



Controlled Wood FSC US National Risk Assessment
 for Alaska & Hawaii
Consultation Companion & Assessment Summaries

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INTRODUCTION

Scope of Consultation

Forest Stewardship Council US (FSC-US) previously developed a Controlled Wood National Risk Assessment (NRA) for the conterminous United States (i.e., all parts of the country except the states of Alaska, Hawaii and the U.S. territories) – that risk assessment, ‘US NRA-Part 1,’ was approved in April 2019 and is now being used by all companies that wish to control uncertified forest materials from the assessed area, so that those materials may be mixed with FSC certified materials for use in certified products that carry the FSC Mix label. The US NRA-Part 1 is not open for review or revision at this time, and therefore is not part of this consultation.

FSC-US is now developing a 'Part 2' Controlled Wood National Risk Assessment for the states of Alaska and Hawaii. With the assistance of a consultant, experts and FSC-US staff, the US NRA-Part 2 Working Group has drafted risk assessments applicable to Alaska and Hawaii for each of the five FSC Controlled Wood categories. At this time, we are inviting all interested and affected stakeholders to provide us with feedback on the draft US NRA-Part 2. All parts of the associated draft document are open to comment during this consultation.

The public consultation for the draft US NRA-Part 2 is open from Thursday, October 24 through December 23, 2019. While we welcome all comments, we would particularly like to receive your responses to a set of specific consultation questions, which may be accessed via the Consultation Questionnaire SurveyMonkey link provided below and via our FSC-US Controlled Wood National Risk Assessment-Part 2 web page.

Following this consultation, the US NRA-Part 2 Working Group will review the comments received, and use them to identify changes needed in the draft document. Following FSC-US Board of Directors review and approval, the draft will be submitted to FSC International for final approval and publication.

Please contact Amy Clark Eagle, FSC-US Director of Science & Certification (a.eagle@us.fsc.org), with any questions regarding the draft US NRA-Part 2 or consultation.

Thank you for your interest and participation!

Materials Available to Support the Consultation

FSC-US has developed a [US NRA-Part 2 web page](#) to provide access to the following consultation materials:

- *Controlled Wood Overview* – A summary of the history of Controlled Wood and the role it plays in FSC certification
- *Draft Part 2 Risk Assessment for Alaska & Hawaii* – The completed draft document that is open for comment during this consultation
- *PDF maps & spatial data* – There are two ways to view boundaries of specified risk areas: PDF maps may be downloaded from the web page, or a spatial data layer may be requested from Jenny Anderson, Policy & Standards Manager (j.anderson@us.fsc.org)

To provide an opportunity for greater understanding of the draft US NRA-Part 2, the role it will play in the FSC certification scheme, and its contents, as well as provide an opportunity to ask questions, FSC-US will offer a webinar on November 20, 2019 at 2:00 PM Central Time. Please register using this [link](#).

FSC-US is requesting that participants in the consultation provide their feedback via the [Consultation Questionnaire SurveyMonkey](#). This will allow the US NRA-Part 2 Working Group to more efficiently and accurately assess the comments received and respond accordingly. To assist you in preparing your responses, the consultation questions included in the Consultation Questionnaire SurveyMonkey are provided below along with summaries of the draft US NRA-Part 2 assessments and conclusions. If you have any difficulties using SurveyMonkey, please contact FSC-US (via Jenny Anderson, j.anderson@us.fsc.org).

Relationship Between ‘Part 1’ and ‘Part 2’ NRA Documents

Ultimately, our intent is to combine both Part 1 and Part 2 US NRA documents into a single NRA for the United States (although it will still not include US territories). However, during development of the US NRA-Part 2, the two will remain separate and this consultation is limited to the contents of the draft US NRA-Part 2.

Some assessments within the US NRA-Part 1 were based on information and data applicable to the entire United States. In these instances, the draft US NRA-Part 2 references those risk assessments and conclusions. This is true in particular for Category 1 (Legality) and Category 5 (GMOs). For Category 2 (Traditional and Human Rights), the national assessment in the US NRA-Part 1 is referenced, but additional information sources specifically related to Alaska and Hawaii are considered for risk assessments in the draft US NRA-Part 2. While the Part 1 content is not open to comment, feedback on its applicability to Alaska and Hawaii is welcome.

The methodologies used for development of the US NRA-Part 2 content are generally consistent with those used for the US NRA-Part 1. However, many of the information sources referenced are different and the risk designations resulting from the risk assessments are also different.

