

**VERIFICATION REPORT  
ON A GRIEVANCE REGARDING AN ALLEGED BREACH  
OF THE APP MORATORIUM IN PT. DAYA TANI KALBAR**

**VERIFICATION TEAM**

**MARCH 2014**

## 1. BACKGROUND

On 1<sup>st</sup> February 2013, APP, through its Forest Conservation Policy (FCP) made a commitment to suspend natural forest conversion across its entire supply chain (natural forest moratorium). In accordance with this moratorium, plantation development is only permitted in areas that are not considered High Carbon Stock (HCS) areas and also do not contain High Conservation Value (HCV). PT Daya Tani Kalbar (DTK) is a pulpwood supplier of APP and thus is committed to implementing APP's FCP.

On 17<sup>th</sup> December 2013, a consortium of environmental NGOs called RPHK (Relawan Pemantau Hutan Kalimantan/Forest Monitoring Volunteers of Borneo) published a report claiming that a moratorium breach had occurred in DTK's area. The RPHK report can be accessed here:

[http://awsassets.wwf.or.id/downloads/rphk\\_17dec13\\_app\\_moratorium\\_deforestation\\_continues.pdf](http://awsassets.wwf.or.id/downloads/rphk_17dec13_app_moratorium_deforestation_continues.pdf).

The claims reported in the RPHK report are summarized as follows:

- "DTK deforested up to 1,400 hectare of natural forest in and around areas A, B and C (*areas defined with satellite images in the RPHK report*) without completed High Conservation Value, High Carbon Stock, or peat expert studies after 31<sup>st</sup> January 2013 in clear violation of APP's moratorium and forest conservation policy."
- Regarding forest clearing by PT. Gerbang Benua Raya (GBR), an oil palm company, whose concession overlaps with DTK: "If overlapping allegation in forest clearance is proved true, then it shows failure of DTK in fulfilling its legal obligation to prevent illegal logging and illegal land clearing its [sic] own concession"
- Regarding the log piles photographed by RPHK: "RPHK's November field investigation found new log piles" ... "which were not recorded in the timber stock inventory by APP, TFT, GP and JPIK in September 2013, despite the fact that the September site visit was supposed to check all log yards."

## 2. VERIFICATION PROCESS

Based on the grievance report, the Grievance Committee undertook the following steps:

- An invitation was sent by email to RPHK on 20 December 2013 inviting them to undertake a joint verification.
- A verification team was established.
- The Terms of Reference for the verification team was created.
- A second invitation was sent by email to RPHK by email on 3 January 2014 re-affirming the offer for joint verification.
- Deployment of the verification team into the field.
- Receipt by Grievance Committee of a field verification report from the grievance verification team and its distribution to RPHK.

## **A. Verification Team**

The verification team comprises staff from APP and TFT as follows:

1. Willy Djohan West Kalimantan BET Officer (APP)
2. Ejeb Sudrajat (Program Officer of the Non-Java Plantation Forest Program, TFT)

RPHK did not respond to the invitations to attend the joint verification.

During the verification, the verification team interviewed personnel, examined documents and undertook field observation. The team interacted with the following staff from DTK:

1. Rudi Hartono
2. M. Afwan
3. Broto Sutejo
4. Gatot E. Subroto
5. Supriadi
6. Rikson Roberto Nababan
7. Sadarudin
8. Abdul Gafur
9. Tri Ramdani
10. David E. Silaen
11. Banjir Budiono
12. Oki Maulana

## **B. Verification Timeline**

The verification was undertaken from 7 January 2014 to 10 January 2014 and included the following activities:

- 6 January 2014: Traveled from Jakarta to Pontianak (Capital of West Kalimantan).
- 7 January 2014: Data verification at the DTK office in Pontianak.
- 8 January 2014:
  - Traveled from Pontianak to DTK
  - Preparation meeting
  - Data verification in DTK district office – Sei Rumbia (Ketapang, West Kalimantan)
- 9 January 2014: Field verification/ observation.
- 10 January 2014:
  - Field verification/ observation.
  - Closing meeting.
- 11 January 2014:
  - Traveled from DTK district office to Pontianak.
  - Completed supporting data verification in Pontianak.
- 12 January 2014: Traveled from Pontianak to Jakarta.

### C. Verification Locations

Verification work was undertaken in the DTK Pontianak office, at the locations within DTK identified in the RPHK report, and other relevant locations within DTK necessary to support this verification.

### D. Verification Method

The verification involved collecting evidence from various sources including analysis of Landsat images, operational and legal documents, interviews with DTK staff and field observations:

1. Analysis of Landsat images was undertaken using Landsat 7 at a scale of 1:50,000. The analyzed images were captured in September 2012, October 2012, November 2012, December 2012, January 2013, March 2013, April 2013, May 2013, June 2013, July 2013, August 2013, September 2013, October 2013, November 2013 and December 2013
2. Review of operational and legal documents related to land clearance and wood legality.
3. Field observations and photographic records were compiled at locations identified in the RPHK report.
4. Interviews were undertaken with relevant parties.
5. Various interrelated evidences were established as findings.
6. Development of recommendations in reference to the established conclusions and APP's FCP.

## 3. CONCLUSION

The conclusions based on the verification activities are outlined below. The verification results from which these conclusions were drawn are presented in the annexes and attachments to this report:

1. **Regarding the claim that DTK carried out natural forest clearance in an area of 1,400 hectares after 31 January 2013;** the verification team concluded that each of the areas identified in the RPHK report as areas A, B & C were felled prior to 31<sup>st</sup> January 2013. Activities that occurred in those areas after the 31<sup>st</sup> of January 2013 relate to the extraction of the logs felled prior to 31 January 2013, and the subsequent establishment of plantations. Therefore, in accordance with the protocol for the moratorium on forest clearance, these areas were defined as non-moratorium or plantation area. This conclusion is reached from the following:
  - a. The SO team defined the moratorium area by identifying all natural forest stands in DTK which had not been felled prior to 1<sup>st</sup> February 2013. Meanwhile, the non-moratorium area included those that had been felled or cleared for plantation development prior to 1<sup>st</sup> February 2013. Since HCV & HCS assessments on that area have not yet been completed during the moratorium boundary setting in February 2013, the delineation of these boundaries was achieved through the use of relevant operational and legal documents together with field observations.
  - b. During the SO, the team established boundaries between the moratorium areas and non-moratorium areas. The SO team established boundary markers in the field, recorded the boundary coordinates, took pictures of field conditions surrounding the boundary markers and mapped the boundaries. The result of the moratorium boundary

mapping is provided to Independent Observers (IO) during periodic moratorium monitoring and to other stakeholders through APP's FCP Dashboard.

- c. No breaches of the moratorium boundary were observed in the DTK concession during the two periodic monitoring sessions conducted with the IOs in May 2013 and September 2013, and during this verification visit.
- d. Operational records show that from March 2013 through to October 2013, DTK carried out land preparation in the non-moratorium areas which included the extraction of natural forest woods cut prior to 1<sup>st</sup> February 2013 and planting.
- e. RPHK included satellite images in its report to support its claim that DTK cleared areas of natural forest after the 1st of February 2013. With reference to these satellite images, the verification team reviewed the historical photographic evidences recorded during the February 2013 moratorium boundary mapping and stock inventory process to determine the condition of those areas on 1<sup>st</sup> February 2013. Analysis of the historical photographic evidence (presented in Annex 1) determined that those areas had been logged over before 1<sup>st</sup> of February. Therefore, the clearing activities shown in the satellite images presented by RPHK is the clearing of shrubs and bushes following removal of the natural forest logs that were felled prior to 1<sup>st</sup> February 2013. A review of operational, legal and inventory stock documentation outlines the above chronology of events. A more detailed explanation of the analysis can be found in Annex 7 (satellite images) of the report.

