

FINAL MEETING SUMMARY
Public Dialogue on National Forest System
Certification Study
Washington, DC | October 16, 2008

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INTRODUCTION

The third of a series of three Public Dialogue Sessions on the National Forest System (NFS) Certification Study took place on October 16, 2008 in Washington, DC. The meeting agenda, participant list, and copies of the presentations made at the meeting, are available at: <http://www.fs.fed.us/projects/forestcertification/index.shtml>. Also available at this website are copies of the background documents distributed in preparation for the meeting and other detailed information about the Certification Studies conducted on five units of the NFS by the Pinchot Institute for Conservation.

Welcome and Opening Remarks, Sally Collins, Deputy Director, USDA Forest Service

Sally Collins, Deputy Director, USDA Forest Service welcomed the group and thanked everyone for their willingness to travel and participate. She said that a lot of people have asked why the National Forests are not certified. Due to the importance of certification nationally and internationally, the Forest Service needed to consider the implications of NFS certification, which compelled the agency to conduct the NFS Certification Study. Ms. Collins said she bore some responsibility for this interest in certification and explained that as a 25-year career person with the Forest Service, she did not know about certification until assuming the position of Associate Deputy Chief, where she broadened her perspective through international travel. It was then that she came to understand how much work the Forest Service is doing around the world to promote sustainable forest management, legal logging, good governance and education. She noted that almost every country the Forest Service deals with (40 countries) is struggling with illegal logging.

Through her experiences with the Forest Service, Ms. Collins came to understand that certification is the biggest movement in sustainable forest management worldwide. Certification is essentially becoming standard operating procedure for many private businesses and yet the largest US landowner has not pursued certification.

Ms. Collins listed several reasons why the Forest Service is looking at certification:

- Internationally, other countries monitor how the US handles land management.
- The Forest Service encourages countries without good governance structures to strengthen such structures, which would improve the country's capability to manage its forestland sustainably. Certification systems can provide further incentives for sustainable forest management, and these are further reinforced by markets for certified products.
- Certification is a great way to ultimately help consumers understand more about the products they buy.
- The Forest Service has substantially reduced its timber harvesting and now focuses its forest management on restoration work, reducing hazardous fuels and protecting wildlife habitats. Generally, timber harvests are now a byproduct of restoration. The Forest Service is evaluating how this type of management fits with certification.

- There is an energy crisis and federal climate legislation on the horizon. People are asking the Forest Service about carbon sequestration, biomass for fuel and cellulosic ethanol; market acceptance of these would be enhanced by certification.
- Water is also a major issue: certification can promote sustainable management for ecosystem services including water.

In concluding, Ms. Collins stated that exploring certification became a matter of personal integrity: the Forest Service travels around to promote certification and sustainable forest management, and many countries ask what the agency itself is doing to foster sustainable management at home. While the Forest Service does not know if certification is the answer, it has been important to at least start a dialogue about it. This is the motivation behind holding this series of listening sessions—The Forest Service wants to hear from stakeholders about these issues. The Forest Service’s role is to listen and to truly understand participants’ concerns and ideas on this important issue.

Doug MacCleery, USDA Forest Service

Doug MacCleery, USDA Forest Service also welcomed the group and reiterated Ms. Collins’ desire for stakeholder and participant input on what the Forest Service needs to know and consider in making a decision. Specifically, Mr. MacCleery asked participants to speak to the long-term implications if the Forest Service were to pursue certification.

Tim Mealey, Meridian Institute, explained the importance of participants also learning from each other throughout the course of the day, especially given their respective expertise in certification and land management.

PRESENTATIONS

DETAILS OF THE PINCHOT NFS CERTIFICATION STUDY

Will Price, Pinchot Institute for Conservation (Pinchot), provided the group with an overview of the lessons learned by Pinchot from the National Forest Certification Study.

Pinchot Institute is an independent non-profit organization based in Washington, DC. The certification study is a culmination of a Pinchot Institute project that began in 1998 in Pennsylvania to see if certification was applicable, useful, and even possible for public agencies. In 2005, Pinchot began similar work with the Forest Service, starting with a paper study or “crosswalk analysis”, which compared the standard of practice required of seven National Forests—established by statutes, management plans, directives and other statements of policy or operational guidance—with the requirements in standards used by two certification programs: the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI). The crosswalk study found no major policy gaps or differences and ultimately led to a decision by the Forest Service to proceed with an on-the-ground certification study to evaluate management of several National Forests relative to existing FSC and SFI certification requirements.

