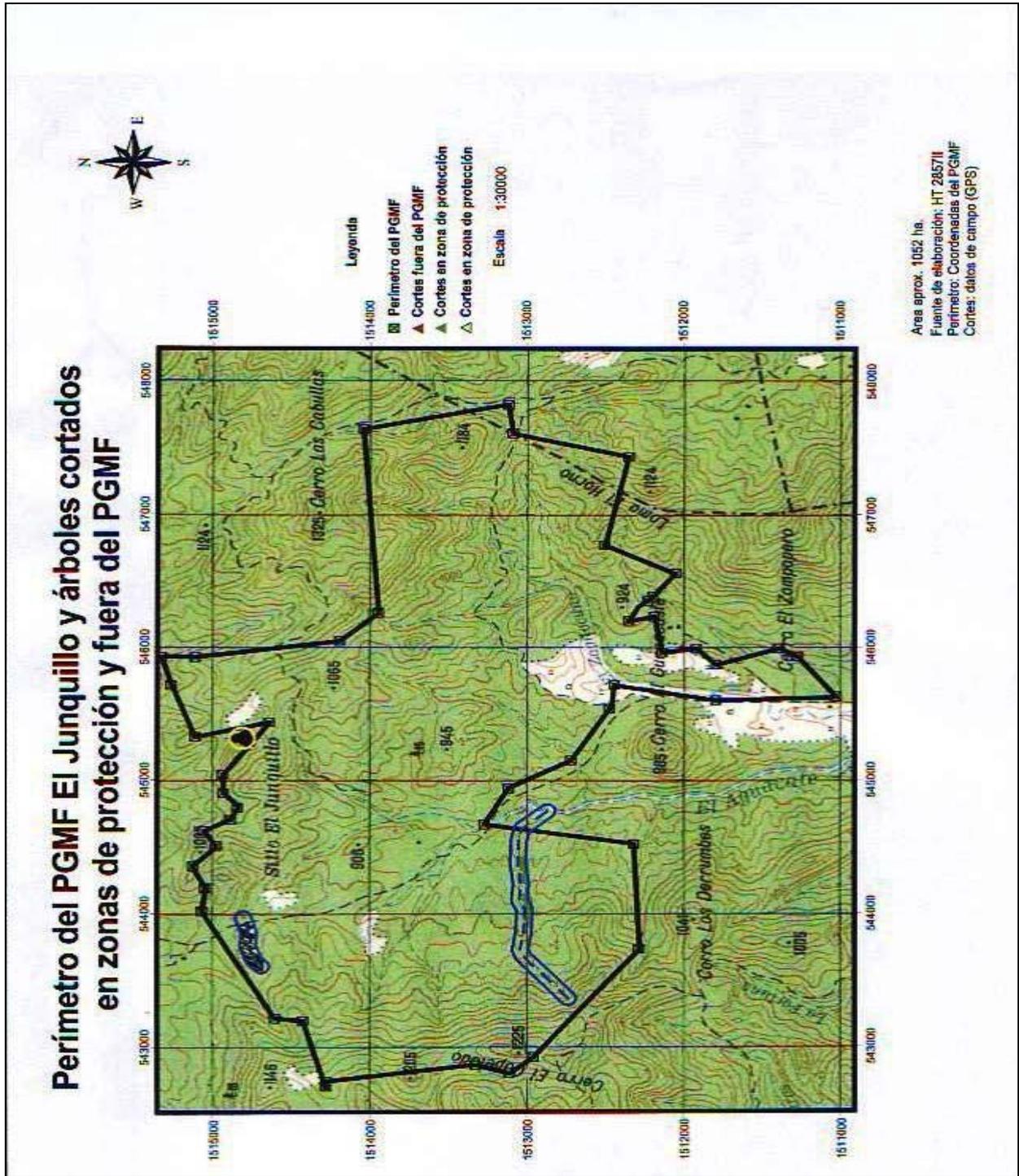
$$\text{trees harvested} \times \text{average volume per tree}^7 \text{ in m}^3 = \text{volume obtained}$$

The estimated volumes are 19.3 m³, 8.8 m³ and 15.64 m³ respectively.

