

FSC-U.S. Federal Lands Policy¹

*Adopted by Unanimous Consent by FSC-US Board
February 25, 2003*

In the U.S., federal forestlands are managed by a number of agencies. National Forests are managed by the USDA Forest Service (USDA FS), BLM lands by the USDOJ Bureau of Land Management (BLM), National Parks by the USDOJ National Park Service (NPS), and Fish & Wildlife Refuges by the USDOJ Fish & Wildlife Service (USFWS); some forests are also managed by the US Department of Defense (DOD) and US Department of Energy (DOE). For the purposes of this policy, FSC US does not consider lands held in trust for American Indian nations and tribes to be federal lands, due to the sovereign nature of Indian governments.

FSC certification in any country, including the United States, could apply to any ownership - including lands under management responsibility of the U.S. federal government. Three sets of threshold standards need to be met before certification proceeds on any given federal ownership in the U.S. (For the purpose of this policy, “federal ownership” refers to agency-level management units, i.e., National Forests, BLM lands, etc.) These threshold standards address unique issues with the management and certification of federal lands in the U.S. FSC US believes these standards are necessary to ensure the long-term effectiveness and credibility of the FSC system in the United States. When these threshold standards have been met for a given federal ownership, the application of FSC-accredited certification to that ownership should be successful.²

Differences in Geography, ecosystem diversity and landscape history will be considered in the future revisions of this policy.

For the U.S. Board’s current interpretation of which lands meet these thresholds, see “Findings – Federal Ownerships Which Meet the Federal Lands Policy Thresholds.”

Threshold Standard 1 -- Willing Landowner Participation

The first threshold is willing landowner participation in the certification process.

¹ Based on “Recommendations of the FSC-U.S. Federal Lands Committee and the FSC-U.S. Board Motion of March 5, 2002” as modified by FSC-US Board action of 2/25/03.

² The FSC Principles & Criteria (P&C) would also still apply to the certification of the federal ownership, as would relevant National Indicators and Regional Standards, where those Indicators and Standards are not superceded by, or in conflict with, special national standards developed for the federal ownership.

Determinations of whether a federal agency meets the first threshold are to consider the following:

- The federal agency's interest and willingness to be certified.
- Potential indicators of interest and willingness include, but are not limited to, official statements or policies supporting or opposing certification of the agency's management. Official statements supporting certification may not be required if other sufficient evidence of agency willingness exists.
- The agency officials requesting certification have clear authority to do so.
- The agency's governing policies allow the agency to engage in external audits.
- The policies governing the agency/ownership allow the forest managers to enter into certification contracts and make necessary commitments to continuing their management practices and implementing any needed certification conditions.

Threshold Standard 2 – Public Consensus

The second threshold is public consensus concerning whether, where, and how much timber harvesting should occur on U.S. federal lands, and concerning other relevant, major resource management practices and uses that may be affecting the forest in question.

FSC US recognizes the unique role of U.S. Forest Service and other federal resource management lands in providing a wide range of services and benefits including wilderness, watershed protection, old growth forests, protection of rare species, recreational opportunities, and timber production. Currently the nation lacks consensus about the degree to which the management of most federal lands should emphasize these services and benefits. Resolution of this land allocation question is the province of U.S. national legislation, federal lands management regulation and other processes. The FSC US recognizes that there are many legal, administrative, procedural and political complexities involved in resolving the dispute over federal forestland management.

Determinations of whether the second threshold has been met with regard to a given federal ownership category are to be made by the Board of FSC US. Determinations are to be based upon the following:

- The level of consensus, nationwide, amongst the FSC's membership in the U.S., amongst other stakeholders, and amongst the public at large. Viewpoints are to be actively sought-out from a diverse and substantial number of stakeholders.
- Consultation with the membership indicates a high level of consensus (such as a majority of each chamber) in support of the federal agencies management directions and certification.
- While important, the existence of federal statutes or other public policy mandates governing a federal ownership does not necessarily demonstrate current public consensus.

Threshold Standard 3 – Special National Indicators

The third threshold is the existence of national-level indicators that address the special resource management, legal, technical, procedural, and governance issues surrounding the federal ownership type in question.

Should the first two thresholds be met for a given federal ownership type, national indicators for that ownership type will be developed by the FSC US, and approved by the Board of FSC US, using a chamber-balanced working group process, in consultation with regional and national stakeholders. Informal discussions about management objectives and requirements for federal lands may be conducted prior to the satisfaction of the first two thresholds.

National standards for federal ownerships are to:

- Address forest management as a whole, including relevant and significant non-timber forest uses, resources, and impacts. Forest uses, resources and impacts which may be relevant include timber management, non-timber forest product harvest, resource restoration, biodiversity protection and restoration, watershed protection and water quality restoration, roadless area and wilderness conservation, fire fuels management, grazing, mineral and oil exploration and extraction, development of water storage and distribution facilities, motorized recreation, other recreation, and other development.
- Reflect the national consensus, identified per the second threshold, regarding the extent, location, and nature of timber management, and management for other major, relevant forest uses and resources.
- Address a broad range of public goods including but not limited to ecosystem services and social benefits.
- Require, during the consultative process for certification assessments, consideration of the interest of all U.S. citizens -- i.e., the federal land's owners -- in management of the federal ownership
- Address the unique legal, procedural, and technical issues pertaining to the ownership. Relevant legal mandates include, but are not limited to the National Environmental Policy Act, the Administrative Procedures Act, the Clean Water Act, the Endangered Species Act, the Sikes Act (for DOD lands), the National Forest Management Act (for National Forests), and the Federal Lands Policy and Management Act (for BLM lands).
- Address the crucial role of U.S. federal lands in protecting significant portions, rather than just representative samples, of existing ecosystems, under Criterion 6.4 of the FSC P&C.
- Include the FSC US National Indicators and relevant Regional Standards, except where those indicators and standards are superceded by, or in conflict with, the unique national standards for the federal ownership.
- Be developed with consideration of the “cornerstone” national standards developed for DOD and DOE lands.
- Account for the variability in federal land management over time that can result from changes in legislative and administrative priorities and direction.

- Require examination of ongoing disputes over management of the ownership, including administrative and judicial appeals of agency actions that may preclude certification.
- Address the question of “partial estate” certification.

Additional Guidance to Certifiers

The consultative process for certification assessments of U.S. federal forestlands are to actively encourage participation by all interested members of the public, both nationally and locally.