

## Adaptation of the FSC US Forest Management Standard for the US Forest Service

### Draft 3: “Forest Tested” Draft

-- For Third Public Consultation --

Consultation Period: February 13 - April 13, 2017

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.

To see the changes made between Draft 2 and Draft 3, 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 second consultation were considered in Draft 3 (also available on the FSC US website).

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

## Addendum H: SUPPLEMENTARY REQUIREMENTS FOR LANDS MANAGED BY THE US FOREST SERVICE

### INTRODUCTION

#### Background

This appendix 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 current law and 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 at the national level (i.e., the Chief of the Forest Service) to adhere to the FSC Principles and Criteria for the National Forest pursuing certification, and to the *FSC Policy for Association* (FSC-POL-01-004) for the National Forest System as a whole. 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 the federal register, 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). These include NEPA, NFMA and the 2012 Planning Rule.

**USFS Indicator 1.1.1** Existing (filed over the past 45 days) 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.

**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, are examined during the certification process as they may be indications of non-compliance with the standard; however, pre-decisional objections, administrative appeals and lawsuits alone do not constitute nonconformance. (See also Criterion 2.3)

**USFS Indicator 1.1.2** The National Forest demonstrates that processes are in place and are implemented that are designed to resolve existing disputes and legal challenges (see USFS Indicator 1.1.1) so that legal compliance is confirmed or achieved. Information on the

processes for resolving existing disputes is readily available to interested local, regional and national stakeholders.

**USFS Applicability for Indicator 1.5.a:** Pertinent National Forest personnel are expected to undertake law enforcement responsibilities.

**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** National Forest personnel identify the location of illegal and unauthorized activities that occur on the National Forest and they demonstrate awareness of these activities 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** If federally recognized tribes have legal rights or other binding agreements to the National Forest, 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 Guidance for Supplemental Indicator 4.1.b:** For contract workers, high quality job opportunities may include characteristics such as a safe work environment, grievance mechanisms, reasonable accommodations, and access to health care.

**USFS Guidance for Indicator 4.1.c:** Wages are considered fair if they are the same as or higher than wages for similar work in the local area.

**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 Supplement to Indicator 4.1.g** The National Forest also participates in forest worker trainings in order to ensure they are designed to develop a skilled workforce.

**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); this requirement does not extend to the families of forest workers.

**USFS Indicator 4.2.1** Where applicable, compliance with the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) is enforced. When non-compliance is detected, corrective actions or legal options are pursued. Violations are reported to the certification body as described in Indicator 1.1.a.

**USFS Supplement to Indicator 4.4.d** A public participation strategy is developed and implemented. The strategy is a document that provides the foundation and roadmap for early and ongoing engagement with the public. The strategy shall also include approaches for engaging diverse audiences including American Indian tribes, youth, low-income and underrepresented communities, local, regional and national audiences.

**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** 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 federal government claims processes. 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:** Management contributes to social, economic, cultural and ecological conditions in the National Forest and the broader landscape. This includes multiple uses, ecosystem services, and social benefits for the national public interest. See also Intent note, above, and the requirements of Principle 6 that focus on conservation, restoration and ecosystem resilience, among other issues.

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

**USFS Supplement to Indicator 5.1.a** Core management activities that need to be met are defined, documented and prioritized.

**USFS Guidance for 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, and wherever products are harvested and sold, diversification of revenue-generating forest products is a requirement (i.e., the ‘should’ is a ‘shall’; see also USFS Supplement to Indicator 5.4.b).

**USFS Guidance for Indicator 5.2.c:** This includes the use of available contracting mechanisms and other tools, 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 or 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 Intent for C5.5:** Protection and enhancement of forest services and resources are core responsibilities of the National Forest. This includes consideration and management at a landscape-scale, working across ownerships and in collaboration with other agencies and landowners.

**USFS Indicator 5.5.1** Carbon stocks and influences on them (e.g., disease, insects, growth, timber harvest, vegetation, wildlife), are identified. Baseline carbon stocks, carbon removal (both through harvest, fire and other significant disturbances) and sequestration over time are quantified and tracked, and the rationale for methodologies employed are documented.

**USFS Intent 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.

## PRINCIPLE 6: ENVIRONMENTAL IMPACT

**USFS Intent for Principle 6:** For the National Forest, ecological sustainability is a core responsibility, and the focus of this Principle is on managing and restoring ecological integrity and providing the public with a diversity of social, economic and ecological benefits.

**USFS Supplement to Indicator 6.1.a** The assessment includes:

- climate change adaptation and vulnerability;
- the ability of species to persist in the planning area, and threats to species persistence; and
- vulnerability to uncharacteristic fire (based on a departure from Natural Range of Variability) and other major disturbances. (see also USFS Indicator 5.5.1).

**USFS Supplement to Indicator 6.1.b** The elements in USFS Supplement to Indicator 6.1.a are included in this assessment and documentation.