**2. Regarding the claim by RPHK that DTK failed in its obligation to prevent illegal logging and illegal land clearing by PT. Gerbang Benua Raya, an oil palm company whose concession overlaps with DTK;** the verification team concluded that DTK had taken meaningful actions to compel PT. Gerbang Benua Raya to stop its oil palm operations in the areas where its concession overlaps with DTK's. Despite these actions, PT. Gerbang Benua Raya continued its operations because it claims to be legally compliant with Indonesian law. This conclusion is reached from the following findings:

- a. Within the legal pulpwood concession area of DTK, there is an overlap of land use with PT. Gerbang Benua Raya who operates a palm oil production concession. DTK operates under a legal license issued by the Ministry of Forestry, while PT. Gerbang Benua Raya operates under legal license issued by the local regency government in accordance to relevant laws and regulations. The total area that is affected by this overlap is 4,913.14 hectares.
- b. To resolve the issue, DTK has engaged with relevant government authorities as well as directly with PT. Gerbang Benua Raya since 2009.
- c. In 20<sup>th</sup> June of 2011, a meeting was held between DTK, PT. Gerbang Benua Raya and staff from the Ministry of Forestry. At this meeting, it was agreed that both DTK and PT. Gerbang Benua Raya would stop activities in the overlapping area until the overlap issue was clarified.
- d. After the meeting, the Ministry of Forestry conducted verification in the field. The Ministry of Forestry verification produced a report recommending that DTK and PT.

Gerbang Benua Raya resolve the overlap issue through direct discussions between the companies before resorting to legal processes.

- e. After the above meeting and field verification, PT. Gerbang Benua Raya continued its operational activities (including natural forest clearance, land preparation and planting) on the overlapping areas. When approached by DTK in regards to the continued clearing, PT. Gerbang Benua Raya insisted that their operations were legal.
- f. Up to the time of this verification, PT. Gerbang Benua Raya had cleared an area totaling 2,800 hectares of the total overlapping area of which 704 hectares was natural forest as designated by the DTK moratorium area.
- g. In December 2013, DTK sent another letter to the government (Director of Forest Investigation and Security, Ministry of Forestry) regarding the continuing land clearance activity of PT. Gerbang Benua Raya.
- h. On 20 December 2013, the Ministry of Forestry approved a new Provincial Land Use Plan (RTRWP) for West Kalimantan province. In the new RTRWP, approximately 2,500 hectares (~51%) of the disputed area has been declared as Non-Forest/Other-Use Area (APL) and is therefore no longer eligible for inclusion in the DTK concession. Therefore, DTK will have to revise its boundary to exclude that area from its concession. DTK is now in the process of revising its legal boundary. The remaining ~49% of the overlapping concession area (approximately 2,400 hectares) has been declared as forest production area and will remain in the DTK concession, and hence removed from the PT. Gerbang Benua Raya concession. The exact location of the resultant new boundary between the DTK and PT. Gerbang Benua Raya had not been demarcated by the authorities at the time of writing this report.

3. **Regarding the RPHK claim that they found new log piles, which were not recorded in the Stock Inventory calculations of September 2013;** the verification team confirmed that such log piles do exist, but they consist of logs extracted from areas felled before 1<sup>st</sup> February 2013. The verification team concluded that DTK did not follow the stock inventory procedures properly by not immediately reporting additional NFW wood stack volume that has been government validated to the FCP Implementation, despite reporting its estimated volume in a letter in July 2013. Additionally, the verification team also found an oversight by FCP implementation team, who did not include the revised NFW estimated volume sent by DTK in their July 2013 letter, during stock inventory finalization in early September 2013. This conclusion is qualified with the following:

- a. As a background, APP's stock inventory process for NFW is as follows:
  - i. In February 2013, after moratorium launch, FCP implementation team took inventory of all NFW felled before 1<sup>st</sup> of February 2013 at all critical nodes. For logs that have been stacked, actual volume was measured. For logs still scattered on the ground of cutting blocks/compartments, the volume was estimated.
  - ii. After initial stock inventory in February 2013 completed, the wood suppliers continue to extract and stack the remaining NFW still scattered on the cutting blocks.
  - iii. Once the stacked wood volume reached certain quantity, the suppliers will measure, record and submit that volume for validation by the Ministry of

Forestry's district officer in the government produced *Laporan Hasil Produksi* or LHP (Production Report) document.

- iv. Only after the wood volume has been validated in LHP, can the suppliers then reported it to the FCP implementation team who will check and approve it. The approved volume is then considered to be part of the so (ie "SO-ed") and can be included into the stock inventory database to refine the NFW stock inventory volume estimated in February 2013. In total, DTK has sent 6 stock inventory reports to FCP implementation team from February to July 2013.
  - v. Only after the wood volume has been "SO-ed" can transport documents be produced with special SO stamps.
  - vi. APP mill will only accept delivery of NFW that is accompanied by transport document with the special SO stamp.
- b. Operational and photographic records from the moratorium stock inventory process of February 2013 and subsequent moratorium field observations confirmed that all natural forest wood felling stopped before 1<sup>st</sup> February 2013.
  - c. During its last stock inventory reporting to FCP implementation team in July 2013, DTK also sent a letter stating that NFW logs in some cutting blocks have not all been extracted and stacked yet. They provided an estimation of this left over NFW volume, which increases the original NFW volume estimate in February 2013.
  - d. Evaluation of operational records during the time period of satellite photos from RPHK shows that operational activities in those areas after 1<sup>st</sup> of February 2013 are incremental wood extraction and stacking which continues until end of September 2013.
  - e. After wood stacking is completed, DTK processed the additional volume of wood in accordance to Ministry of Forestry regulation and had the volume (totaling 11,947 m3 of logs) validated in LHP documents. Operational documents show that LHP process took place between September and November 2013. Field observation and LHP documents review confirmed that these are the stack of NFW wood that was reported in RPHK report.
  - f. According to stock inventory procedure, after the volumes of wood have been validated in the LHP document, DTK should immediately report it to FCP implementation team. DTK did not do that.
  - g. DTK explained that since the volume that has been government validated stays inside their concession area, they don't think they need to immediately report it to FCP implementation team to get the SO stamp for their transport document. APP has stopped accepting NFW felled before 1<sup>st</sup> of February 2013 in their mill starting August 31<sup>st</sup> 2013.
  - h. Review of the stock inventory finalization result in early September 2013 shows that the revised NFW volume sent by DTK in their July 2013 letter was not incorporated by the FCP Implementation team.

#### **4. RECOMMENDATION**

1. The Grievance Committee to send a warning letter to DTK for not following the moratorium protocol requirement that obliges DTK to promptly report the any new NFW volume of wood that has been validated in an LHP document.
2. The FCP Implementation team to reaffirm to all APP suppliers, including DTK, that stock inventory reporting should be carried out even when the newly stacked and government validated NFW logs remains in the concession area.
3. DTK to immediately take further actions to resolve the legal status of its land that overlaps with PT. Gerbang Benua Raya in accordance with the new RTRWP decision on land use in the disputed area.
4. DTK to revise its moratorium boundary in accordance to the government's new RTRWP decision on land use in its concession area once it is finalized and approved by the relevant authority.
5. APP to develop a protocol to address overlapping license issues within its pulpwood suppliers concession area.



## ANNEX 1. VERIFICATION RESULT

The verification team assessed the following three issues reported by RPHK:

- Whether DTK has cleared up to 1,400 hectares of natural forest inside, and in the surroundings of, areas A, B and C after 31 January 2013 without incorporating inputs from High Conservation Value, High Carbon Stock and peat land expert assessments. This would be a breach of the moratorium and APP's Forest Conservation Policy.
- Whether DTK failed to meet its legal obligation by not preventing the natural forest clearance of PT. Gerbang Benua Raya (GBR), an oil palm company, in areas where there is an overlap of concession licenses between that of DTK and PT. Gerbang Benua Raya.
- Whether there is a new stack of woods in DTK's area that was not recorded in the Stock Inventory calculations of September 2013.