Finally, it is important to note that **the proposed approach to risk mitigation in the draft US NRA-Part 2 is different than that in the US NRA-Part 1**. The draft US NRA-Part 2 does not include mandatory control measures, providing certificate holders with the flexibility to develop their own approach to risk mitigation. The rationale for this difference is provided below in the final section of this document, and there are associated consultation questions.

Organization of Risk Assessment Summaries and Consultation Questions

The Consultation Questionnaire SurveyMonkey begins by asking for some information about the consultation participant, including name, affiliation, stakeholder type, FSC membership status and contact information (in case any follow-up is needed). The next set of questions is about the risk assessments and risk designations. This is followed by a small number of questions regarding risk mitigation and control measures. The Consultation Questionnaire SurveyMonkey ends with an opportunity to provide any additional comments prior to submission of the participant’s responses.

The draft US NRA-Part 2 document is itself organized by Controlled Wood Category, with Category 3 further sub-divided by HCV type. Within each of these divisions, content for both Alaska and Hawaii are provided together. However, in recognition that most consultation participants will be only be interested in or affected by the assessments and outcomes for one state, the following risk assessment summaries and the questions in the Consultation Questionnaire SurveyMonkey are both organized by state. Page numbers for the corresponding content in the draft US NRA-Part 2 are provided.

FOR REFERENCE:

The approved US NRA-Part 1 (for the conterminous U.S.) may be viewed via the [FSC-US web site](#). In the ‘Documents Available to Download’ section, click on the green text for the first option.

Additional topics not included in the US NRA-Part 1 Table of Contents:

- Worker’s Rights, p.73
- Indigenous Peoples’ Rights, p.81
- Critical Biodiversity Areas (CBA), p.110
- Priority Species, p.120
- Landscape-Level Forests, p.129
- Old Growth Forests, p.136
- Roadless Areas, p.139
- Priority Forest Types, p.141

RISK ASSESSMENT SUMMARIES – ALASKA

Category 1 (Legality)

Indicators 1.1 to 1.21, Illegally Harvested Wood

The risk assessments for the conterminous US were conducted at a national scale, and therefore the results apply to Alaska. See pp.7-12 of the draft US NRA-Part 2.

Proposed Risk Designations: **LOW RISK** for all indicators for the entire state of Alaska

Associated Consultation Questions:

- Do you support the risk designations for **Category 1** indicators in Alaska? If not, why not?
- Any further comments?

Category 2 (Traditional & Human Rights)

Indicator 2.1, Violent Armed Conflict

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. See pp.13-14 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Alaska

Indicator 2.2, Workers' Rights

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. Additional Alaska-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment. See pp.14-17 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Alaska

Indicator 2.3, Indigenous Peoples' Rights

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. Additional Alaska-specific information was also gathered and considered as part this risk assessment and was found to support the national assessment.

Native Alaska peoples have a significantly different formal relationship with the United States than tribes in the conterminous US. No formal treaties were signed with Native Alaska groups, and the rights of Native Alaska peoples were largely ignored until the passage of the Alaska Native Claims Settlement Act in 1971. Once Congress began enacting preferential and separate programs for Alaska Natives, however, the courts immediately recognized that it was appropriate to evaluate these programs under the same rational basis standard of judicial review that applied to programs for American Indians in the conterminous US.

Today, Alaska tribes have clear jurisdiction over membership, to determine their own form of government and justice system, and over internal affairs. Additionally, access of Alaska Native corporations to significant land bases and timber resources, where relevant, indicates a high level of self-determination over the management of forest resources.

See pp.17-18 and pp.24-27 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Alaska

Associated Consultation Questions:

- Do you support the risk designation for **Indicator 2.1** in Alaska? If not, why not?
- Do you support the risk designation for **Indicator 2.2** in Alaska? If not, why not?
- Do you support the risk designation for **Indicator 2.3** in Alaska? If not, why not?
- Any further comments?

Category 3 (High Conservation Values)

Indicator 3.1, HCV 1, Concentrations of Biodiversity

FSC US identified Critical Biodiversity Areas (CBAs) in a similar manner as in the conterminous US, using NatureServe's Rarity-Weighted Richness dataset. The polygons derived from this dataset were grouped into similar biophysical regions, resulting in 7 CBA assessments as follows.

