

Adaptation of the FSC US Forest Stewardship Standard for the US Forest Service

Draft 2

-- For Second Public Consultation --

Consultation Period: June 3 - July 3, 2016

NOTE TO STAKEHOLDERS: This document provides the draft set of supplementary requirements to the FSC US Forest Stewardship Standard for certification of lands managed by the US Forest Service. Once complete, these requirements will comprise Addendum H of the FSC US standard. To best understand these supplementary requirements, please review them alongside the FSC US standard. To facilitate your review, we have also prepared a separate document that includes the current FSC US standard with these supplementary requirements embedded within it. This is available on the FSC US website along with a comment form and a Background document that lists the key issues considered in developing this second draft.

To see the changes made between Draft 1 and Draft 2, please refer to the track-changed version that is embedded in the FSC US standard (as described above) as well as the Consultation Report that describes how stakeholder comments from the first consultation were considered in Draft 2 (also available on the FSC US website).

Thank you for sharing your perspectives and for contributing to the success of this process.

Addendum H: Forest Service Supplementary Requirements for FSC certification

INTRODUCTION

Background

This annex to the FSC US Forest Management Standard V1.0 functions as the set of supplemental normative requirements for forest management certification audits that are applicable to lands managed by the USDA Forest Service (USFS; National Forest). ***To be certified, the Forest Service must conform to these supplemental requirements as well as all other applicable requirements in this Standard on the management unit for which certification is being sought.*** These additional requirements are considered a *formal Standard interpretation* of the FSC US Forest Management Standard, necessary to address the unique conditions associated with National Forest including ownership, size, history, mandate, and management objectives.

The need for this formal Standard interpretation is further elaborated in, and conforms to, the FSC US *Federal Lands Policy* (revised November 2012), which provides a set of issues to consider in the development of this Standard interpretation.

This formal standard interpretation was developed with a commitment to advancing a shared perspective of what certification of National Forests should require. Central is the explicit recognition that commercial timber harvest takes place within the context of the broader range of environmental, social and economic values and benefits provided by National Forests

The process employed to develop this formal Standard interpretation follows FSC procedural requirements for developing/revising normative documents, including technical input and oversight from a chamber-balanced and consensus-based working group and opportunities for broader stakeholder engagement.

Applicability

All elements of this Appendix are considered normative parts of the Standard and are required by the auditor when judging conformance to any requirement in the Standard.

In some cases, '*supplements*' to existing Indicators, Guidance, or Intent Statements have been elaborated. This is in an effort to simplify the interpretation, with the understanding that this Appendix must be used alongside the FSC US Forest Management Standard. Where there are supplements for National Forest certification audits, the applicable Indicator includes both the original text of the Indicator (found in the body of the Standard) as well as the supplement to that Indicator (found in this Addendum). It should be viewed as a singular requirement although it may have multiple parts. See also 'Terminology' section, below.

Scope

Land ownership: This formal Standard interpretation is specific to lands managed by the Forest Service (National Forests). It does not apply to other lands managed by other federal agencies, such as the Bureau of Land Management.

Geographical extent: Consistent with the FSC US Standard, this interpretation pertains to forests managed in the United States with the exclusion of Alaska, Hawaii and the US territories.

Certification Unit: For the purposes of National Forest certification, the '*Forest Management Unit*' (FMU) is defined as a National Forest. In cases where two or more National Forests are administered as one administrative unit (e.g., Chequamegon-Nicolet NF or Shasta-Trinity NF), then the administrative unit is the minimum unit eligible for certification.

Eligibility for Certification

In order for any National Forest to undergo an audit in pursuit of possible certification, there must be a commitment from the national level (e.g., the Chief of the Forest Service) to adhere to the FSC Principles and Criteria. Further, the Forest Supervisor agrees to pursue certification through a certification body that will follow the Forest Service-adapted protocols for conformity assessments.

Terminology

Throughout this Addendum, the following terms are used:

- USFS Indicator x.x.x: Refers to a new indicator applicable to National Forests
- USFS Guidance for Indicator x.x.x.: Refers to a new guidance statement that corresponds to the referenced indicator
- USFS Intent for Indicator x.x.x: Refers to a new intent statement that corresponds to the referenced indicator
- USFS supplement to Indicator x.x.x: Refers to text that is added to the referenced indicator. In this case the original indicator text and the supplement together function as the USFS indicator.
- USFS supplement to intent for Indicator x.x.x.: Refers to intent in addition to what the relevant intent for that indicator states

Definitions

In addition to the terms and definitions provided in the Standard, the following apply:

- *National Forest*: Refers to both the 'forest management unit' (see glossary) and the 'forest management entity (see glossary)
- *Workers*: See definition in the glossary. Further, the definition of workers excludes individuals with permits for personal use, or for activities not related to the management of forest resources, for example food concessionaires, firewood permits, etc.