**USFS Indicator 6.1.1** A landscape-level assessment (extending to adjacent ownerships) is conducted in order to identify impacts, threats and opportunities and to contribute to shared objectives across the landscape (see also USFS Indicator 6.3.1). The analysis includes:

- Extent and condition of successional stages (including old growth, late, mid and early)
- Habitat for RTE species and plant communities
- Habitat connectivity
- Threats such as from fire, insects, disease, invasive species
- Terrestrial and riparian restoration and other opportunities for landscape-scale restoration
- The unique role, values, and contribution of the National Forest within the broader landscape

**USFS Guidance for USFS Indicator 6.1.1:** “Landscape level” means a spatial scale larger and/or more inclusive than just the federal lands comprising a National Forest. Non-federal lands may be interspersed within or neighboring the boundaries of a National Forest

**USFS Supplement to Indicator 6.2.a** Irrespective of whether there is a likely presence of RTE species, forest areas that are slated for site-disturbing management, treatment, or

development (e.g., recreational development) are surveyed for RTE species and plant community types (see Glossary). Where survey data/results do not exist, the National Forest uses the Precautionary Principle and mitigation measures as if the species is present.

**USFS Intent for C6.3:** 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 for Indicator 6.3.a.3:** Requirements related to old growth, including for 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 Supplement to Indicator 6.3.a. 3** Old growth stands are mapped.

**USFS Guidance for Indicator 6.3.b:** Considering their size, there is an expectation that Indicator 6.3.b should be feasible for the National Forest.

**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 and restoration objectives. The ecological rationale is documented for the use of, and size and distribution of, even-age harvests within the FMU, and for the structural retention within those harvest areas.

**USFS Supplement to Indicator 6.3.i** Management practices shall also be based on forest carbon objectives.

**USFS Intent for Indicator 6.3.i:** For a National Forest, the requirements of this Indicator are applicable. Wildfire is further defined as uncharacteristic fire.

**USFS Indicator 6.3.1** When the analysis required by USFS Indicator 6.1.1 indicates impacts, threats and opportunities related to one or more of the ecological values or functions, actions to address them are developed and implemented (See also USFS Indicator 6.1.1).

**USFS Indicator 6.3.2** 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 a particular 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 for 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 the appropriate sizing of roads and culverts, prioritizing which roads should be reclaimed first, decommissioning unneeded roads, and maintaining needed ones.

**USFS Supplement to Indicator 6.5.f** New, permanent crossings (culverts and bridges) are sized at a minimum for calculated 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.

**USFS Supplement to indicator 6.5.h** Grazing by domesticated animals is managed in conformance to sustainable rangeland management practices to avoid adverse effects such as: altering natural fire regimes, facilitating the spread of invasive species, harming native species and degrading riparian and aquatic systems.

**USFS Indicator 6.5.1** Watershed analyses are conducted to determine the conditions of watersheds and to identify priority watersheds for restoration and maintenance.

**USFS Indicator 6.5.2** Plans are developed and implemented to maintain or restore riparian habitat and the ecological integrity of aquatic ecosystems and watersheds, including function, connectivity and composition, taking into account potential stressors such as climate change and social, cultural and economic impacts. National Forest personnel coordinate with State, local and tribal managers, and with other water managers and users to ensure appropriate resource protection. (See also USFS Supplement to Indicator 8.2.d.1)

## PRINCIPLE 7: MANAGEMENT PLAN

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

**USFS guidance for 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.e and 8.2.d.3).

**USFS Supplement to Indicator 7.1.l** The management plan describes the rationale for site-specific selection of silvicultural system(s) used, including structural retention measures when even-age management is employed (see also Indicator 5.6.a and Indicators 6.3.g1/6.3.g.2).

**USFS Guidance for Indicator 7.1.r:** For National Forests, stakeholders are considered national in scope. The management plan should therefore clearly define whether and when local or national stakeholders are consulted.

**USFS Guidance for 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 for Indicator 7.3.a:** Given the substantial reliance on forest contractors and subcontractors to implement management activities on National Forests, it is important that Forest Service personnel actively assess the competency and effectiveness of forest workers in carrying out their responsibilities, as the contractually appropriate means for ascertaining the quality and effectiveness of training and supervision carried out by the contractor.

## **PRINCIPLE 8: MONITORING AND ASSESSMENT**

**USFS Supplement to Indicator 8.2.d.1** The efficacy of the watercourse buffer delineation and protection measures is monitored to confirm that practices are maintaining or restoring riparian habitat and, where applicable, promoting the recovery of federally listed fish populations. Where monitoring indicates that protection measures are not achieving their goals, they are adjusted as necessary.

**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,
- in collaboration with the Department of Labor, full and on-time payment of workers' wages and that contractors and subcontractors are complying with applicable labor laws; and
- public access to and use of the forest, and other recreation values (see Indicator 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:** All roadless areas are assessed as part of the HCV assessment process. It is expected that heightened analytical attention, including active stakeholder consultation, will be placed upon all inventoried and uninventoried roadless areas. It is expected that inventoried roadless areas will have a large likelihood of falling within one or more of the six categories of High Conservation Values.

**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.