The verification undertaken by the verification team is presented in the following report:

### A. Area A

#### A.1. Landsat Image Analysis and Photos of the Moratorium Boundaries

The interpretation of Landsat images spanning from September 2012 to November 2013 is displayed in Attachment 7.

Based on the interpretation of Landsat image 7, image 8 and the operational activities report; the timeline of HTI development activities in Area A is assessed to be:

Landsat Image Coverage	HTI Development Activities based on Analysis
8 September 2012	Primary canal construction
26 October 2012	Secondary canal network construction
11 November 2012	Natural forest woods logging
29 December 2012	Natural forest woods logging (continuation). Mostly covered by cloud.
30 January 2013	Logging and log extraction.
19 March 2013	Log extraction and land preparation
20 April 2013	Log extraction and land preparation
28 April 2013	Log extraction and land preparation
22 May 2013	Log extraction and land preparation
30 May 2013	Log extraction and land preparation
15 June 2013	Log extraction and land preparation
1 July 2013	Log extraction and land preparation

Landsat Image Coverage	HTI Development Activities based on Analysis
18 August 2013	Log extraction and land preparation
19 September 2013	Log extraction and land preparation
27 September 2013	Planting land preparation
5 October 2013	Planting land preparation
22 November 2013	Planting land preparation and cultivation
30 November 2013	Planting land preparation and cultivation
16 December 2013	Planting land preparation and cultivation

The analysis of photos taken by the FCP Implementation Team during establishment of the moratorium boundary in February 2013 concluded that natural forest logging activities had been completed in Area A, but the extraction and land preparation for HTI planting had yet to take place. Based on that conclusion, the FCP implementation team included Area A into the HTI development area, not into the area under the natural forest clearance moratorium. A number of photos taken in Area A during demarcation of the moratorium boundaries in February 2013 are presented in Pictures A1-A4 below.



Picture A1 Coordinate Point 0°42' 28.968"S, 109°56' 18.381"E



Picture A2. North direction, non-moratorium area



Picture A3. East direction, boundary of moratorium & non-moratorium areas



Picture A4. South direction, moratorium area

## A.2. Document Verification

There are a total of 24 compartments in Area A comprising 565.87 hectares.

Of these 24 compartments assessed during the moratorium boundary demarcation work in February 2013, it was found that there were 11 compartments on which planting had been completed and 13 compartments on which the natural forest logging had been completed but the woods extraction and land preparation for planting had yet to start. The latter areas are the ones which RPHK reported to be natural forest based on their observation of satellite images.

Documents were verified for the compartments in which planting had not commenced at the time the moratorium boundary demarcation work undertaken in February 2013. The verification was held both at PT. DTK regional office in Pontianak and district office in Sungai Rumbai.

No evidence was found to suggest that DTK had carried out natural forest clearance in areas overlapping with the PT. Gerbang Benua Raya concession after 1 February 2013.

## A.3. Field Observation

The verification team carried out field observations in area A at locations identified in Figure 1 of the RPKH report. In Figure 1 of RPHK report there are photos 1, 2, 3, 4, 5 and 6, and the verification team investigated with a site visit to each of the coordinate points attributed to those photos' locations in the report.

### Findings at location of Photo 1 in Figure 1 from RPHK report

The GPS coordinate in photo 1 is located in the moratorium area and next to a secondary canal at coordinate point S 0°44'7.10, E 109°51'47.39". Upon reaching the location, the verification team found that the compartment had been planted with *Acacia Crassicarpa* species, aged 1 month. At the East direction of this coordinate there was a compartment containing stacks of small round wood as shown in picture 1 of the RPHK report. DTK has reported that stacks to the FCP Implementation Team, and the stock inventory has been performed by the FCP Implementation Team.

Photo 1 of Figure 1 in RPHK report



1A. Photo from RPHK report at GPS point:  
S0°44'7.10  
E109°51'47.39"



1B. Photo of verification team finding  
at GPS point  
S0°44'7.10  
E109°51'47.39"



1C. Photo of verification team finding  
at GPS point  
S0°44'7.10  
E109°51'47.39"

#### Findings at location of Photo2in Figure 1 from RPHK report

The location of the GPS point in of Photo 2 in Figure 1 is in the moratorium area at coordinate point S0°44'32.6 E109°52'12.1 and located to the side of a secondary canal constructed by DTK.

North of the coordinate point is land inside the boundary of the HTI development area (not moratorium area) as seen in the below picture.

This area is overlapping with the PT. Gerbang Benua Raya concession. The area to the north of the canal had previously been developed by DTK including the road, canal construction, logging, land preparation and woods utilization. During the visit the verification team found that the area was in the process of being developed into oil palm plantation by PT. Gerbang Benua Raya. Part of the land had already been planted with oil palm and alongside the road there were oil palm seeds ready for planting.

South of the coordinate point is land located in the boundary of the moratorium area of the DTK concession\_area.

The field contained bushes on land which had previously been cleared but was yet to have been planted with oil palm at the time when the team visited. Through interviews with DTK it was found that the activities; including road construction, canal construction, logging and land clearing in this south area; were all carried out by PT. Gerbang Benua Raya.

Photo 2 of Figure 1 in RPHK report:



2A. Photo from RPHK report at GPS  
point  
S0°44'32.46"  
E109°52'12.14"



2B. Photo of verification team  
findingat GPS point  
S0°44'32.46"  
E109°52'12.14"



2C. Photo of verification team  
findingat GPS point  
S0°44'32.46"  
E109°52'12.14"

**Findings at location of Photo 3 in Figure 1 from RPHK report** The GPS point in photo 3 of Figure 1 in the RPHK report is located in the main road of PT. Gerbang Benua Raya, at coordinate point S0°44'32.46" E109°52'12.14" (in the boundary between the moratorium area and HTI development). The canal construction to the East and West part was completed by DTK prior to the moratorium on 1 February 2013. PT. Gerbang Benua Raya continued land clearance and preparation in the area after DTK stopped its activities. To the West of the coordinate an area has been planted with oil palm by PT. Gerbang Benua Raya with an age of approximately 6 months, similar to the Southern area nearby the PT. Gerbang Benua Raya camp site.

Photo 3 of Figure 1 in RPHK report



3A. Photo from RPHK report at GPS  
point  
S0°44'44.15"  
E109°51'40.30"



3B. Photo of verification team finding  
at GPS point  
S0°44'44.15"  
E109°51'40.30"



3B. Photo of verification team finding  
at GPS point  
S0°44'44.15"  
E109°51'40.30"

#### Findings at location of Photo 4 in Figure 1 from RPHK report

The GPS point in photo 4 of the RPHK report is located in the transport road of PT. Gerbang Benua Raya and outside the HTI development area (inside the moratorium area) which is inside PT. DTK's concession. Infrastructure construction, land clearance and preparation had occurred at the area. The North, East and West parts had been planted with oil palm aged approximately 6 years, while the condition in the south part was that of a logged over area/ LOA.

Photo 4 of Figure 1 in RPHK report



4A. Photo from RPHK report at GPS point  
S0°45'17.78"  
E109°51'38.64"



4B. Photo of verification team finding at GPS point  
S0°45'17.78"  
E109°51'38.64"



4C. Photo of verification team finding at GPS point  
S0°45'17.78"  
E109°51'38.64"

#### Findings at location of Photo 5 in Figure 1 from RPHK report

The location of the GPS point in Photo 5 of Figure 1 in the RPHK report is on the main road of PT. Gerbang Benua Raya and outside the HTI development boundary but inside the DTK concession. All activities of infrastructure construction, natural forest clearance and land preparation were done by PT. Gerbang Benua Raya. The Western part of this area directly borders a natural forest stand (logged over area).