REQUIREMENTS

PRINCIPLE 1: COMPLIANCE WITH LAWS AND FSC PRINCIPLES

USFS Guidance for Indicator 1.1.a Applicable laws and regulations can be found in US Forest Service manuals and handbooks, and are listed in the following US Forest Service website: <http://www.fs.fed.us/forestmanagement/aboutus/lawsandregs.shtml>. Federal law takes precedence over all other laws (i.e., supremacy clause).

USFS Indicator 1.1.1 Existing disputes and legal challenges, including pre-decisional objections, administrative appeals and judicial reviews filed by stakeholders, over National Forest management policies and actions are disclosed in the certification audit process. The National Forest demonstrates that processes are in place and are implemented that are designed to resolve existing disputes and legal challenges. Information on the processes for resolving disputes is readily available to interested stakeholders.

USFS Guidance for USFS Indicator 1.1.1 Ongoing disputes over management, including pre-decisional objections and administrative appeals and lawsuits related to National Forest actions, shall be considered during the certification process; however, pre-decisional objections, administrative appeals and lawsuits alone do not constitute nonconformance. (See also Criterion 2.3)

USFS Guidance for Indicator 1.2a Required payments include Payments in Lieu of Taxes (PILT) and 25% payments to states (based on the Act of 1908) and other current legislation.

USFS Applicability for Indicator 1.5.a: The National Forest is expected to play a law enforcement role.

USFS Guidance for Indicator 1.5.b Examples of such actions include: deploying law enforcement; establishing and enforcing penalties for unauthorized use, including for the cultivation of marijuana or manufacture of illegal drugs; taking measures to inform unauthorized users about

closures; engaging in effective outreach and communications with user groups; fostering collaborative efforts with organizations that promote ecologically, economically and socially responsible public use.

USFS Indicator 1.5.1 The National Forest takes affirmative action to identify and understand where illegal and unauthorized activities occur on the National Forest and their impacts to the National Forest.

USFS Guidance for Indicator 1.6.a (see also Introduction section of Appendix): For the National Forest, the statement of long-term commitment is endorsed by the Chief of the Forest Service.

PRINCIPLE 2: TENURE AND USE RIGHTS AND RESPONSIBILITIES

USFS Supplement to Indicator 2.3.b Up to date records of disputes related to issues of tenure claims and use rights are maintained, including:

- 1) Steps taken to resolve disputes; and
- 2) Outcomes of all dispute resolution processes; and
- 3) For unresolved disputes, the reasons they are not resolved, and how resolution will be pursued.

PRINCIPLE 3: INDIGENOUS PEOPLES' RIGHTS

USFS Supplement to Indicator 3.2.a Procedures exist for government-to-government consultation with tribes, including annual/ongoing dialogue with tribes having demonstrated interest. These procedures are designed to achieve effective engagement, and are developed or revised in collaboration with tribal representation. Pertinent staff members are trained on tribal consultation methods and the importance of building relationships.

PRINCIPLE 4: COMMUNITY RELATIONS AND WORKER'S RIGHTS

USFS Intent for Principle 4: See Glossary and supplemental definition in Appendix H for the definition of ***worker***

USFS Supplement to Indicator 4.1.a This requirement extends to all forest workers covered under a National Forest legal contract or agreement.

USFS Supplement to Indicator 4.1.b This requirement extends to all forest workers covered under a National Forest legal contract or agreement.

USFS Supplement to Indicator 4.1.e Opportunities exist for local workers and businesses to bid on contracts, for example, by having contracts packaged in ways that allow a local worker to compete for them (see also Criterion 5.2).

USFS Indicator 4.1.1 The communities adjacent to the National Forest are provided with opportunities for forest worker training intended to develop a higher-skilled workforce. The National Forest participates in these trainings in order to ensure they effectively meet this intent.(see also Criterion 7.3).

USFS Guidance for C4.2 Given the reliance on contractors and subcontractors for some management activities on National Forests, including the migrant/mobile workforce, it is important to verify that safe working conditions and adherence to laws extend to all forest workers in addition to National Forest employees and to the extent that they are covered under legal contracts. This includes monitoring safety and working conditions using documented procedures.

USFS Supplement to Indicator 4.2.a This requirement applies to all forest workers covered under a National Forest legal contract and agreement (see also Criterion 1.1).

USFS Supplement to Indicator 4.2.b This requirement applies to all forest workers covered under a National Forest legal contract and agreement.

USFS Indicator 4.2.1 Compliance with the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) is monitored.