The image below shows the El Junquillo FMGP perimeter and illegal logging in protection zones outside this area.

⁷ 0.34 m³

Image 1:



7. Conclusions and recommendations

The independent monitor, after analysing and processing the documentary information of the FMGP and AOP, as well as data obtained from the monitoring mission in the area, offers the following conclusions:

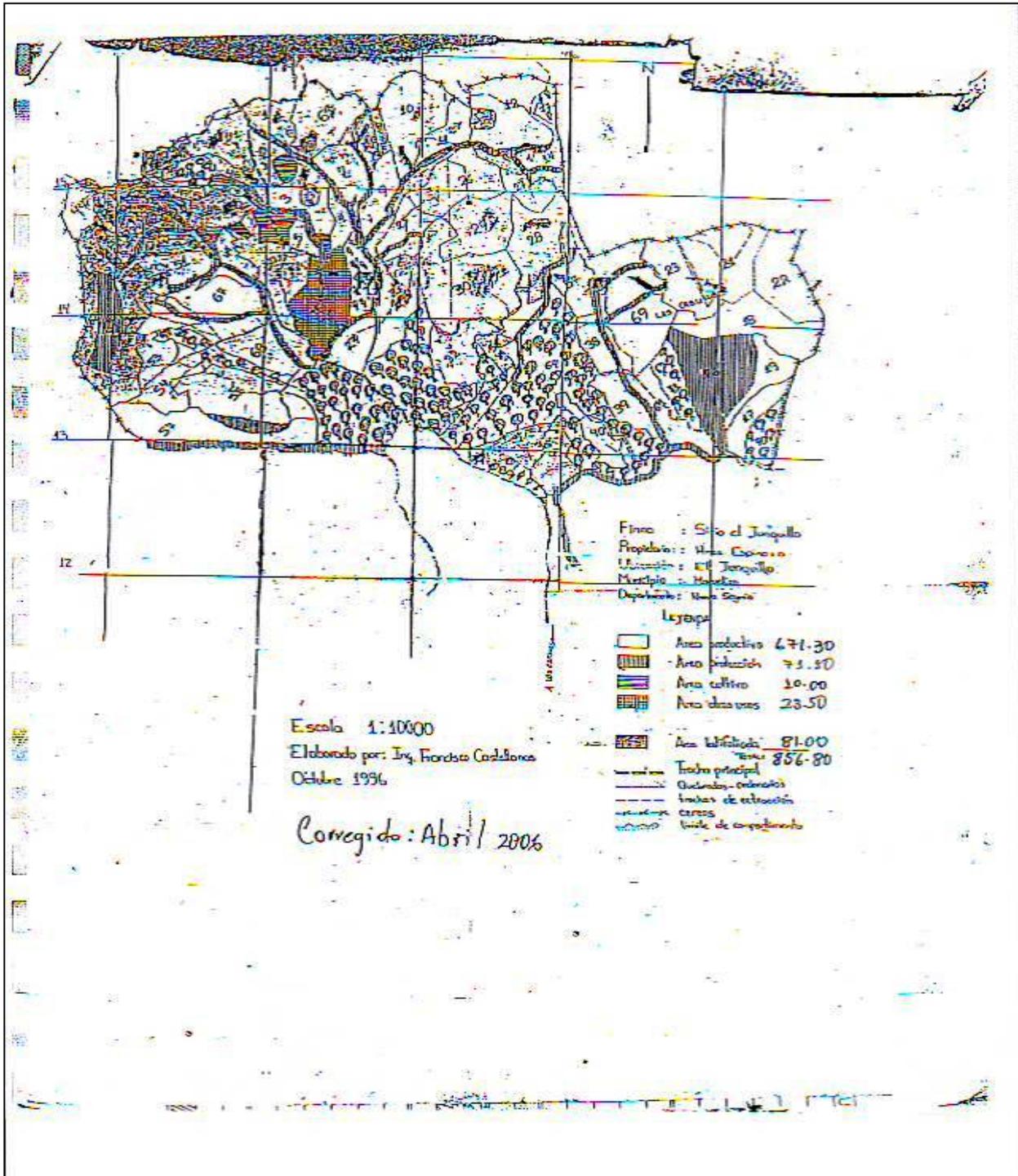
1. The FMGP documentation presents inconsistencies with regards to:
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 - The estimated area of the FMGP.
2. The authorised area of the El Junquillo FMGP is not marked on the ground.
3. INAFOR did not require the 2004-2005 AOP to be updated when renewing the FHP and re-registering the FMGP.
4. By renewing the FHP, INAFOR was in breach of the provisions of Art. 38 of the Forest Regulations and Art. 4 of the Logging Ban.
5. The illegal logging of 86 trees in at least two protection areas in the El Junquillo FMGP has occurred, although the monitor could not identify those persons responsible.
6. INFORESA illegally logged 46 trees outside the perimeter of the El Junquillo FMGP.