Photo 5 of Figure 1 in RPHK report



5A. Photo from RPHK report at GPS point  
S0°45'4.21"  
E109°52'45.27"



5B. Photo of verification team findingat GPS point  
S0°45'4.21"  
E109°52'45.27"



5C. Photo of verification team findingat GPS point  
S0°45'4.21"  
E109°52'45.27"

**Findings at location of Photo 6 in Figure 1 from RPHK report**

The location of the GPS point in Photo 6 of Figure 1 in the RPHK report is in the land preparation area that was carried out by PT. Gerbang Benua Raya, which is inside the moratorium area of DTK's concession. All the infrastructure development, natural forest clearance and land preparation was done entirely by PT. Gerbang Benua Raya. The North, East and South directions are moratorium area, which are in form of natural forest stand. The area is in a ready-to-plant condition.

Photo 6 of Figure 1 in RPHK report



6A. Photo from RPHK report at GPS point  
 S0°44'28.66"  
 E109°53'16.35"



6B. Photo of verification team findingat GPS point  
 S0°44'28.66"  
 E109°53'16.35"



6C. Photo of verification team findingat GPS point  
 S0°44'28.66"  
 E109°53'16.35"

**B. Area B**

**B.1. Landsat Image Analysis and Photos of the Moratorium Boundaries**

The interpretation of Landsat images spanning September 2012 to November 2013 is presented in Attachment 2.

Based on the Landsat image interpretation of Area B and the operational activities report, the HTI development activities in this area were determined to have occurred as per details below (full images in attachment 7).

Landsat Image Coverage	HTI Development Activity based on analysis
8 September 2012	Primary canal construction outside B area
26 October 2012	Primary canal construction
11 November 2012	Primary & secondary canal construction & clearance



29 December 2012	Primary & secondary canal construction & clearance
30 January 2013	Clearance, log extraction and land preparation
19 March 2013	Log extraction and land preparation
20 April 2013	Log extraction and land preparation
28 April 2013	Log extraction and land preparation
6 May 2013	Log extraction and land preparation
22 May 2013	Log extraction and land preparation
15 June 2013	Log extraction and land preparation
1 July 2013	Log extraction and land preparation
18 August 2013	Land preparation
19 September 2013	Land preparation and planting
27 September 2013	Land preparation and planting
5 October 2013	Land preparation and planting
22 November 2013	Land preparation and planting
30 November 2013	Land preparation and planting
16 December 2013	Land preparation and planting

Observation of the photos taken during the moratorium area boundary deliniation by the FCP Implementation Team in February 2013 demonstrates that the natural forest logging had already been carried out in the area. However, the natural forest woods extraction and/or land preparation had yet to be completed. Samples of photo documentation from the boundary marking work in February 2013 are presented in pictures B.1-B.4. below.



PictureB.1.Coordinate point S 0°42' 34.419", E 109°57' 12.758"



PictureB.2. North direction, non-moratorium area



Picture B.3. East Direction, moratorium area



Picture B.4. South direction, moratorium area



Picture B.5. West Direction, non-moratorium area

## **B.2. Document Verification**

Document verification was held at DTK's regional and district office in Sungai Rumbia.

## **B.3. Field Verification**

The verification team carried out field observations in area B at locations identified in Photos 7 and 8 in Figure 2 of the RPKH report. The verification team took some photos and observed the surroundings at those coordinates.

### **Findings at location of Photo 7 in Figure 2 from RPKH report**

The location of the GPS points in Photo 7 in Figure 2 of the RPKH report is in the HTI development area (not in the moratorium area), i.e. at coordinate point  $S0^{\circ}41'57.2$ ,  $E109^{\circ}56'14.95''$ . During the site visit the team found that the condition in the compartment was of completed land preparation with plantation yet to start. All activities from canal construction to natural forest clearance were completed by DTK prior to 1 February 2013.

The North, South and West directions border the moratorium area which still contains natural forest.

Photo 7 of Figure 2 in RPHK report



7A. Photo from RPHK report at GPS point  
S0°41'57.2"  
E109°56'14.95"



7B. Photo of verification team findingat GPS point  
S0°41'57.2"  
E109°56'14.95"



7C. Photo of verification team findingat GPS point  
S0°41'57.2"  
E109°56'14.95"

#### Findings at location of Photo 8 in Figure 2 from RPHK report

The location of GPS points in photo 8 of the RPHK report is inside the HTI development area, i.e. at coordinate S 0°41'56.20", E 109°56'22.62" and near to a secondary canal. At the time of the verification team visit, the land had been cleared and was ready to plant, but yet to be cultivated with HTI plant. The activities of canal construction and logging in this area were carried out by DTK prior 1 February 2013. The boundary of the moratorium area is located to the East of this location and remained intact at the time that the verification team visited the site.

Photo 8 of Figure 2 in RPHK report



8A. Photo from RPHK report at GPS point  
S 0°41'56.20",  
E 109°56'22.62"



8B. Photo of verification team  
findingat GPS point  
S 0°41'56.20",  
E 109°56'22.62"



8C. Photo of verification team  
findingat GPS point  
S 0°41'56.20",  
E 109°56'22.62"

### **C. Area C**

#### **C.1. Landsat Image Analysis and Photos of the Moratorium Boundaries**

Interpretation of the Landsat images from September 2012 to November 2013 is presented in Annex. 6.

Based on the Landsat image interpretation and the operation activities report on area C, the HTI development activity in this area was found to be as follows:

<b>Landsat Image Coverage</b>	<b>HTI Development Activity based on analysis</b>
8 September 2012	Primary & secondary canal construction
26 October 2012	Clearance& extraction
11 November 2012	Clearance, log extraction & land preparation
29 December 2012	Clearance, log extraction & land preparation
30 January 2013	Clearance, log extraction & land preparation
19 March 2013	Log extraction and land preparation
20 April 2013	Log extraction and land preparation
6 May 2013	Log extraction and land preparation
22 May 2013	Log extraction and land preparation
15 June 2013	Log extraction and land preparation
1 July 2013	Log extraction and land preparation
18 August 2013	Log extraction and land preparation
19 September 2013	Log extraction and land preparation

5 October 2013	Land preparation and planting
22 November 2013	Land preparation and planting
16 December 2013	Land preparation and planting

Field photos taken during the work to delineate the moratorium boundaries in February 2013 showed that DTK had completed natural forest clearance in area C before 1 February 2013. In part of the area, woods extraction and/or land preparation required to make the area ready for planting had not been completed.

Sample photos taken during the moratorium boundary delineation by the FCP Implementation Team in February 2013 are displayed below in pictures C.1. to C.6:



Picture C.1. Stake point : HM 0



Picture C.2. Coordinate point S 0°46'7.371", E 109°47'39.713"



Picture C.3. North direction, non-moratorium area



Picture C.4. East Direction, moratorium area



Picture C.5. South Direction, moratorium area



Picture C.6. West Direction, non-moratorium area

### C.2. Document Verification

Document verification was carried out in the DTK regional office in Pontianak and its district office in Sungai Rumbia.

### C.3. Field Observation

The verification team travelled around Area C to undertake field observation in a bid to assess the potential breaches of the FCP implementation.

The Verification Team examined small round woods recorded in the verification documents, i.e. KBK woods which have been reported through the Harvesting Production Report (LHP) and legalized by the Ketapang District Forestry Office, but have yet to be reported to the FCP team. The KBK woods were spread across 4 compartments. The stacked woods were still located on the landing and were found to have originated from the area demarcated as non-moratorium/HTI development area.

The verification team did not find any breaches of the moratorium boundaries in relation to the existence of the wood. The condition of the wood observed on the landing is showed in picture C.7.



Picture C.7. Stacks of KBK woods at coordinate points  $S0^{\circ} 45'33''$ ,  $E 109^{\circ} 47'3''$   
And  $S 0^{\circ} 45'53''$ ,  $E 109^{\circ} 47'6''$

The verification team also found wood stock, both KB and KBK, which had been cut before 1 February 2013 but had not yet been extracted from the field. The woods were found across 11 compartments.

The aforementioned woods, both those found as stacked stock and the stock found in the field (yet to be extracted and stacked), were reported to the FCP Implementation team during the stock inventory (SO) activity IV in July 2013. In the letter, DTK reported that there was a stock of woods in the field that had yet to be extracted and stacked, scattered across an area of 640 hectares with an estimated volume of 38,000 m<sup>3</sup> (the clarification letter regarding the existence of the wood is attached to this report).