- **Beaufort Sea:** The region consists largely of non-forested Arctic tundra and has no commercial forest harvest – therefore it is unlikely that the concentration of biodiversity is threatened by forest management activities.
- **Bering Coast:** The region includes the coastline of the Bering Sea, associated drainages and floodplains, and interior plains and upland area. Very little of the region is forested, and the remote location effectively protects these forests from management activities.
- **Aleutian Islands:** The region includes two polygons on small Aleutian Islands far into the Bearing Sea. They are non-forested barrier islands with no commercial wood harvest – therefore is unlikely that the concentration of biodiversity is threatened by forest management activities.
- **Interior Alaska:** The region is mostly arctic tundra, sub-arctic non-forested ecosystems, and non-forested mountain ranges, but forests occur in lowlands and valleys. Tamarack wetlands and old-growth white spruce (*Picea glauca*) floodplain forests are the drivers of forested biodiversity in this region. While tamarack wetlands are typically isolated and at risk from sawflies and bark beetles (not forest management), old-growth white spruce floodplain forests are vulnerable to threats from logging where they occur close to logging infrastructure, particularly near the city of Fairbanks.
- **Bristol Bay/Kodiak Island:** This region includes Bristol Bay and Kodiak Island, dividing the Bearing Sea from the Gulf of Alaska. Habitats contributing to the area's critical biodiversity include Pacific and Beringian barrier islands and spits, and Pacific and Beringian tidal marshes. The one identified high-biodiversity forested area that occurs along the saltwater coast and is influenced by saltwater spray is effectively protected by state forestry regulations due to its proximity to waterbodies.
- **South Central Alaska:** This region lies within and outside of Wrangell-St. Elias National Park & Preserve in southern and southeastern Alaska. The forested habitat that contributes to the area's critical biodiversity is the boreal forested glacial ablation plain ecosystem. There is no evidence of commercial wood harvest in this region, and its remote location effectively protects these forests from management activities.
- **Southeast Alaska:** This CBA is temperate rainforests and coastline ecosystems recognized for their size, pristineness and for largely remaining intact. Drivers of biodiversity include old-growth Sitka spruce (*Picea sitchensis*) - western hemlock (*Tsuga heterophylla*) temperate rainforest, and yellow-cedar (*Callitropsis nootkatensis*) forested wetland ecosystems. A majority of the ecoregion lies within the Tongass National Forest, Chugach National Forest and Glacier Bay National Park. The remainder is managed by the Alaska Department of Natural Resources, Native Alaskan corporations, and other private owners. Outside of protected areas, old-growth remains feasible for timber harvest. The Tongass National Forest management plan explicitly

Associated Consultation Questions:

- Do you agree with the identification of **HCV 1** in Alaska?
If not, why not?
- Do you support the risk designations for **Indicator 3.1** in Alaska?
If not, why not?
- Any further comments?

emphasizes biodiversity conservation. While there may be some harvests of old growth forest within the national forest (considered as part of the HCV 3 risk assessment), it appears that the concentration of biodiversity within the national forest will be maintained. However, this kind of effective protection is not in place outside of the national forest and other effectively protected areas.

See pp.36-44 of the draft US NRA-Part 2.

Proposed HCV 1 Risk Designations:

- **SPECIFIED RISK** for portions of the Southeast Alaska CBA that are within non-Federal ownership and are not within GAP 1 or GAP 2 status areas or within conservation easements
- **SPECIFIED RISK** for portions of the Interior Alaska CBA polygon surrounding Fairbanks that include white spruce floodplain forest
- **LOW RISK** for the remainder of the state of Alaska

NOTE: No species in Alaska met the criteria used for HCV 1 species in the conterminous US NRA. However, due to the importance of Woodland Caribou to the FSC Canada NRA and National Forest Stewardship Standard, FSC-US completed an assessment of this species in Alaska, even though it did not meet the previously established criteria for HCV 1. The Woodland Caribou range extends only slightly into Alaska, and the entirety of that area is within a National Park – therefore, even if this species had met the NRA’s criteria for an HCV 1 species, it would have been considered ‘low risk’ in Alaska.

Indicator 3.2, HCV 2, Landscape Level Forests

The Greenpeace/WRI Intact Forest Landscapes (IFL) dataset suggests that there are 59 IFL units in Alaska. While some of these have effective protective designations in place and some are effectively protected due to their remoteness, a number of these units are in areas that could be accessible for timber harvesting. However, a review Global Forest Watch (GFW) data indicated that within the portions of Alaska IFL that could be accessible for harvesting, the areas identified for IFL loss by GFW are linked to loss from wildfires, not forest management activities. See pp.53-55 of the draft US NRA-Part 2.

Associated Consultation Questions:

- Do you agree with the identification of **HCV 2** in Alaska?
If not, why not?
- Do you support the risk designation for **Indicator 3.2** in Alaska?
If not, why not?
- Any further comments?