For the certification study, the Forest Service chose five case study forests for evaluation. They were: Mount Hood National Forest (MHNF), Lakeview Federal Stewardship Unit (LFSU) on the Fremont-Winema National Forest, Chequamegon-Nicolet National Forest (CNNF), Allegheny National Forest (ANF), and the National Forests of Florida (NFF, a combination of three National Forest units). The five forests chosen for the study were not intended to represent the National Forests as a whole, but rather to provide a range of geographic distribution for the certification studies. The studies were not true certification assessments since actual certification was not a possible outcome. The study also did not focus on comparing SFI and FSC standards.

Auditing firms accredited to perform FSC and SFI audits were selected for each National Forest participating in the study, through a request for proposals (RFP) and a competitive bid process. Contracts for the ANF and the CNNF were awarded to a joint audit team composed of the two audit firms, SmartWood (for FSC standards) and PriceWaterhouseCoopers (for SFI standards). Contracts for the MHNF and the LFSU were awarded to a joint audit team composed of the two firms, Scientific Certification Systems (for FSC standards) and NSF Strategic Registrations, Ltd. (for SFI standards). And the contract for the NFF was awarded to SGS (a firm accredited to perform assessments using both the FSC and SFI standards). The RFP also required the development of “additional considerations” -- a set of special indicators developed through stakeholder consultation that would address management issues unique to National Forests; such indicators are also required under the FSC Federal Lands Policy for any type of federal lands subject to certification (for more explanation, see comments below by Robert Hrubes).¹ The evaluation process for each of the five forests consisted of two visits. The first was an initial “pre-evaluation” visit by the lead FSC and SFI auditors. Several months later, the full week-long full field evaluation took place, involving six to seven auditors for each of the five forests.

Of the five forests in the case study, there were a number of common strengths, including:

- The auditors commended the forests on comprehensive forest planning and detailed operations;
- The types of monitoring systems and impact assessments;
- Public and stakeholder consultation including formal and informal day-to-day outreach and response to stakeholders;
- Coordination and consultation with Indian Tribes, including regarding the extent of government-to-government relations on a wide variety of issues;
- The extent of reserves systems and how they were designated; and
- Control of invasive and exotic species, including education on exotics

¹ The FSC Federal Lands Policy includes three sequential thresholds that must be met before the FSC will approve the certification of federally owned land systems in the United States: (1) A willing landowner, e.g., the Forest Service; (2) a determination that public consensus exists regarding management of the NFS; and (3) development of a set of new standards (indicators) specific to the NFS to more effectively evaluate its unique legal, procedural, and governance mandates and structure.

Most of the identified common weaknesses were already known by the Forest Service prior to the study; however, weaknesses identified in the five certification studies included:

- Forest health from backlogged management activities manifested in different ways for each forest. The Forest Service reported they were behind in what they planned to do.
- Road maintenance and decommissioning;
- Inadequate monitoring on non-timber forest products and insufficient information on the impacts, abundance of species and health;
- Old growth protection was only a major non-conformance on one forest in the study. The evaluation of the MHNF revealed a policy conflict between the FSC Pacific Coast Regional Standards and management of old growth on that forest. Old growth was less of an issue on other forests, but on both Eastern certification study forests the Agency was asked to ensure it is identifying and protecting all occurrences of old growth stands. On the Allegheny, there was an issue over contractors who were unable to recognize patches of old growth. Definitions of old growth also varied between the FSC and the Forest Service.
- Insufficient contracts to protect workers in the woods. Forest Service employee trainings met the certification standards, but contract worker protections were insufficient.