The wood located in the field which has yet to be extracted and stacked is shown in picture C.8 below.



Picture C.8. Woods stock in the field at coordinate points:  
S 0° 44'51", E 109° 46'41" and S 0° 44'36", E109° 46'50"

## **ANNEX 2. RESULT FROM EVIDENCE COLLECTION & DISCUSSION**

### **Overlapping area with PT Gerbang Benua Raya (GBR)**

The natural forest clearance and oil palm plantation development work carried out by GBR in the area of its concession which overlaps with the DTK concession was found to be continuing up to the time of the verification team field visit in January 2014. Area A identified in the RPHK report contains land which is included within both the concession licenses of GBR and DTK.

The chronology of DTK's efforts to resolve the issue of overlapping concessions between DTK and GBR is as follows:

A letter was sent from the Head of Forestry and Plantation Office, Kubu Raya Regency, No.522/40/Hutbun.B3/2009 dated 2 March 2009 to DTK regarding the Overlapping Working Area (IUPHHK-HT) between DTK and GBR.

A letter was sent from DTK President Director to the Indonesian Minister of Forestry No.013/DTK-PTK/III/2009 dated 10 March 2009 regarding the Overlapping Area between DTK and GBR.

A letter was sent from the Indonesian Minister of Forestry to the Kubu Raya Regent No.S.565/Menhut-II/2009 dated 22 July 2009 regarding the response to the overlapping concession with GBR in West Kalimantan Province. It stipulated five points, the fifth point asked the Kubu Raya Regent, who issued

the oil palm plantation permit for GBR, to immediately revoke the permit of GBR plantation for the 4,274 hectares located in the DTK concession.

A letter from Kubu Raya Regent to the Minister of Forestry No.188/1080/HK dated 28 October 2009 containing a Response to the Minister of Forestry Letter (No.S.565/Menhut-II/2009) regarding the Request to Revoke the Plantation License of GBR. The letter contains 10 points, in which points no. 1-6 explain that GBR was in conformance with to the regional directives and through point no.7 the Regent suggested that instead the Minister of Forestry revoke DTK's license.

A letter from Kubu Raya Forestry and Plantation Office to the DTK Director No. 522/716/Hutbun.D1/2009 dated 2 November 2009 regarding the Temporary Suspension (Status Quo) containing 4 points in which point no.3 requested DTK to temporarily suspend its activities until the Indonesian Minister of Forestry submits a response to letter no.188/1080/HK to the Regent.

A letter from Kubu Raya Regent to the DTK President Director No. 188/0516/HK dated 5 May 2010 that requested DTK to stop its socialization activity to the community in the GBR plantation location because: (a) GBR has obtained a location permit from Pontianak Regency government based on its Regent's Letter No. 323 Year 2007 dated 1 November 2007 for an area of 13,400 hectares, for which the entire area is located in Non-forest Area (APL); (b). Subsequently GBR was granted a plantation permit based on the Decree of Kubu Raya Regent No. 09 Year 2009 dated 1 November 2009.

On 20th June 2011, a meeting was held to discuss the overlapping concession area between DTK and GBR in West Kalimantan. The meeting was attended by the Director of Forest Investigation and Protection, DTK and GBR and resulted in the decision to undertake field observations and a request that each party stop its activities in the disputed area.

Following the meeting on 20th June 2011, the Forest Investigation and Protection Director established an investigation team through letter, no. S.335/IV/PPH-3/2011, which was followed by an assignment letter from the Director, no. PT.294/IV/PPH-3/2011, dated 26 July 2011, requesting an examination of the overlapping concession area between DTK and GBR. The results were as follows:

1. A consultation to be scheduled to achieve a concensus between DTK and GBR pertaining to the following proposal:
  - a. The area developed/planted by GBK measuring approximately 700 hectares in total is to be transferred from DTK's concession into GBR's.
  - b. The area in GBR's permit (which has yet to be cleared nor planted) which is also included in DTK's concession but is classified as non-forest area is to be managed under DTK's concession until the expiration of the permit.
2. Should there be no concensus between both parties, it is advised that the parties resort to legal proceedings.

On 6th August 2013 DTK held a meeting with GBR regarding the Instruction from the Director of Forest Investigation and Protection to GBR requiring that they not undertake activities within DTK's concession. The outcome of the meeting is as follows:



1. GBR field staff refused to suspend its operations until they receive a letter authorized by GBR's top management requesting them to do so.

Periodically, DTK field staff monitor the overlapping area and prepares a monitoring report (the report is attached to this report). Verbal communication was made with the GBR office representative in the field and in Pontianak asking GBR to stop the land clearance and to comply with the agreement reached through the department of Forest Investigation and Security, Ministry of Finance. These requests were disregarded. GBR stated that its operations are legal and therefore it does not need to stop its operation.

An official letter 034/DTK-PTK/XII/2013 dated 19 December 2013 sent by the DTK Director to the Director of Forest Investigation and Security, Ministry of Forestry notifying them that GBR continued with its operational activities to develop oil palm plantation in the concession area overlapping with DTK's concession.

Of the overlapping area between DTK and GBR totaling 4,913.14 hectares, GBR has cleared an area of 2,816.62 hectares of which 704,48 hectares has been cleared since 1 February 2013.

On 20 December 2013 the Ministry of Forestry enacted decree no. SK.936/Menhut-II/2013 regarding an amendment to the designation of forest into non-forest area over an area of around 554,137 hectares (Five hundred and fifty four thousands one hundred thirty seven) and the designation of non-forest into forest area totaling to around 52,386 hectares (fifty two thousand three hundreds eighty six) in West Kalimantan Province. Based on this decree, an area of 2,513 hectares in DTK was changed into a non-forest area in the overlapping area with GBR.

The Ministry of Forestry approved a new Provincial Land Use Plan (RTRWP) for West Kalimantan Province. In the new RTRWP, approximately 2,513 hectares of the area in dispute has been decreed as Non-Forest/Other-Use Area (APL) and thus will not be included in the production forest area. Therefore, DTK will have to revise its boundary to exclude that area from its concession. Currently DTK is in the process of revising its legal boundary.

#### **D. Unreported Woods at Stock Opname/ Ground Checking II**

##### **D.1. Document Verification**

Document verification was carried out to determine if there were any unreported woods that had not been recorded in the Stock Inventory by the FCP implementation team. The verification team found there were logs (KB) and small logs (KBK) which had been reported and legalized by the Forestry Office, based on the issued LHP, which had not been reported to the FCP Implementation Team.

##### **Logs (KB)**

The volume of KB, which have been reported to the Forestry Office but have yet to be reported to the FCP Implementation is 1,288.94 m<sup>3</sup> originating from 7 compartments. The woods have been legalized through the LPH issued by the Ketapang Forestry Office dated 25 September 2013. The LPH document was not yet available when the ground checking team of the FCP performed the second scheduled ground checking activities in early September 2013.

### Small logs (KBK)

The amount of stacked KBKs identified on the landing which have not been reported to the FCP Implementation Team totaled 10,658.05 m<sup>3</sup> originating from 6 compartments, all were located in the non moratorium area. The woods were reported and legalized by the Ketapang Forestry Office through the LHP: 18/LHP-KBK/DTK-KTP/IX/2013 dated 27 September 2013. Therefore, when the FCP ground checking team visited the field in early September 2013, the woods had not been reported nor legalized by the Forestry Office.

The FCP Implementation Team socialized the moratorium protocol to DTK by sending the protocol on 31 January 2013.

The verification team also examined a letter that was sent by DTK in July 2013 to the FCP Implementation team which stated that there are still logs in the cutting blocks that have not yet been extracted and stacked by DTK. In the letter, DTK provided an estimation of this left over NFW volume, which increases the original NFW volume estimate in February 2013. A copy of this letter can be found in Annex 6.