On the basis of these conclusions, the following recommendations are made:

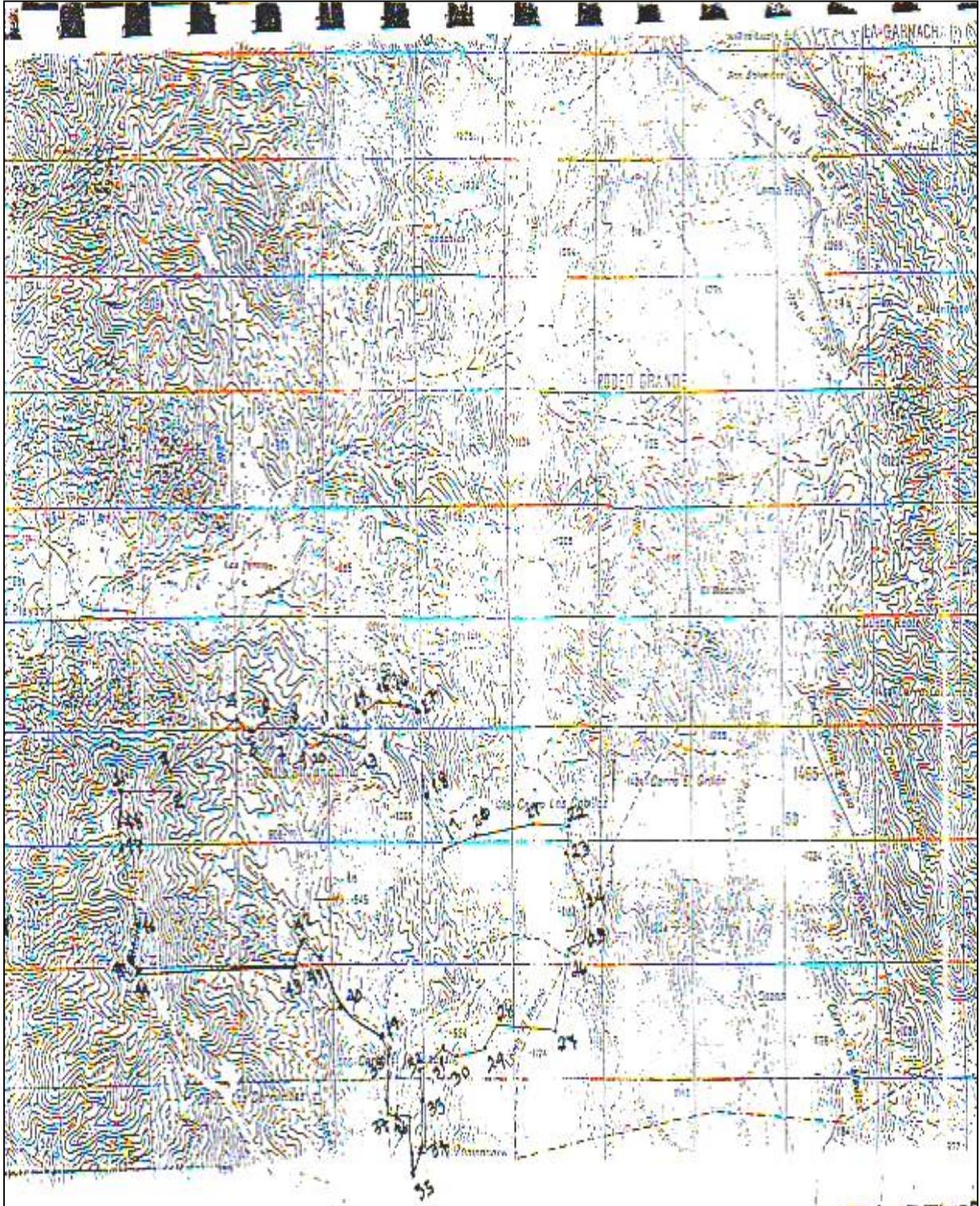
1. INAFOR should clarify the period of validity of the El Junquillo FMGP.
2. INAFOR should assess the legality of the renewal of FHP 0002967.
3. INFORESA should update the Forest Map and Map of Coordinates in order to clarify the actual area of the FMGP and proceed to delimit and mark out the managed area.
4. INAFOR should conduct effective monitoring of the implementation of forest management activities for the El Junquillo FMGP, as established by the prevailing forest legislation, and should apply any corrective measures that are appropriate.
5. INAFOR should check and inform the environmental and municipal authorities of the illegal logging of 46 trees by INFORESA outside the perimeter of the El Junquillo FMGP.