Pinchot conducted interviews with Forest Service staff; highlights from the interviews include:

- Coordinators thought the Forest Service did explore a range of issues affecting National Forests, which provided a good opportunity to organize and clarify priorities;
- The certification study provided an opportunity to test Forest Service staffs' ability to perform and fulfill their responsibilities;
- Certification provides another potential avenue for stakeholder input and to communicate with the public, although everyone realized it might be an additional burden on the agency;
- The certification audit process represented a substantial endeavor for the Forest Service- if pursued, the process will need to be streamlined;

Pinchot also sought feedback from the auditors. Most auditors commended forest managers on most aspects of management, but recognized some systemic issues— many of which were already known to the Forest Service. Many of the auditors felt that making the changes required by the certification systems would improve the management and condition of the National Forests. However, they also recognized that resolving some of the non-conformances would require more resources and support from within and outside the agency. This was especially true for non-conformances which the staff already knew they faced, but had not yet been able to resolve. One of the auditors thought certification may not be appropriate in all settings, stating that they “did not see the benefit for this particular forest”- there was a range of perspectives amongst auditors on the potential benefits of certification for all forests.

AUDITOR PRESENTATION

Robert Hrubes, Scientific Certification Systems

Robert Hrubes, Senior Vice President, Scientific Certification Systems (SCS), was involved in the two certification evaluations in Oregon. Mr. Hrubes stated that his presentation and comments were informed by his experience in the National Forest Studies and also his 35 years as a professional forester, the first 15 of which he worked for the Forest Service.

The certification studies simulated “dual” certification since SFI and FSC collaborated in the studies, and auditors evaluated against both FSC and SFI standards. Mr. Hrubes noted that SFI and FSC have distinct differences in their certification standards, and each certification system has different constituencies of support. Of the state public lands that have engaged in certification, the vast majority have pursued dual certification.

For the studies, SCS partnered with an SFI firm that has also served as a partner for SCS in auditing 25 million acres of state forest land around the country.

Mr. Hrubes explained the auditor’s role is to:

- Assess whether policies, plans, procedures and actions conform with FSC standards;
- Assess the effectiveness and consistency of implementing management systems at the scale of National Forest units; and
- Anticipate, approximate or estimate possible special indicators (additional considerations) for National Forest management.

Mr. Hrubes explained that throughout the certification study process, auditors emphasized to stakeholders that the studies did not constitute actual certification. Rather, they were simply an evaluation. Mr. Hrubes provided an overview of the auditing process, which includes:

1. Utilizing stakeholder consultation and professional expertise, particularly in regards to identifying the “additional considerations.”
2. Review of documents and stakeholder consultation: a highly important aspect in any case, and if certification were ever pursued for National Forests Mr. Hrubes said he had no doubt that there would be an unprecedented level of stakeholder consultation.
3. Audit planning, including site selections and meetings: this step in the process is designed to develop a selection of sites to visit, which is based on a representative sample approach. Mr. Hrubes explained that auditors were engaged in a conformity assessment, and have to collect objective evidence in order to assess demonstrable conformity to the certification standard.
4. On-site assessment and evidence gathering including: interviews, field observations, document review, and additional stakeholder consultation. This step is typically a week in duration.
5. Deliberation and synthesis: the auditors’ findings on potential conformity; and
6. Reporting.

Mr. Hrubes highlighted some unique aspects of the certification studies, noting that: awarding certification was not a possible outcome of the studies; this was the first assessment on USDA National Forests; it was an audit against the SFI Standards and the FSC Pacific Coast Standard; there were additional considerations in the process; and there was great breadth and intensity in the level of stakeholder consultation.

There were also some notable non-conformances from the studies, including: deficiencies resulting from ongoing NFS budget reductions which led to a lack of ability to implement long-term management and restoration; overstocked stands in areas designated for active timber management; and a backlog of road maintenance.

Mr. Hrubes presented some factors for consideration regarding why NFS certification might be considered:

- Certification is a force and mechanism for change. To date, certification has had a positive impact on state, private and community forests;
- Equitable access to certification: currently, there is a possible non-conformance with FSC's own policy² due to the current exclusion of an entire ownership class (i.e., the federally-owned National Forest System); and
- Certification is increasingly important for forest managers and wood product companies to compete in the market.

Mr. Hrubes also presented some success factors and potential benefits of certification, including:

- Stakeholder participation (in standard development and evidence gathering);
- Strong market demand for certified products; and
- Senior forest management and field staff view certification as a tool for improvement.