The verification team checked the final NFW tally in the result of September 2013 stock inventory activities and noted that the final tally for DTK NFW in September did not include the estimate value that DTK sent in July 2013.

### D.2. Field Observation

The field observations regarding wood that has been observed but not yet reported to the FCP Implementation Team is as follows:

#### Logs (KB)

Stacks of logs totaling 1,288.94 m<sup>3</sup> were found in Log Yard Block 3 which was consistent with the logs reported by RPHK



Picture D.1. Stacks of small logs in Log Yard Block 3 coordinate point 0°43'5.24" S 109°56'33.6" E

## Small logs (KBK)

The observed KBK which have yet to be reported to the FCP Implementation Team were scattered in stacks located in 6 compartments: 2 compartments located in Area A and 4 located in Area B. The photos of field verification result are presented below:



Picture D.2 Stacks of KBK at coordinate point S 0° 43'44", E 109° 52'17"



Picture D.3. Stacks of KBK at coordinate point S 0° 43'46", E 109° 52'17.9"

Interviews with TFT staff revealed that the FCP Implementation Team had socialized the moratorium protocol to DTK through a video conference with DTK staff and West Kalimantan Region SMF staff in January 2013.

DTK staff also provided explanation why they did not immediately reported the new stacked volume that has been validated by government official in an LHP document. The following is the process for stock inventory update based on the moratorium protocol:

- i. Initial stock inventory for logs felled before 1<sup>st</sup> of February 2013 was undertaken by the FCP Implementation team on all APP' suppliers concessions, including DTK, in early February 2013, after moratorium launch. For logs that have been stacked, actual volume was measured. For logs still scattered on the ground of cutting blocks/compartments, the volume was estimated.
- ii. After initial stock inventory in February 2013 completed, suppliers continued to extract and stack the remaining NFW still scattered on the cutting blocks.

- iii. Once the stacked wood volume reached certain quantity, the suppliers will measure, record and submit that volume for validation by the Ministry of Forestry's district officer in the government produced the *Laporan Hasil Produksi* or LHP (Production Report) document.
- iv. Only after the wood volume has been validated in LHP, can the suppliers then reported it to the FCP implementation team who will check and approve it. The approved volume is then considered to be part of the SO (i.e. "SO-ed") and can be included into the stock inventory database to refine the NFW stock inventory volume estimated in February 2013. In total, DTK has sent 6 stock inventory reports to FCP implementation team from February to July 2013.
- v. Only after the wood volume has been "SO-ed" can transport documents be produced with special SO stamps.
- vi. APP mill will only accept delivery of NFW that is accompanied by transport document with the special SO stamp.

Since APP ended delivery of NFW prior to moratorium into their mills in 31<sup>st</sup> August 2013, DTK was not going to send the new stack of wood to APP. Therefore, DTK staff thought they don't need to get the FCP implementation team to check and "SO-ed" the LHP stack immediately since they're not processing any transport document that require the SO stamp anytime soon. Furthermore, DTK had already reported the estimated value of those logs to FCP implementation team in July 2013 so their obligation has been met.

## ANNEX. 3 MINUTES OF MEETING WITH PT GBR

### BERITA ACARA PERTEMUAN DENGAN PIHAK PT.GBR

Tanggal : 06 Agustus 2013  
Hari : Jumat  
Tempat : Kantor PT.Gerbang Buana Raya ( GBR )  
[ Perkebunan Sawit ]  
Perihal : Instruksi larangan kepada PT.GBR untuk tidak melakukan kegiatan didalam Areal Konsesi PT.DTK.  
Personil : Agus ( Manager PT. GBR )  
Supriadi.Z ( FPD Distrik Rumbia )  
Rahmat Wabara ( Planning Survey Distrik Rumbia )

Pada hari ini Jumat tanggal Enam bulan Sembilan tahun Dua ribu tiga belas ( 06-08-2013 ) pukul 16.00 s/d 17.00 wib, telah dilakukan pertemuan antara Pihak PT.DTK dengan Pihak PT.GBR yang bertempat di Kantor PT.GBR.

#### Agenda Pertemuan :

1. Dalam pertemuan tersebut bahwa Pihak PT.DTK mendesak kepada PT.GBR untuk dapat menghentikan kegiatan apapun didalam areal Konsesi PT.DTK dan segera menarik kahar alat berat PT.GBR yang berada didalam areal tersebut , karena areal tersebut merupakan areal perijinan PT.DTK yang harus dijaga dan dilindungi oleh sipemilik ln.
2. Pihak PT.DTK menjelaskan kepada PT.GBR bahwa apabila areal tersebut sampai saat ini masih berstatus Quo, maka baik pihak PT.DTK maupun Pihak PT.GBR tidak dapat melakukan kegiatan diareal tersebut sebelum adanya keputusan yang sah dari instansi yang berwenang maupun kesepakatan antara Top Management kedua belah pihak.

#### Hasil Pertemuan :

1. Pihak PT.GBR yang diwakili oleh Sdr.Agus selaku Manager PT.GBR mengatakan bahwa beliau ( Sdr.Agus ) tidak dapat menghentikan operasional PT.GBR sebelum adanya surat penghentian dari pihak yang berwenang atau instruksi dari Top Management PT.GBR dan akan terus tetap bekerja, karena menurut Sdr. Agus areal yang diijerjakan tersebut adalah masih didalam perijinan PT.GBR yang telah disetujui oleh Bupati.
2. Liris areal yang sudah diblocking oleh PT.GBR didalam areal perijinan PT.DTK adalah seluas ± 4.200 Ha, akan tetapi yang sudah ditanami Sawit seluas ± 1.100 Ha dan kegiatan penanaman akan terus berlanjut sesuai target dari pihak PT.GBR.
3. Sampai saat ini pada 2 Unit alat berat Excavator milik PT.GBR yang masih melakukan kegiatan didalam areal tersebut.

Demikian Berita Acara ini dibuat berdasarkan hasil pertemuan dan beasiswa dilampirkan yang  
sebesar-besarnya. Mohon petunjuk dari pihak Management dan terima kasih.

Rumbia, 06 Agustus 2013

Hormat Kami

  
Rahmat Umbara  
Planning Survey

  
Supriatno  
FPD

## KERITA ACARA

### MONITORING KEGIATAN PT.GBR DI AREAL TUMPANG TINDIH

Pada Hari Kamis 5 September Dua Ribu Tiga Belas telah dilakukan pengamatan kegiatan pihak lain di dalam Konsesi PT. DAYA TANI KALBAR

Pada pengamatan tersebut ditemukan adanya Aktivitas Alat berat milik PT.GBR yang sedang melakukan kegiatan PLTB di dalam konsesi PT. DAYA TANI KALBAR, yang mana status areal tersebut adalah masih tumpang tindih, hasil pengamatan tersebut telah dilakukan pengambilan gambar dan pengambilan point GPS pada areal yang telah dikuasai PT.GBR tersebut adapun Koordinat yang telah di dapatkan oleh pihak PT. GBR tersebut adalah:

1. Areal Tanaman Unggulan (x: 0373274 y: 9917728 , x: 0374283 y: 9915323)
2. Areal Tanaman Pokok (RMB4019100 x: 0373277 y : 9917182 , RMB4003800 x: 0375064 y: 9918048 , RMB4004100 x: 0374620 y: 9918046)
3. Areal Sempadan Sungai ( x: 0375380 y: 9916619 x: 0375010 y: 9916791)

(Vide dan foto terlampir)

  
Supriadi Z.