Proposed HCV 2 Risk Designation: **LOW RISK** for the entire state of Alaska

Indicator 3.3, HCV 3, Rare Forest Ecosystems

Based upon the FSC US High Conservation Value Framework, two types of HCV 3 were identified and assessed – Old Growth Forests (or Primary Forests) and Priority Forest Ecosystems. In Alaska, roadless areas are not as rare, nor as small, as they are in the conterminous United States, and therefore are addressed through the HCV 2 assessment.

Potential occurrence of old growth forests was assessed using the Coastal Temperate Rainforest - Remaining Late Seral Forest Fragments in Northwest North America dataset for the Southeast and Southcentral regions of the state, and

Associated Consultation Questions:

- Do you agree with the identification of **HCV 3** in Alaska?
If not, why not?
- Do you support the risk designations for **Indicator 3.3** in Alaska?
If not, why not?
- Any further comments?

for the remainder of the state, an analysis that removed forests in areas with historical forest management activities and development and considered that the remainder of the forests to have a high likelihood of including old growth. Loss of old growth to timber harvest on federal lands is taking place at low rates. Losses on non-federal lands that don't have other protective designations, particularly in Southeast Alaska, have continued at higher rates than on federal lands. However, in some regions, these losses are limited by accessibility for forest management activities.

The Priority Forest Ecosystems were based largely on Alaska's Ecosystems of Conservation Concern report. Those ecosystems that are by definition old growth (i.e., old growth Sitka spruce communities) and/or that prior to European settlement would have existed predominantly as late-successional forest due to their natural disturbance regime (e.g., Coastal temperate rainforest) were considered to be addressed through the old growth forest assessment. Two non-old growth priority ecosystems were assessed:

- **Boreal Forested Glacial Ablation Plain:** This habitat is dominated by mature forest and understory associated with growing in a periglacial environment. It occurs in rare pockets in lower elevations of the Alaskan Range, Chugach Mountains, Wrangell Mountains, and the St. Elias Mountains. The greatest threat is the warming climate which is causing glacier movement that threatens the stability of soils and vegetation. These habitats are remote, small in size, and offer marginal timber quality and value. They are effectively not at risk of forest management activities.
- **Tamarack Wetland:** Tamarack (*Larix laricina*) wetland is co-dominated by stunted black spruce (*Picea mariana*) and other stunted understory vegetation. The wetland is located in drainages between the Brooks and Alaska Ranges. There's an abundance of the wetland found along the Tanana River and scattered along the Yukon, Kuskokwim and Koyukuk Rivers. Disturbances that occur are from defoliators and bark beetles. These habitats are remote, small in size, and offer marginal timber quality and value. They are effectively not at risk of forest management activities.

See pp.56-65 of the draft US NRA-Part 2.

Proposed HCV 3 Risk Designations:

- **SPECIFIED RISK** for accessible non-federal lands in Southeast and Southcentral Alaska that have a high likelihood of old growth, and are not within GAP status 1 or 2 areas, State Reserve land, or USFS Inventoried Roadless Areas
- **SPECIFIED RISK** for accessible non-federal and BLM lands in Interior and Southwest Alaska with a high likelihood of primary forest, and are not within GAP status 1 or 2 areas, State Reserve land, or USFS Inventoried Roadless Areas
- **LOW RISK** for the remainder of the state of Alaska

Indicator 3.4, HCV 4, Ecosystem Services

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. Additional Alaska-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment.

Alaska has three primary ecoregions with forested land that provide significant ecosystem services to local communities: The Boreal Cordillera; Alaska Boreal Interior and Marine

Associated Consultation Questions:

- Do you agree with the identification of **HCV 4** in Alaska?
If not, why not?
- Do you support the risk designation for **Indicator 3.4** in Alaska?
If not, why not?
- Any further comments?

West Coast Forest. Historically, riparian zones (wetlands, flood plains, etc.) have been attractive for logging operations because trees in these areas are considered more productive and have greater accessibility. This type of management could threaten ecosystem services such as flood mitigation, water quantity and quality, soil erosion, and flow regimes. Evidence of the effectiveness of state-level forestry Best Management Practices (BMPs) associated with the Federal Clean Water Act, and with the reported levels of compliance, indicate that there is a high likelihood that HCV 4 are not being threatened by forest management practices in Alaska due to the implementation of forestry BMPs.

See pp.68-70 of the draft US NRA-Part 2.

*Proposed HCV 4 Risk Designation: **LOW RISK** for the entire state of Alaska*

Indicator 3.5, HCV 5, Community Needs

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. Additional Alaska-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment.