Throughout the certification studies, Mr. Hrubes noted there were a number of common misperceptions about certification, which he attempted to clarify and refute during his presentation. These included:

- Certification mandates commercial timber harvest;
- Certification is ill-suited for federal lands;
- Certification clashes with the protection of public trust resources and values. On the contrary, certification could protect public trust resources; and
- Certification would sanction national forest activities even in the face of adverse legal judgments against the agency, i.e., it would endorse illegal behavior. Mr. Hrubes explained that the reality behind this misperception is quite complex, and that the Forest Service is in a unique position since the regulations they must follow are exceedingly complex and subject to interpretation. Under federal rulemaking procedures, the Forest Service is charged with developing guidelines and rules for meeting federal statutes and

² Under the FSC system, throughout the world, certification is open to any willing landowner, whether private, corporate, or government.

standards, which are subject to appeals and litigation on whether the agency has properly implemented such statutes and standards. Therefore, Mr. Hrubes concluded that the existence of appeals and lawsuits is not prima facie evidence of serial lawbreaking.³

PRESENTATION ON EXPERIENCES FROM AN NFS CERTIFICATION STUDY NATIONAL FOREST

Jim Apgar, Allegheny National Forest

Jim Apgar, Environmental Coordinator and Environmental Management System (EMS) Coordinator for the Allegheny National Forest (ANF), has been involved in forestry for 25 years. He explained that the Allegheny certification test was conducted in June 2006 and that all of the ANF was included in the test evaluations; no area was excluded. The ANF has half a million acres, and there is a lot of demand for recreation. There are also oil and gas (O&G) fields present on ANF, with 93 percent of subsurface mineral resources being privately owned.

Mr. Apgar highlighted some of the reasons the ANF participated in the certification study, including:

- Strong local interest and support for certified forest products from other lands in Pennsylvania;
- Active and controversial timber sale program on the ANF; and
- Diverse and complex set of management issues on the ANF.

For the study, forest managers had to present pre-assessment documentation which included the forest plan, the Forest Service manual/handbook direction, programmatic direction documents, and monitoring and evaluation reports.

There was also a pre-assessment process which included a two-day discussion of resource management programs and processes with a wide cross-section of resource managers and program leaders. This was designed to help guide the assessment team during the process.

Mr. Apgar noted 22 different management aspects reviewed by auditors in the field. There were two days set aside to look at selected project areas and two days to look at key environmental issues, which were identified through the internal and external stakeholder engagement processes.

The audit team struggled with how to assess oil and gas development impacts on water quality and wildlife. Overall, the auditors concluded that private oil and gas development did not have an overriding influence on the ANF at the time (O&G development has occurred for 140 years). The remaining concern was how such development could be balanced with other forest uses in the future. Currently, approximately 25 percent of the ANF has been set aside for natural species composition and disturbance regimes. These lands tend to be in areas that have not been drilled for O&G; however, the mineral rights below those protected lands are privately owned and therefore could potentially be used for such development in the future.

³ Both FSC and SFI certification standards require compliance with law.

Mr. Apgar presented some of the findings from the certification study on the ANF, including:

- NFS management meets or exceeds many of the SFI and FSC standards;
- Logging contractors do not consistently fulfill safeguards built into the timber sale contracts and are not state-certified; and
- There is no protocol for assessing the presence of, or monitoring to maintain attributes of High Conservation Value Forests on abutting forestlands.

In his concluding remarks, Mr. Apgar discussed some of the lessons learned during the ANF study, including:

- The forest management workforce is open and receptive to an independent third-party audit.
- It was helpful to have a third-party engage with stakeholders and to help explain some of the successes and difficulties in forest management of the ANF.
- The certification study was a comprehensive review and expanded forest managers' views on logger safety.

EXPERIENCES FROM STATE OWNED FORESTS

James Grace, Pennsylvania Department of Conservation and Natural Resources

James Grace, Deputy Secretary for Parks and Forestry at the Pennsylvania Department of Conservation and Natural Resources, began his presentation by explaining that the Pennsylvania state forest system has been around since the late 1800s – even longer than the National Forest system. The state forest system provides services such as timber production, water production, biodiversity, and oil and gas development. The state system first got involved with certification in 1996, primarily to demonstrate that its forest management was exceptional, not simply to sell certified timber. The state forests' initial pursuit of certification started with a million-acre block of land and ultimately all state forests in Pennsylvania were put forward as some of the first public agency lands in the country to undergo FSC certification.