Kasi Sosial & Perlindungan Petano

Rambai, 5 September 2013

  
Rahmad Umbara

Planning Survey

## BERITA ACARA

### MONITORING KEGIATAN PT.GBR DI AREAL TUMPANG TINDIH

Pada Hari Kamis 5 September Dua Ribu Tiga Belas telah dilakukan pengecekan kegiatan pihak lain didalam Konsensi PT. DAYA TANI KALBAR

Pada pengecekan tersebut ditemukan adanya Aktivitas Alat berat milik PT.GBR yang sedang melakukan kegiatan PLTB didalam konsensi PT. DAYA TANI KALBAR, yang mana status areal tersebut adalah masih luang tanah. hasil pengecekan tersebut telah dilakukan pengambilan gambar dan pengambilan point GPS pada areal yang telah dikonsensi PT.GBR tersebut, adapun Koordinat yang telah di kumpulkan oleh pihak PT.GBR tersebut adalah:

1. Areal Tanaman Unggulan (x: 0373274 y: 9917724 , x: 0374283 y: 9915323)
2. Areal Tanaman Pekar (RMBAD19103 x: 0373371 y: 9917152 , RMBAD001800 x: 0375064 y: 9918048 , RMBAD04100 x: 0374821 y: 9918048)
3. Areal Sampadan Sungai (x: 0375330 y: 9916515 , x: 375019 y: 9916791)

(Diter dan foto terlampir)

Mengantah  


Supriadi  
Kasi Sosial & Perlindungan Hutan

Rambli, 5 September 2013

Dibuat Oleh

  
Rahmat Umbara  
Planning Survey



## ANNEX. 4 REPORT ON LAND CLEARING BY PT. GBR IN PRIME CROPS AND PROTECTED AREAS

### LAPORAN AKTIVITAS *LAND CLEARING* PT. GBR DI KAWASAN TANAMAN UNGGULAN DAN KAWASAN LINDUNG PT. DTK

#### A. Latar Belakang

- Keputusan Menteri Kehutanan No. 70/Kpts-II/95 tentang Pengaturan Tata Ruang Hutan Tanaman Industri, dan Keputusan Menteri Kehutanan No. 246/Kpts-II/1996 tentang Perubahan Keputusan Menteri Kehutanan No. 70/Kpts-II/1995 Tentang Pengaturan Tata Ruang Hutan Tanaman Industri. Dan Perubahan Menteri Kehutanan No. 21/Menhut-II/2006 tentang Perubahan Keputusan Menteri Kehutanan Nomor 246/Kpts-II/1996 Tentang Perubahan Keputusan Menteri Kehutanan Nomor 70/Kpts-II/1995 Tentang Pengaturan Tata Ruang Hutan Tanaman Industri.
- Peraturan Menteri Kehutanan Nomor: P.3/Menhut-II/2008 tentang Deliniasi Areal Izin Usaha Pemanfaatan Hasil Kayu Pada Hutan Tanaman Industri Dalam Hutan Tanaman.
- Tata Ruang HTI adalah hasil penataan areal HTI sesuai dengan perantukannya.
- Areal Tanaman Unggulan adalah areal yang dikhususkan untuk penanaman jenis tanaman unggulan yang bertujuan untuk mempertahankan keberadaan jenis tanaman unggulan setempat. Areal tanaman unggulan diletakkan pada bagian areal yang berbatasan dengan kawasan hutan alam atau didasarkan pada pertimbangan teknis lainnya.
- Kawasan Lindung berfungsi sebagai areal perlindungan hidro orologis (tata air), areal perlindungan keanekaragaman hayati (plasma nutfah dan satwa liar) dan cagar budaya.

#### B. Kegiatan PT. GBR di Areal Tanaman Unggulan

- Pada hari Senin 28 Oktober 2013 telah dilakukan pengecekan kegiatan pihak lain di dalam Konsesi PT. DAYA TANI KALBAR.
- Pada pengecekan tersebut ditemukan areal yang telah di *land clearing* oleh pihak PT. GBR di dalam konsesi PT. DAYA TANI KALBAR, yang mana kegiatan tersebut dilakukan pada areal yang diperuntukkan sebagai Tanaman Unggulan dan Kawasan Lindung (sempadan sungai), yang secara langsung mengurangi luasan yang telah ditetapkan (Tata Ruang HTI).

Koordinat :

Areal Tanaman Unggulan (x: 0375274 y: 9917724 , x: 0374283 y: 9915323)

Areal Sempadan Sungai (x: 0375330 y: 9916519 , x: 375919 y: 9916791)

- Adapun luasan yang telah ditetapkan pada saat penyusunan tata ruang HTI dan tertuang di AMDAL dan RRU, untuk Areal Tanaman Unggulan seluas 5.668 Ha dan Kawasan Lindung (sempadan sungai) seluas 8.557 Ha.
- Areal yang telah di *land clearing* oleh PT. GBR hingga akhir Oktober di areal Tanaman Unggulan adalah seluas 498,63 Ha dan Kawasan Lindung (sempadan sungai) seluas 397,38 Ha.

### C. Kesimpulan

- Dari hasil temuan di lapangan luas areal Tanaman Unggulan PT. DTK yang telah dilakukan kegiatan *land clearing* oleh PT. GBR seluas 498,63 Ha dan Kawasan Lindung (sempadan sungai) PT. DTK seluas 397,38 Ha.
- Terkait aktivitas *land clearing* oleh PT. GBR dilakukan pada areal Tanaman Unggulan dan Kawasan Lindung (sempadan sungai) maka perlu dibuatkan rencana atau *action plan* untuk TFT dan PHPL terkait Tata Ruang HTI khususnya Kawasan Tanaman Unggulan dan Kawasan Lindung (Sempadan Sungai)

Demikian laporan ini dibuat berdasarkan temuan nyata di lapangan.

Rumbia, 6 November 2013

Dibuat Oleh



**Rikson Roberto**  
Konservasi & Lingkungan

Mengetahui



**Rahmad Umbara**  
Kasi. Pengelolaan Data  
& Lingkungan

Mengetahui



**M. Afwan**  
Operational Manager

ANNEX. 5. LETTER FROM DTK DIRECTOR TO DIRECTOR OF FOREST INVESTIGATION AND SECURITY

**PT. DAYA TANI KALBAR**  
Jl. Arwal Tani 1 / Cp. Sejahtera 1 No. 4 Pontianak Kalimantan Barat

---

Pontianak, 19 Desember 2013

Nomor : 034/DTK-PTK/XII/2013  
Pihak : Penghentian operasional di lapangan  
Lampiran : 1 Berkas

Kepada Yth.,  
Bapak Direktur Penyidik dan Pengamanan Hutan  
Direktorat Jenderal Perlindungan Hutan dan Pelestarian Alam  
Kementerian Kehutanan  
Di  
Jakarta

Dengan hormat,

Bersama ini kami sampaikan bahwa masalah tunggang tindih areal Ikn PT. Daya Tani Kalbar dengan PT. Gerbang Benua Raya sampai saat ini masih dalam proses penyelesaian di Kementerian Kehutanan.

Namun berdasarkan laporan dari lapangan ditemukan bahwa PT. Gerbang Benua Raya masih melakukan kegiatan operasional di lapangan pada areal tunggang tindih tersebut dan telah memasuki kawasan Lindang dan Tanaman unggulan PT. Daya Tani Kalbar (laporan terlampir).

Sebelumnya pada tanggal 20 Juni 2011 telah dilakukan pembahasan bersama yang dipimpin oleh Direktur Penyidik dan Pengamanan Hutan di Kementerian Kehutanan Jakarta. Salah satu isi kesimpulan rapat adalah "Masing-masing Pihak Menghentikan Kegiatan di Lokasi yang Disengketakan" (terlampir). Kemudian ditindaklanjuti dengan pemeriksaan lapangan oleh tim Direktur Penyidikan dan Pengamanan Hutan dengan surat tugas No. FT 294/IV-PPH/2011, tanggal 26 Juli 2011 dan hasilnya telah diuangkan dalam Berita Acara pada tanggal 30 Juli 2011 yang ditandatangani oleh Tim Pemeriksa, dari pihak PT. Daya Tani Kalbar dan pihak PT. Gerbang Benua Raya (terlampir).

Untuk menghormati dan menghargai proses penyelesaian yang sedang dilakukan oleh Kementerian Kehutanan dan menjaga hal-hal yang tidak diinginkan di lapangan maka pada kesempatan ini kami mohon agar PT. Gerbang Benua Raya tidak meneruskan atau menghentikan kegiatan operasional di areal tunggang tindih sampai adanya keputusan dari Kementerian Kehutanan Jakarta.