8. Annexes

Annex 1: El Junquillo FMGP Forest Map



Annex 2: Perimeter of the El Junquillo FMGP (Source: INFORESA)



							
República de Nicaragua Instituto Nacional Forestal INAFOR							
AUTORIZACION FORESTAL							
1	3	0	5	P	3	8	9
<p>El Instituto Nacional Forestal, aprueba el Plan General de Manejo Forestal (P.G.M.F.) : <u>EL JUNQUILLO</u> por haber cumplido con los requisitos Técnicos, Legales y Administrativo que para tal efecto se requieren. Propietario: <u>HERMANOS ESPINOZA</u> Ubicado en el departamento de: <u>NUEVA SEGOVIA</u> en el municipio: <u>MACUELIZO</u> Para que durante periodo: <u>2000-2009</u> realice operaciones de manejo sostenible al recurso forestal, en el sitio conocido como: <u>EL JUNQUILLO</u> Que para tal efecto deberá ser presentado el correspondiente Plan Operativo Anual (POA). Dado en la ciudad de Managua, a los <u>05</u> días del mes <u>Junio</u> de <u>2000</u>.</p>							
 Director Ejecutivo							
Forma 981202-046							

Annex 4: FMGP 2006 Authorisation

 **República de Nicaragua**
Instituto Nacional Forestal
INAFOR

AUTORIZACION FORESTAL

1305 P389

El Instituto Nacional Forestal, aprueba el **Plan General de Manejo Forestal (P.G.M.F.)** :
El **Junquillo** , por haber cumplido con los requisitos Técnicos, Legales y
Administrativo que para tal efecto se requieren. Al propietario: **INFORSA**
Ubicado en el departamento de: **Nueva Segovia** , en el municipio: **Macuelizo**
Para que durante periodo **1997 - 2007** , realice operaciones de manejo sostenible al
recursos forestal, en el sitio conocido como: **El Junquillo** , Que para
tal efecto deberá ser presentado el correspondiente **PLAN OPERATIVO ANUAL (POA)** .