Where non-native subsistence-dependent communities occur in Alaska, forest management activities may take place. The impacts of forest management activities are varied, for example clearcuts impact native plant communities, but also may increase ungulate populations by improving grazing habitat. These impacts are localized and relatively small in the large forested landscape of remote Alaska, and do not substantially impede subsistence activities.

Access to subsistence resources is guaranteed to treaty tribes in the conterminous United States through the body of treaties and statutes which guarantee the traditional hunting, fishing, trapping and gathering rights of American Indian peoples. Through the Alaska National Interest Land Conservation Act, Alaska has an additional canon of law which guarantees access to subsistence resources for Alaska Native peoples.

See pp.72-76 of the draft US NRA-Part 2.

*Proposed HCV 5 Risk Designation: **LOW RISK** for the entire state of Alaska*

Indicator 3.6, HCV 6, Cultural & Sacred Sites

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Alaska. Additional Alaska-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment.

As discussed in the US NRA Part 1, locations of sites sacred to Native American tribes are not generally publicly available due to requests for confidentiality, and this is true for Alaska Native peoples. It is assumed that, because the entirety of Alaska is traditional homelands of Alaska Native peoples, areas of critical cultural importance exist throughout the assessment area. Alaska state law offers further protection of areas of critical cultural significance in exceedance of Federal law. Expert consultation indicates there is sufficient protections for culturally significant sites,

Associated Consultation Questions:

- Do you agree with the identification of **HCV 5** in Alaska?
If not, why not?
- Do you support the risk designation for **Indicator 3.5** in Alaska?
If not, why not?
- Any further comments?

Associated Consultation Questions:

- Do you agree with the identification of **HCV 6** in Alaska?
If not, why not?
- Do you support the risk designation for **Indicator 3.6** in Alaska?
If not, why not?
- Any further comments?

and efforts on the part of the State and federal agencies to provide redress where damage has occurred.

See pp.76-77 of the draft US NRA-Part 2.

*Proposed HCV 6 Risk Designation: **LOW RISK*** for the entire state of Alaska

Category 4 (Forest Conversion)

Indicators 4.1, Conversion to Plantation or Non-Forest Uses

There are roughly 129 million acres of forested land in Alaska, of which over 50% is federally managed and another 25% is managed by state and local governments. The remaining forestland is managed by private landowners. The majority of this private land is managed by Alaska Native corporations, with other private landowners managing less than 1% of the state's total forestland.

There is no national legislation in the United States related to conversion and Alaska state-level legislation does not prohibit conversion. Global Forest Watch suggests that forest loss is occurring throughout the central portion of the state, but their data indicates that this forest loss is primarily driven by wildfire and would not typically be considered permanent conversion. Global Forest Watch data also suggests that wood fiber or timber plantations are not common in Alaska. Other studies have found that tree planting does take place in the state but in limited circumstances to encourage regeneration of natural forests, suggesting conversion to plantation is not common.

See pp.91-92 of the draft US NRA-Part 2.

*Proposed Risk Designation: **LOW RISK*** for the entire state of Alaska

Associated Consultation Questions:

- Do you support the risk designation for **Category 4** in Alaska? If not, why not?
- Any further comments?

Category 5 (GMOs)

Indicators 5.1, Genetically Modified Trees

The risk assessments for the conterminous US were conducted at a national scale, and therefore the results apply to Alaska. See p.96 of the draft US NRA-Part 2.

*Proposed Risk Designation: **LOW RISK*** for the entire state of Alaska

Associated Consultation Questions:

- Do you support the risk designation for **Category 5** in Alaska? If not, why not?
- Any further comments?

RISK ASSESSMENT SUMMARIES – HAWAII

Category 1 (Legality)

Indicators 1.1 to 1.21, Illegally Harvested Wood

The risk assessments for the conterminous US were conducted at a national scale, and therefore the results apply to Hawaii. See pp.7-12 of the draft US NRA-Part 2.

Proposed Risk Designations: **LOW RISK** for all indicators for the entire state of Hawaii

Associated Consultation Questions:

- Do you support the risk designations for **Category 1** indicators in Hawaii? If not, why not?
- Any further comments?

Category 2 (Traditional & Human Rights)

Indicator 2.1, Violent Armed Conflict

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. See pp.13-14 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Hawaii

Indicator 2.2, Workers' Rights

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. Additional Hawaii-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment. See pp.14-17 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Hawaii

Indicator 2.3, Indigenous Peoples' Rights

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. Additional Hawaii-specific information was also gathered and considered as part this risk assessment and was found to support the national assessment.