Initially, the auditing and certification process was funded by the Heinz Foundation. After the first one million acres were certified in 1997, the Heinz Foundation agreed to fund the certification assessment for the remaining 2.1 million acres of state forest.

Mr. Grace explained that an external review that is technically driven is a beneficial exercise for any forest management operation because it evaluates management plans against the reality of management activities happening on the ground. The assessment process also measures how state forest management rules comply with the certification standard.

In the beginning of the assessment process, Mr. Grace noted there was some angst and reluctance amongst forest management staff, but once the assessment process got underway it became a positive mechanism for exchange and feedback. Certification has also improved staff self-esteem and morale. On the whole, the certification process was well received by state forest constituents, including industrial and environmental groups which supported it 100 percent. As

a result of state forest certification, many of the state's industrial firms ended up pursuing and achieving certification because they were selling wood from the Pennsylvania state forests. Certification was also well received politically; it was first pursued under a Republican state administration and the state forests have since been re-certified under a Democratic administration. Both parties and the state legislature have fully endorsed certification. Certification has also increased domestic and international recognition for Pennsylvania forestry. Mr. Grace explained that the Pennsylvania state forests are FSC certified and SFI licensed; there are benefits to each of these certification systems and it is considered politically correct to have dual certification.

In concluding his presentation, Mr. Grace suggested that it may prove useful to conduct a case study to compare the ANF with Pennsylvania state forests since both forests use the exact same research stations and are housed in the same political and historical culture. One major difference is that the state owns 80 percent of the mineral rights under state forests, and ANF owns only 20 percent of mineral rights, which makes management more difficult. Another example that illustrates the difference between the state and National Forests is that state forests were never challenged on a timber sale; most historical controversy in Pennsylvania was related to recreation. In contrast, the ANF is challenged on many aspects of their management, and the only difference is that one is a federal agency and the other is a state agency. Mr. Grace stated that certification has helped the state forest agency deal with constituencies' concerns and provide assurance that the forests are being managed well.

QUESTIONS ON THE PRESENTATIONS

- Mr. Apgar mentioned that some loggers were not fulfilling the safeguards; which did these include? A logger was not donning proper protective equipment and was allowed to operate in this manner without being challenged.
- Did the Forest Service find that there were non-certified loggers working on contracts? Yes, there were. There is an SFI requirement for loggers to undergo safety training; however, it is not a requirement of a Forest Service contract. Many of the loggers had been certified, however it was not consistent throughout since it was not a requirement in the contract. SFI audits consistently identified corrective action requests (CARs) on logger safety as a result.
- What were some of the additional indicators for assessing National Forests in the certification study? Additional indicators addressed a range of issues, including: climate adaptation and treatments, the process and scope for public involvement, information regarding private adjacent landholders, and the historic range of variation to determine if the Forest Service was using this as a benchmark for maintaining ecological systems (an "additional consideration" requirement). Some of the additional considerations ended up being similar to existing FSC certification standards.
- What was meant by the need to "streamline the process", as mentioned by one of the presenters? To clarify, the term "streamlining" was used in reference to the preparation

for the assessment and not in streamlining the audit process itself. For example, if the NFS were one day to pursue certification, it would be reasonable to ask whether each National Forest unit would go through the certification process from scratch, or whether training programs could help individual units prepare in advance for the assessment process. Several auditors said it would have been helpful if Forest Service personnel had been more knowledgeable of the certification standards in advance of the study audits.