Dado en la ciudad de **Ocotral** , a los **20** días del mes **Julio** de **2006** .


Delegado Departamental
INAFOR

Declaro que el plan es correcto
48/10/06
20/07/06
12.22 am

Forma 901202-046

<p>GOBIERNO DE NICARAGUA INSTITUTO NACIONAL FORESTAL INAFOR Delegación Municipal Macuelizo.</p>	
<p>AUTORIZACION FORESTAL</p>	
<p>1305 P389063</p>	<p>El Instituto Nacional Forestal, aprueba el Plan Operativo Anual (POA Coníferas) <u>FINCA EL JUNQUILLO</u>. Por haber Cumplido los requisitos Técnicos, Legales y Administrativo que para tal efecto se requieren al propietario <u>INVERSIONES FORESTALES S. A.</u> Ubicado en el Departamento de: <u>Nueva Segovia</u> en el Municipio: <u>Macuelizo</u>. Para que durante el período <u>2004 - 2005</u>. Realice operaciones de manejo sostenible al recurso forestal en el sitio conocido como: <u>El Junquillo</u>.</p>
<p>Dado en la ciudad de Ocotal a los <u>Cuatro</u> del Mes <u>Octubre</u> de <u>2004</u>.</p>	
<p>Inq. <u>Margel Benjamín Rugama Gutiérrez</u> Delegado Municipal INAFOR, Macuelizo.</p>	<p>Nueva Segovia, Contiguo al Aserradero Jallí Zavala Ponce. Telofax 073-23187</p>

Annex 6: Renewal of Forest Harvesting Permit



REPUBLICA DE NICARAGUA
INSTITUTO NACIONAL FORESTAL
PERMISO DE APROVECHAMIENTO FORESTAL



INSTITUTO NACIONAL FORESTAL
INAFOR

Expediente: 1305P380063 Número: 0002967

El Instituto Nacional Forestal otorga la presente autorización a nombre del Señor(a) Inversiones Forestales, S. A. para que realice las actividades de Corte, Extracción y Transporte de árboles, del bosque ubicado en el sitio conocido como El Junquillo del Municipio Macuelizo del Departamento Nueva Segovia que a continuación se detalla: Comarca: El Junquillo.

CODIGO	NOMBRE CIENTIFICO	NOMBRE COMUN	TOTAL ARBOLES	VOLUMEN (m3)	VOLUMEN POR ARBOL
PO#	<u>Pinus oocarpa.</u>	<u>PINO.</u>	<u>24230 Arb.</u>	<u>8,420.00 M3</u>	<u>0.34 m3/arb</u>
<u>Area Autorizada: 478 Has.</u>					
<u>Ultima Línea *****Ultima Línea *****Ultima Línea *****</u>					

DE ACUERDO AL ARTO No 38 DEL DECRETO 73 - 2003, REGLAMENTO DE LA LEY No 862 LEY DE CONSERVACION, FOMENTO Y DESARROLLO SOSTENIBLE DEL SECTOR FORESTAL, se RENOVIA EL PRESENTE PERMISO POR UN AÑO, HASTA EL 21 DE JULIO DEL 2,007.

DADO EN EL MUNICIPIO DE MACUELIZO A LOS VEINTIUNO DIAS DEL MES DE JULIO DEL AÑO DOS MILSEIS.

Ing Margel Benjamin Argueta Gutierrez
Delegado Municipal
INAFOR - Macuelizo.



Total Aprobado

Esta autorización es Válida Hasta: 08/10/2,005.

Para transportar la madera deberá hacerse con la guía de transporte de madera en rollo

Dado en la Ciudad de Cotital a los Ocho ***** del Mes de Octubre del 2,004.

Observaciones: Area Bajo POA



Firma Autorizada

ORIGINAL: DUEÑO
1ra COPIA: INAFOR DEPTAL
2da COPIA: INAFOR MUNICIPAL
3ra COPIA: INAFOR CENTRAL