Demikian kami sampaikan. Atas perhatian dan kerjasamanya kami ucapkan terima kasih

Hormat kami,  
  
**Thal Widiha, S.Hut.**  
Direktur

Tembusan, Kepada Yth.:

1. Menteri Kehutanan, di Jakarta
2. Gubernur Provinsi Kalimantan Barat, Pontianak
3. Kepala Dinas Kehutanan Provinsi Kalimantan Barat, Pontianak
4. Bupati Kabupaten Kubu Raya, Sungai Raya
5. Kepala Dinas Kehutanan dan Pelestarian Kabupaten Kubu Raya, Sungai Raya
6. Pimpinan PT. Gerbang Benua Raya

## ANNEX. 6. LETTER FROM DTK TO APP's FCP IMPLEMENTATION TEAM

Nomor : 02 /DTK-SO/II/2013  
Lampiran : 1 (Satu) berkas  
Perihal : Klarifikasi Selisih Jumlah Kayu SO P.T. Daya Tani Kalbar

Kepada Yth,  
Tim TFT  
Di tempat

Dengan Hormat,

Serubungan dengan nahi verifikasi oleh Tim TFT perihal kelebihan rekapitulasi hasil SO Tahap II s/d VI sebesar **16.445,03 M3**, dari jumlah Estimasi awal sebesar **69.022 M3** terhadap pengajuan SO Tahap II s/d VI sebesar 84.223,35 m3 KBK dan 1.234.68 m3 KB ( **total 85.467,03 m3**).

Atas hal tersebut dapat kami jelaskan sebagai berikut:

Pada saat SO I sebesar 44.999.22 M3 ternyata petak-petak pada areal tersebut masih terdapat kayu-kayu yang belum memenuhi syarat untuk di SO. Sehingga masuk ke dalam SO tahap selanjutnya sebesar 6.820,12 M3.

1. Jumlah kayu Hasil SO tahap II s/d VI sebesar **85.467,03 M3**.
2. Berdasarkan Realisasi pengukuran kayu yang diajukan dalam SO II s/d VI, memperoleh hasil potensi rata-rata 60.80 M3/Ha. Dari usulan sebelumnya sejumlah 69.022 M3, dengan estimasi rata-rata 49.48 M3/Ha atau 44.78 Ton/Ha adalah kayu yang dalam kondisi masih belum steeking.
3. Berikut Rincian Hasil SO Tahap II s/d usulan SO Tahap VI :

TAHAP SO	VOLUME ( M3 )			LUAS ( Ha )	KETERANGAN
	KBK	KB	TOTAL		
SO - II	16.310,57	443,87	16.754.44	209.06	Vol SO II sebagian berasal dari Petak SO I. Luas SO II murni Petak baru.
SO - III	34.174,62	-	34.174,62	623.14	
SO - IV	13.327,18	-	13.327.18	213.31	
SO - V	-	799,81	799.81	-	
SO - VI	20.410,00	-	20.410.00	300.00	
<b>TOTAL</b>	<b>84.223,35</b>	<b>1.243,68</b>	<b>85.467,03</b>	<b>1.385,16</b>	<b>60,80 M3 / Ha</b>

4. Berdasarkan SO Lahan, seluas 2.025 Ha yang sudah masuk dalam SO II s/d VI adalah seluas 1.385,16 Ha. Sehingga masih ada sisa areal SO lahan seluas 640,26 Ha.

5. Sehingga untuk usulan SO berikutnya masih ada potensi sekitar 640,26 Ha x  
60,80 M3/Ha = 38,930.44 M3.

6. Terlampir Peta SO Lahan dengan lokasi petak usulan SO Tahap VI.

Demikian Klarifikasi ini dibuat untuk dapat dipergunakan sebagaimana mestinya.

Atas kerjasamanya diucapkan terima kasih.

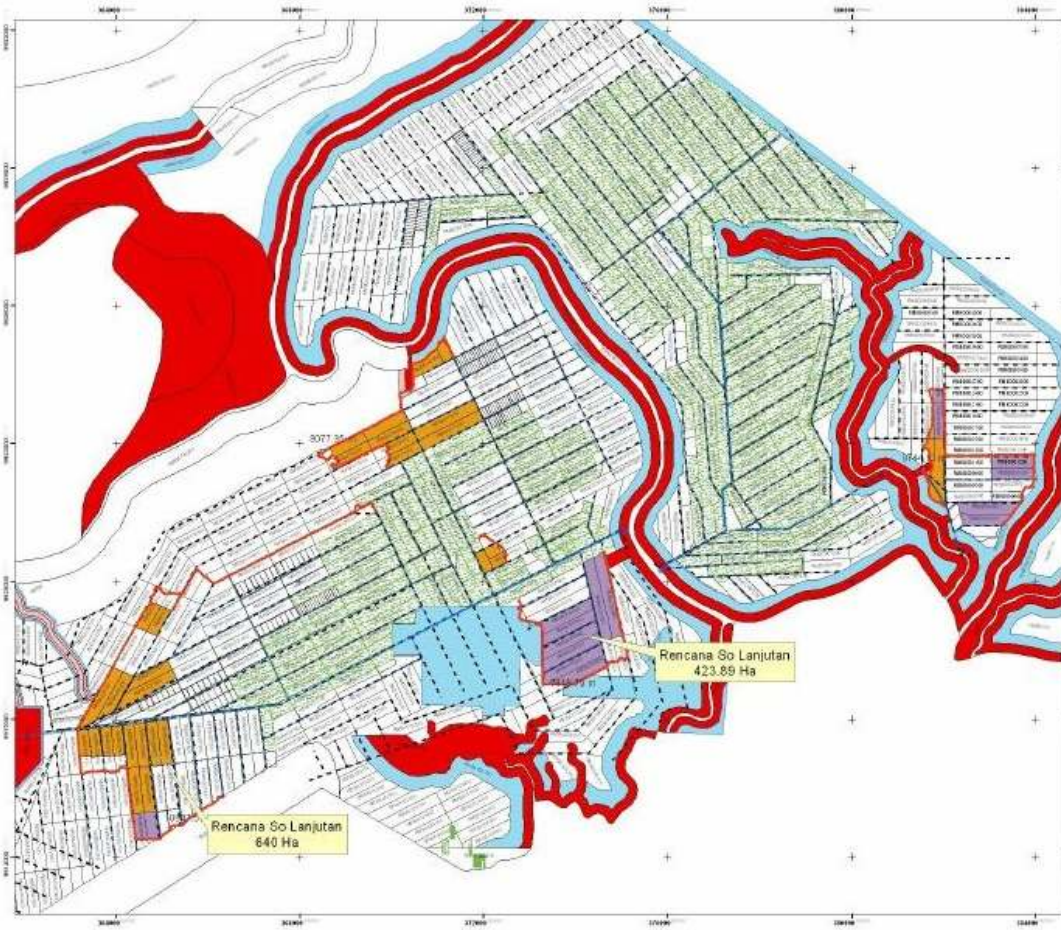
Rumbia, 23 Juli 2013

Hormat Kami,

PT. Daya Tani Kalbar

  
P.T. DAYA TANI KALBAR

Gatot E. Subroto  
UMH



**PETA KERJA**  
**PETA LOKASI SO TAHAP VIDAN SO LANJUTAN**  
**DISTRIK RUMBA JULI 2013**  
 PE DAU: 10/01/2013

II

SKALA 1:50,000

- Keterangan**
- 01\_Kanal\_Desember\_2013
  - Rencana Kanal
  - Realisasi Tanam
  - Petak Rencana So Lanjutan
  - Petak So Tahap VI
  - Kawasan Lindung
  - Tanaman Kehidupan
  - Tanaman Unggulan
  - Tanaman Pokok
  - 01.Trayek So Lahan