- During the certification studies, auditors had an opportunity to ask the public questions about management issues and occasionally they got feedback that provided information on certain issues which allowed auditors to then examine the public's concerns.
- The forests that were evaluated in the NF Certification Study were performing under the National Forest Management Act (NFMA) 1982 Regulations. There are differences between the 1982 and 2008 regulations; how do auditors evaluate the applicability of a certification scheme under changing regulatory conditions? The auditors audited against the old forest plan that was in place at the time of the audit. Auditors assessed whether the forest management was meeting the forest plan, and then assessed the management plan against the requirements of the certification standards. It is important to note that the certification standards also evolve over time.
- Could you clarify the reference to High Conservation Value (HCV) forests and adjacent lands, and how this relates to the National Forest Certification Study assessment? The 1986 Forest Plan (under which the ANF was audited) was not clear on how the USFS should work with either adjacent or in-holding land owners whose lands may have attributes meeting the definition of high conservation value. This resulted in the auditors issuing a Minor CAR, stipulating that the ANF does not exist in a vacuum and that it is important to consult with adjacent landowners, understand what they are doing, and take this into account in the HCVF process. The ANF's revised 2007 Forest Plan now has a corridor management framework to address the issue of developing high conservation value forests that link to adjacent lands. However, more funding is needed to fully address this issue.
- Please elaborate on the point that some auditors said certification would not be appropriate for all forests. This came up in Florida, where the auditors were not sure whether certification would help address some of the issues that were found in the assessment. The auditors were not sure if certification would help to achieve the management objectives any faster, since: 1) the managers were already aware of the issues that needed attention, and 2) the public is largely supportive of the kinds of management being carried out on the National Forests of Florida.
- The auditors determined that oil, gas and mineral (OGM) development on the ANF was not an overriding concern, but what is the definition of "overriding", and was that informed by stakeholder input? The auditors could not see any major problems with effects on water and wildlife with the current level of oil and gas development. The greatest concern was over potential impacts to areas that have not yet been subject to

OGM development. The oil and gas issue was on the verge of leading to a CAR, but, the judgment of the auditors was that no CAR would be issued at this point – that it had not yet exceeded a “threshold”. However, they agreed that forest managers needed to better predict how future OGM development would affect their priorities (e.g., including the burden on staff), and find ways to minimize impacts.

- There are many circumstances beyond the control of forest managers, such as deer population and O&G development on private subsurface minerals. There are two factors in addressing these issues: 1) the extent that managers have the ability to preempt and mitigate problems and to the extent they are, in fact, doing so; and 2) how do managers react to mitigate adverse impacts to issues beyond their control? Could certification potentially help in to address these concerns?
- How do social and economic indicators apply in addressing these types of problems (e.g., O&G development)? The auditors did assess social and economic indicators and felt the certification indicators were applicable to the National Forests. The social and economic indicators were not a focus of the Presentations because auditors generally found that the Forest Service met many of these indicators.
- Does dual certification with SFI and FSC require a forest to undergo two separate assessment processes? No, there is a single audit team conducting audits concurrently. There are team co-leaders, the team is larger than normal, and there is clearly a synergy. Also, if the assessment occurs in one concurrent manner, it helps mitigate the costs and staff time of pursuing both SFI and FSC assessments.
- Would dual certification potentially compromise the integrity of forest assessments because it’s a single audit team?
- How did the auditors know the appropriate Indian Tribes that the Forest Service should be consulting with? Are auditors trained on how to evaluate relations with tribes and indigenous peoples? Auditors have not yet reached the highest level of competency in dealing with indigenous peoples issues. When dealing with issues of heightened importance, auditors often bring in additional expertise, such as to help address tribal matters. In the Mount Hood certification study, auditors asked the Forest Service staff about FSC’s Principle 3 (which addresses indigenous peoples’ rights), and also provided an opportunity for stakeholder input. The Mount Hood report commended the Forest Service on their work with the Warm Springs Tribe, but auditors also suggested that the Forest Service seek contact with other tribes adjacent to Mount Hood. The auditors themselves were struggling to make contact with the tribes and often did not get a response when they attempted to do so.

DISCUSSION

The meeting agenda was organized into specific, focused segments to ensure that key issues were covered and participants had ample opportunities to contribute freely. However, once the discussion was underway, comments and questions flowed freely and topics frequently shifted

in different directions. In an effort to enable the reader to more easily locate and focus on key topics, we have made an effort to categorize the discussion under various headings. The following headings and bullets are not ordered according to the chronology of the discussion, nor are they intended to imply any relative emphasis or degree of importance. When a comment or question could fit into more than one category, we have done our best to choose the most logical location.