USFS Guidance for Indicator 4.4.d For National Forests, the ‘public’ is nationwide in scope and therefore consultations involving interested stakeholders are not limited to those entities located in proximity to the FMU.(see also Principle 7 and Principle 9).

USFS Indicator 4.4.1 The National Forest develops and implements a public participation process that includes provisions for early and ongoing engagement with the public.

USFS Indicator 4.4.2 Upon issuance of a certificate, the National Forest posts the full certification report and the certifier’s public summary on their website. Locations of sensitive resources, such as archeological sites, and personally identifiable information, may be withheld.

USFS Guidance for Indicator 4.5.c Compensation and mitigation measures are determined by administrative or judicial ruling consistent with the federal government claims process. See also Criterion 2.3 for additional guidance on ongoing disputes and dispute resolution.

PRINCIPLE 5: BENEFITS FROM THE FOREST

USFS Guidance for Principle 5 The National Forest manages for a diversity of products, ecosystem services, and social benefits for the national public interest.

USFS Intent for C5.1 For National Forests, economically viable forest management is more accurately characterized as management which supports ecological, social and economic sustainability.

USFS Supplement to Indicator 5.1.a The National Forest defines, documents, and prioritizes the core management activities that need to be met; for example, restoration, reforestation and road maintenance activities.

USFS Guidance to Indicator 5.1.b Budget constraints and other fluctuations in appropriations may be considered short-term financial factors.

USFS Indicator 5.1.1 The National Forest seeks and implements innovative mechanisms for financing core management activities, such as stewardship contracting and partnerships or Good Neighbor Agreements with states.

USFS Applicability for C5.2 For the National Forest, diversification of revenue-generating forest uses is a requirement (i.e., the ‘should’ is a ‘shall’; see also Supplement to Indicator 5.4.b).

USFS Guidance for Indicator 5.2.c This includes the use of available contracting mechanisms, such as stewardship contracting, Collaborative Forest Landscape Restoration (CFLR), Special Salvage Timber Sales (SSTS), the Small Business Act (SBA) timber set-aside program and the Good Neighbor Authority in affording opportunities to local, financially competitive service providers and support development of value-added processing and manufacturing facilities.

USFS Supplement to Indicator 5.4.a The National Forest, in collaboration with local communities and other experts, identifies and assesses opportunities to contribute to the diversification of the local economy, including but not limited to, restoration, recreation, ecosystem services and other new markets.

USFS Supplement to Indicator 5.4.b The National Forest implements opportunities identified in USFS Supplement to Indicator 5.4.a.(see also the Applicability Note for public lands for Indicator 5.4.b).

USFS Indicator 5.5.1 The National Forest quantifies and tracks carbon stocks, carbon removal (both through harvest and fire) and sequestration over time, and documents the rationale for methodologies employed.

USFS Indicator 5.5.2 The National Forest undertakes actions to avoid and/or minimize carbon emissions caused by catastrophic wildfires.

USFS Intent Statement for C5.6 Certification does not mandate harvest of forest products. Forest management is a tool for achieving larger scale environmental, economic, and social objectives/services on the National Forest.

USFS Supplement to Indicator 5.6.a The National Forest explicitly defines and documents the available land base used in this calculation.

PRINCIPLE 6: ENVIRONMENTAL IMPACT

USFS Supplement to Indicator 6.1.a The assessment includes vulnerability to catastrophic fire or other major disturbance resulting in large scale carbon emissions (see also USFS 5.5.1).

USFS Indicator 6.1.1 A landscape-level analysis of the extent and condition of successional stages of concern (including old growth, early successional habitat, habitat for RTE species or plant communities, etc.) is completed by the Forest, to determine the direct and cumulative effects of USFS management actions (including no active management) to such successional stages within the FMU and on neighboring affected lands.

USFS Indicator 6.1.2 When the analysis required by USFS Indicator 6.1.1 indicates that one or more of these successional stages is so inadequately represented as to threaten its long-term viability within the landscape analyzed, management actions to promote that successional stage's long-term viability are developed and implemented.

USFS Supplement to Indicator 6.2.a Irrespective of whether there is a likely presence of RTE species, all forest areas that are slated for management, treatment, or development (e.g., recreational development) are surveyed for RTE species and plant community types (see Glossary).

Where survey protocols do not exist, the National Forest provides evidence of measures designed to protect and manage for RTE species and plant community types.

USFS Intent for C6.3.a (landscape indicators): Given the very large scale of most national forests, National Forests carry a heightened expectation to make significant contributions to landscape-scale conservation goals and opportunities.