Two fundamental native peoples' rights are lacking in the case of Native Hawaiians: the right to self-determination, and lack of forest management control over public lands with a stated objective to better Native Hawaiians. However, both the State of Hawaii and Federal governments have paths for Native Hawaiians to gain formal recognition akin to that afforded to tribes in the conterminous US and Alaska Natives.

See pp.17-23 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Hawaii

Associated Consultation Questions:

- Do you support the risk designation for **Indicator 2.1** in Hawaii? If not, why not?
- Do you support the risk designation for **Indicator 2.2** in Hawaii? If not, why not?
- Do you support the risk designation for **Indicator 2.3** in Hawaii? If not, why not?
- Any further comments?

Category 3 (High Conservation Values)

Indicator 3.1, HCV 1, Concentrations of Biodiversity

FSC US identified Critical Biodiversity Areas (CBAs) in a similar manner as in the conterminous US, using NatureServe's Rarity-Weighted Richness dataset. For Hawaii, this resulted in a single CBA that encompasses nearly all of the Hawaiian Islands.

The Hawaiian Islands are recognized globally as a conservation hot spot for their high endemism and endangered species. Forested land cover is mainly concentrated in the lowland wet, mesic, and dry, Montane wet, mesic and dry, Coastal and Subalpine ecozones. Industrial-scale forestry is a small and diminishing industry in Hawaii. State forest reserves allow timber harvest only in designated management areas, and state law limits harvest to non-native-dominated forests. However, high-value native hardwoods are legally harvested on private land outside of Conservation Districts. Commercial harvest occurs on certain state forest lands designated for these activities, but the largest of these areas are plantations of non-native trees that do not support native biodiversity. The remainder of these state designated forest lands are smaller and scattered and forest management in these areas is much less likely to impede maintenance of the overall concentration of biodiversity. The Hawaii Forest Action Plan identifies 'unsustainable harvesting' as a threat to biodiversity within certain ecozones. Overall, the levels of timber harvest occurring are very low.

Associated Consultation Questions:

- Do you agree with the identification of **HCV 1** in Hawaii? If not, why not?
- Do you support the risk designations for **Indicator 3.1** in Hawaii? If not, why not?
- Any further comments?

HCV 1 species were identified by FSC US using NatureServe data in a similar manner as in the conterminous US and then evaluated for threats from forest management activities.

Assessments of these species indicate that while land changes were historically a significant cause for endangerment, current threats are predominantly from predation, disease, invasive species and climate change, not from forest management activities. The ranges of the following species are identified as HCV1, but the ranges are restricted to protected areas, and/or the species use habitats that are effectively protected from forest management, and/or the species do not have forest management activities identified as a threat:

- Akikiki, *Oreomystis bairdi*
- Akohekohe, *Palmeria dolei*
- Hawaiian Duck, *Anas wyvilliana*
- Puaiohi, *Myadestes palmeri*
- Po'Ouli, *Melamprosops phaeosoma*
- Laysan Duck, *Anas laysanensis*
- Akiapolaau, *Hemignathus wilsoni*
- Oahu 'Elepaio, *Chasiempis ibidis*
- Kiwikiu, *Pseudonestor xanthophrys*
- 'Akepa, *Loxops coccineus*

See pp.36-38 and pp.44-53 of the draft US NRA-Part 2.

Proposed HCV 1 Risk Designations:

- **SPECIFIED RISK** for privately-owned forest lands in the Hawaii CBA that are within montane wet, montane mesic, and lowland mesic ecozones and outside Conservation Districts.
- **LOW RISK** for the remainder of the state of Hawaii

Indicator 3.2, HCV 2, Landscape Level Forests

Although Hawaii has two contiguous units of forest over 50,000 Ha, neither qualifies as IFL per the Greenpeace / WRI dataset definition due to their fragmentation from roads, development, and other anthropogenic intrusions. However, much of the forest is considered HCV 2 for the purpose of this risk assessment, due to it providing buffer and connectivity for conservation, reserve, and permanently protected land. The Hawaii Forest Action Plan identifies three ecozones with threats from forest management

Associated Consultation Questions:

- Do you agree with the identification of **HCV 2** in Hawaii? If not, why not?
- Do you support the risk designations for **Indicator 3.2** in Hawaii? If not, why not?
- Any further comments?

activities, but HCV 2 within these ecozones that are also within Conservation Districts and within GAP 1 and GAP 2 status areas are effectively protected.

See pp.55-56 of the draft US NRA-Part 2.