During the discussion, questions were sometimes posed by participants as a means of raising important issues or noting specific concerns. In other cases, where questions were asked about the NFS study units, Forest Service policy, auditing procedures, and the operation of certification systems, answers were often provided by those with relevant expertise. However, per the meeting rules, in an effort to ensure the most objective summarization of the discussion, the identities of commenters, questioners and responders are not revealed. When several comments or questions are closely related to each other, they are sometimes combined into the same bullet, even though they may have come from different people -- however, this is not intended to imply that any particular statement “resolves” any of the questions that were raised. Each of the following comments and questions should be considered as the view of the individual who made them.

1. BASIC STRUCTURE AND OPERATIONAL PROCEDURES OF CERTIFICATION SYSTEMS

- Certification is an ongoing, active relationship between a certificate-holder and a certifier/auditor. There is a detailed, initial analysis to determine whether certification is awarded, and if so, under what set of conditions, and there are also annual audits and full re-certification audits every five years.
- If an auditor determines that a forest management operation does not meet one or more requirements of the certification standards, the auditor may make a finding of non-conformance and issue a “Corrective Action Request” (CAR) to the forest manager. Major non-conformances preclude the awarding of a certificate until remedied; minor non-conformances can be addressed within the first year after seeking certification.
- In terms of accountability, the landowner voluntarily agrees to be accountable to a certifier and is free to disengage at any time. Stakeholders can bring up issues or concerns at any time, and certifiers are obligated to address, arbitrate and attempt to resolve the issue. FSC-accredited certifiers are accountable to the FSC and its Accreditation Services International, which sends audit teams to evaluate certifiers’ competency and understanding of the standards, and ultimately to ensure that certifiers’ work and decisions are defensible. Certifiers also are regularly monitored and must undergo annual audits.⁴

⁴ The SFI program does not accredit certification bodies (CBs). CBs retained by SFI program participants must complete an accreditation program through an independent accreditation body such as the American National Standards Institute (ANSI), ANSI-ASQ National Accreditation Board (ANAB) or the Standards Council of Canada (SCC).

2. POTENTIAL BENEFITS RELATING TO CERTIFICATION OF NATIONAL FOREST LANDS

- Certification helps ensure sustainability of the resource and the right balance of management activities for sustainability.
- Certification would enable the Forest Service to more actively contribute to climate change discussions, because forests need to be sustainably managed to ensure maximum climate benefits.
- In addition to the international dimensions of pursuing certification, there is real value in having a credible third-party audit the Forest Service's management and write a report card for the public to review.
- Certification would allow the National Forests to qualify for participation in some of the developing carbon trading schemes, since lands cannot normally qualify if they are not certified.
- Certification provides another tool the Forest Service can use with Congress to demonstrate budgetary needs and issues. In many state agencies, certification provides leverage for budgets, because without necessary funding to address key management issues, the forest could lose certification.
- One criterion for the FSC Federal Lands Policy is the development of National Forest-specific standards, a process which could initiate a beneficial dialogue about tighter management standards.
- Certification may increase the focus on forest worker conditions, safety, training, and wages not just for loggers but for all forest workers.
- Certification would force the Forest Service to give more attention to monitoring non-timber products.
- Certification could highlight the need for more active forest management.
- Certification could provide another mechanism and forum for bringing stakeholders together to work out management issues.
- Certification could boost the US' leadership role internationally and demonstrate that the US is actively working on sustainability issues.
- Current forest management is tangled up in litigation that has paralyzed the management system. Certification could help eliminate the litigious atmosphere and build trust.
- It would be much more preferable to have a scientifically-trained, third-party certifier evaluating forest management rather than a judge who doesn't know anything about forest management making a ruling about how a forest should be managed.
- Certification could improve access to certified forest product markets for local community-based harvesting and processing operations.
- Certification would help provide verification of the quality of management.

- Having a third-party evaluation could increase accountability and potentially build more trust with the public by demonstrating that the Forest Service is holding itself to a standard beyond its own requirements.
- Aside from the problems certification would address, what are the opportunities that certification would create? There are many opportunities such as: climate change mitigation, having positive social and economic outcomes in local communities, and increased monitoring of non-timber products and services.
- It is conceivable that one or more set of certification standards would provide an additional set of standards, aside from the forest plan, to review land management on a National Forest. Especially if there is a situation where existing management standards are less detailed, certification may prove to be an additional tool for review.