USFS Guidance to Indicator 6.3.a.3 Requirements related to old growth, as defined in the public lands Indicator above, refer to both Type 1 and Type 2 old growth. Examples of activities required to maintain the values of old growth include but are not limited to:

- Control and removal of exotic species is carried out
- Prescribed fire may be used
- Habitats of late-successional and Rare species may be created or enhanced

USFS Intent for Indicator 6.3.b Considering their size, it is expected that Indicator 6.3.b is feasible for National Forests.

USFS Supplement to Indicators 6.3.g.1 and 6.3.g.2 When *even-aged silviculture* systems are employed, such systems contribute to the attainment of ecological objectives. The use of and size and distribution of even-age harvests within the FMU and structural retention within those harvest areas are ecologically justified.

USFS Intent to Indicator 6.3.i For a National Forest, the requirements of this Indicator are applicable.

USFS Indicator 6.3.1 Areas within the FMU that actively function as ecological refugia (see Glossary), are identified and continue to be managed as such. Forest management is limited to actions needed to support the composition, structures, and functions of the refugium.

USFS Supplement to Indicator 6.4.b The National Forest establishes a network of RSAs within the FMU that includes all ecosystems found on the FMU (for purposes 1, 2 and 3), irrespective of whether similar RSAs exist outside the FMU.

USFS Guidance to Indicator 6.4.b As National Forests play a critical role in protecting existing ecosystems, it is therefore required that the National Forest maintains and/or expands an ecologically viable, resilient, well-distributed, and where possible, interconnected protected area system for all native ecosystem types found on the FMU.

USFS Supplement to Indicator 6.5.d As part of its transportation system planning, the National Forest periodically conducts a road inventory and crossing (culverts, bridges) assessment and has a strategy for effectively maintaining a road system that meets but does not exceed access needs, through upgrades, abandonment, decommissioning, otherwise closing, and, where needed, construction of new road segments.

USFS Supplement to Indicator 6.5.e.1 Water quality is monitored to address the efficacy of the watercourse buffers and other water quality protection measures. Where monitoring indicates protection measures are not achieving their goals, they are adjusted as necessary to protect water quality.

USFS Supplement to Indicator 6.5.f New, permanent crossings (culverts and bridges) are sized at a minimum for anticipated peak 100-year flows. Existing culverts and other crossings are assessed for their capacity and prioritized for upgrading if they do not meet 100-year peak flow needs.

PRINCIPLE 7: MANAGEMENT PLAN

USFS Supplement to Indicator 7.1.e The management plan also includes activities designed to restore the structure and function of degraded resources.

USFS guidance to Indicator 7.1.j Creation and/or maintenance of quality jobs (bullet 6) includes work associated with projects on the National Forest and their contribution to the local economy (see also Indicators 4.1.4 and 8.2.d.3).

USFS Supplement to Indicator 7.1.i The management plan describes the rationale for site-specific selection of silviculture system(s) used, including structural retention measures when even-age management is employed (see also Indicator 5.6.a and Indicator 6.3.9).

USFS Guidance to Indicator 7.2.a It is not expected that a full revision of the management plan occurs every 10 years. Rather, review of the management plan is required and pertinent components are revised as necessary to be kept up-to-date.

USFS Guidance to Indicator 7.3.a Given the substantial reliance on forest contractors and subcontractors to implement management activities on National Forests, it is important that adequate oversight is provided, and that the National Forest's procedures for evaluating and monitoring forest worker training/supervision is verified during the certification process.

PRINCIPLE 8: MONITORING AND ASSESSMENT

USFS Supplement to Indicator 8.2.d.3 Socio-economic monitoring also includes:

- effectiveness in providing forest-related employment and contracting opportunities (see Indicator 7.1.j); and,
- public access to and use of the forest, and other recreation values (see Indicators 4.1.4 and 7.1.j)

USFS Indicator 8.2.1 Monitoring includes the effectiveness of restoration methods and projects (see Indicator 7.1.e)

PRINCIPLE 9: MAINTENANCE OF HIGH CONSERVATION VALUE FORESTS

USFS Intent for Principle 9 It is expected that heightened analytical attention, including active stakeholder consultation, will be placed upon all inventoried roadless areas. It is anticipated that inventoried roadless areas may fall within one or more of the six categories of High Conservation Values.

USFS Intent for Principle 9 All identified Intact Forest Landscapes, per the FSC definition, are designated as HCV2 and reserved from management activities such as road building that would eliminate or diminish the intactness of such areas.

USFS Indicator 9.1.1 Regarding the HCV assessment methodology, the National Forest solicits and considers public comment.

USFS Guidance for Indicator 9.3.c Coordination with adjacent landowners is especially important for cross ownership of high conservation values on the National Forest.

PRINCIPLE 10: PLANTATION MANAGEMENT

No supplementary requirements proposed