Proposed HCV 2 Risk Designations:

- **SPECIFIED RISK** for HCV 2 forest in Hawaii that occurs: outside of GAP 1 or GAP 2 status areas; and outside of Conservation Districts; and within the montane wet, montane mesic, and lowland mesic ecozones
- **LOW RISK** for the remainder of the state of Hawaii

Indicator 3.3, HCV 3, Rare Forest Ecosystems

In Hawaii, all native forests are rare and threatened (although not necessarily by forest management activities), regardless of successional stage, and therefore all native forests are identified and assessed as HCV 3, without a separate assessment for Old Growth forests or roadless areas. In three ecozones, these native forests are identified as being threatened by forest management activities. However, within Conservation Districts, the mandatory permitting process for ground disturbing land use activities provides effective protection from these threats. Other designations also limit the potential impact of forest management activities.

See pp.56-59 and pp.65-68 of the draft US NRA-Part 2.

Proposed HCV 3 Risk Designations:

- **SPECIFIED RISK** for Hawaii native forests that are within the montane wet, montane mesic, or lowland mesic ecozones and are not within: a Conservation District; or GAP status 1 or 2 area; or F2, F3 or F4 designated areas in State Forest Reserves; or private land under a conservation easement
- **LOW RISK** for the remainder of the state of Hawaii

Indicator 3.4, HCV 4, Ecosystem Services

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. Additional Hawaii-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment.

Hawaii's municipalities depend on reservoirs to recharge ground water aquifers that supply drinking water to communities. Forest provide an ecosystem service by capturing or slowing the rate of evaporation of precipitation, preventing erosion and increasing water retained for ground water, indicating the presence of HCV 4. Surface water is also a valued natural resource in Hawaii that provides more than 50% of irrigation water to agriculture but does not provide the majority of drinking water. During times of heavy rainfall, streams can quickly flood causing hazardous conditions to people and loss of property.

Since commercial forest harvest have not operated at a large scale in Hawaii, there are few systems in place to address management activities and their impact and currently no reports easily accessible on state or private commercial forest operations compliance with BMPs. However, other evidence of the effectiveness of state-level forestry BMPs associated with the

Associated Consultation Questions:

- Do you agree with the identification of **HCV 3** in Hawaii?
If not, why not?
- Do you support the risk designations for **Indicator 3.3** in Hawaii?
If not, why not?
- Any further comments?

Associated Consultation Questions:

- Do you agree with the identification of **HCV 4** in Hawaii?
If not, why not?
- Do you support the risk designation for **Indicator 3.4** in Hawaii?
If not, why not?
- Any further comments?

Federal Clean Water Act and nationally-reported levels of compliance, indicate that there is a high likelihood that HCV 4 are not being threatened by forest management practices in Hawaii due to the implementation of forestry BMPs.

See pp.68-69 and pp.70-71 of the draft US NRA-Part 2.

*Proposed HCV 4 Risk Designation: **LOW RISK*** for the entire state of Hawaii

Indicator 3.5, HCV 5, Community Needs

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. Additional Hawaii-specific information was also gathered and considered as part of this risk assessment and was found to support the national assessment.

The Hawaii State Constitution explicitly protects the rights of descendants of Native Hawaiians to harvest marine and terrestrial resources traditionally used for subsistence, cultural and religious purposes within undeveloped land (Article XII, Section 7) and additional legislation grants further rights to specific Native Hawaiian communities. Legislation defines a process for a person to legally exercise traditional rights of gathering in which a person must qualify as “Native Hawaiian” and establish that the gathering practice is customary or traditional.

Associated Consultation Questions:

- Do you agree with the identification of **HCV 5** in Hawaii?
If not, why not?
- Do you support the risk designation for **Indicator 3.5** in Hawaii?
If not, why not?
- Any further comments?

Expert consultations raised some concerns over how well Native Hawaiians’ interested are upheld in forests where active management takes place. Experts referenced fencing, unjust enforcement of no-trespass laws in areas where Native Hawaiians believe they have rights to access, lack of cultural education, and agencies allowing economic interests to over-ride cultural interests in some land management decisions as barriers to Native Hawaiian forest-dependent community needs. Ultimately, however, the legal framework granting Native Hawaiians special access to forest resources for subsistence uses, and Native Hawaiians’ right to challenge decisions through litigation, shows forest management activities do not substantially limit Native Hawaiians’ forest-dependent community needs.

See pp.72-76 of the draft US NRA-Part 2.

*Proposed HCV 5 Risk Designation: **LOW RISK*** for the entire state of Hawaii

Indicator 3.6, HCV 6, Cultural & Sacred Sites

The risk assessment for the conterminous US was conducted at a national scale, and therefore the results apply to Hawaii. Additional Hawaii-specific information was also gathered and considered as part of this risk assessment.

Consultation with Native Hawaiians revealed concerns regarding the protection of and access to sacred sites (wahi kapu) and suggested a level of disregard for Native Hawaiian concerns about wahi kapu. There are legal structures in place to protect Native Hawaiian cultural and sacred sites, but the consultation suggests these may not always be followed and that there is not a process in place for reparations where damage has occurred. These

Associated Consultation Questions:

- Do you agree with the identification of **HCV 6** in Hawaii?
If not, why not?
- Do you support the risk designations for **Indicator 3.6** in Hawaii?
If not, why not?
- Please provide any examples of specific situations where forest management activities limited access to cultural or sacred sites for Native Hawaiians.
- Any further comments?

consultations suggest that a precautionary approach is warranted.

See pp.76-77 of the draft US NRA-Part 2.

Proposed HCV 6 Risk Designations:

- **SPECIFIED RISK** for forested areas in Hawaii that are not within a Conservation District
- **LOW RISK** for the remainder of the state of Hawaii

Category 4 (Forest Conversion)

Indicators 4.1, Conversion to Plantation or Non-Forest Uses

Currently, forests make up 1.7 million acres, or 41%, of Hawaii's total land area and about half of these forests are privately owned. Forested ecosystems in Hawaii are threatened by a myriad of issues including the loss of biodiversity caused by the introduction of non-native species, invasive pests and pathogens, conversion of forestland to other land use, recreational overuse, unsustainable harvest, grazing of ungulates, and impacts from climate change.

Hawaii has state-level legislation that addresses conversion through the Hawaii State Land Use Law. This law requires that all land be assigned to a District: Rural, Urban, Agricultural, or Conservation. All activities that take place on lands designated as Conservation Districts are regulated. This oversight provides effective protection from forest conversion for forested lands within Conservation Districts in the State of Hawaii.

See p.91 and 92-94 of the draft US NRA-Part 2.

Proposed Risk Designations:

- **SPECIFIED RISK** for forested areas in Hawaii that are not within a Conservation District
- **LOW RISK** for the remainder of the state of Hawaii

Category 5 (GMOs)

Indicators 5.1, Genetically Modified Trees

The risk assessments for the conterminous US were conducted at a national scale, and therefore the results apply to Alaska. GMO papaya trees are found in Hawaii, but use is limited to agricultural production, not forest management. See p.96 of the draft US NRA-Part 2.

Proposed Risk Designation: **LOW RISK** for the entire state of Hawaii

Associated Consultation Questions:

- Do you support the risk designations for **Category 4** in Hawaii?
If not, why not?
- Any further comments?

Associated Consultation Questions:

- Do you support the risk designation for **Category 5** in Hawaii?
If not, why not?
- Any further comments?

PROPOSED MITIGATION APPROACH – ALASKA & HAWAII

The mitigation approach defined for the conterminous US in the US NRA-Part 1, with the associated control measures, Controlled Wood Regional Meetings and mitigation options, is based on the potential for the collective impact of mitigation activities (implemented within the same landscape by a large number of certificate holders) to create landscape-scale change.

FSC-US is aware of only a limited number of FSC certificate holders that are currently sourcing and controlling non-certified forest materials from Alaska. The US NRA-Part 2 Working Group concluded that their small number severely limits the potential for collective landscape-scale impacts from implemented mitigation activities. The number of certificate holders known to be currently sourcing and controlling non-certified forest materials from Hawaii is even smaller. The Working Group also concluded that it would be extremely difficult, if not impossible, to document the effectiveness of land-scape scale risk mitigation within these contexts, and therefore that the same mitigation approach used for the conterminous US would not be feasible in Alaska or Hawaii.

With an intention of providing the greatest possible amount of flexibility for these certificate holders, the draft US NRA-Part 2 does not include any mandatory control measures. Certificate holders may look to the US NRA-Part 1 and other NRAs globally for ideas, but they will also have the flexibility to do something completely different. However, it is also important to note that due to the requirements of the Controlled Wood standard (FSC-STD-40-005, V3-1), if this proposed mitigation approach were adopted, a certificate holder that is sourcing materials from a specified risk area in Alaska or Hawaii would have to document the adequacy of their control measure(s) before material could be used as controlled material or sold with the FSC Controlled Wood claim. Additionally, Clauses 4.2 through 4.11 would apply to the development of control measures.

Associated Consultation Questions:

- Do you support the **mitigation approach** proposed for Alaska and Hawaii?
If not, why not?
- If you support the inclusion of mandatory control measures, please provide **examples of control measures** that you believe would be both feasible for certificate holders and effective in mitigating risk within the contexts of these two states.
- Any further comments?