3. CONCERNS/CHALLENGES RELATING TO CERTIFICATION OF NATIONAL FOREST LANDS

- Would certification be able to raise the standards regarding the social outcomes of forest management and the relationship between the Forest Service and local communities?
- Certification could be used as an excuse by the Forest Service to not abide by the government's federal trust responsibility when dealing with Indian tribes.
- Would certification have an impact on the National Forest management standards themselves? What would be learned or changed?
- What is the likelihood of Congress buying into certification as a useful way of making judgments about what needs to be funded and how much funding is needed? This is potentially a real benefit, but there is concern about to the extent to which it would be used.
- Where does certification fit in the Forest Service's view of its hierarchy of needs; of all the management problems right now, how would certification help address some of these needs?
- When a certification auditor points out non-conformity, what is the procedure for the Forest Service to conform?
- Certification is only one route to solve problems. It is important to remember what we're trying to solve and to look at other potential ways problems could be solved, before looking to certification. The Agency has to be clear about what it expects certification to accomplish before it decides to pursue it.
- The market now rewards certified wood products, so even though FSC does not mandate forests to produce timber, how can the Forest Service prevent the management of the lands from shifting to timber production as the dominant land use?
- Certification of National Forests could lead to green-washing, which could potentially weaken NEPA. Would a positive perception of "green labeling" weaken the regulatory environment?

- Would certification just become another management standard that is fought over in court?

4. POTENTIAL APPLICATION OF CERTIFICATION TO THE NATIONAL FOREST SYSTEM

a. The Unique Nature of the National Forest System

- What will the likely scale of application for certification be on National Forests, if the Forest Service becomes a willing landowner and pursues certification? Certifiers work at the forest level, a logical management unit would be a National Forest.
- These are federal public lands, which are different than state lands or lands in other countries. Solving forest management problems in Indonesia or Pennsylvania is very different than addressing issues on national public lands. How do we make sure we look at the certification process through that lens?
- There needs to be a conversation about what the standards should be in order for federal lands to be certified, because currently, most of the US conservation community agrees that public lands should be held to a higher standard than other lands.

b. General Discussion and Questions Raised

- Are there any unique aspects of the Forest Service that could impact the certification process, such as politics?
- With Pennsylvania's state forests, there have not seemed to be any instances where a certifier bowed to pressure, political or otherwise, to issue a certificate. There have not been any instances where a forest achieves certification without passing the standards.
- In the federal system, forest managers have lost the ability to change because of everything being imposed from the top of the hierarchy. As a result, there is no room to adjust to local, state, regional, national and international circumstances. Everyone is trying to control, and therefore no one is in control; the management system is paralyzed.
- The Forest Service's land management problems are intractable and often hard to identify. If certification schemes are a tool for problem identification and a forum for discussing them, then this will be a move in the right direction.
- Certification is a problem solving device, not a solution to the problem.
- What problem are we trying to solve with the application of certification to the National Forest System?
- It is important not to focus on just the US Forest Service and the National Forests but also the Forest Service as a leader for forestry worldwide. Certification is a powerful movement around the world, and to the extent that the Forest Service can be a role model through its actions, the Agency will become more effective in promoting sustainable forest management internationally. Certification is about the future of sustainable forest management, it is not about the Forest Service.

- Are we looking to certification to actually answer the big question of “How should the National Forest System be managed”?
- There is no national consensus on what the Forest Service should be doing on its lands because there are many different opinions about how public lands should be managed. However, there seems to be an emerging consensus that at least the National Forests should be managed for healthy, functioning ecosystems. If that is the case, then certification could help to evaluate whether or not the Forest Service is achieving that objective.
- The larger question that needs to be addressed is how National Forests should be managed, not whether or not certification is the appropriate tool to address forest management. There are management problems, but that is not a reason to consider certification. Rather, the problems need to be identified first in order to figure out how the forests could be better managed.
- If the Forest Service wants to improve forest management or adopt and implement stronger forest management standards, it does not need to pursue certification by an external forest certification program; the agency can already do these things internally or through rule-making procedures.
- Given the growing importance of carbon and climate change, there needs to be a discussion about managing for ecosystem services in order to determine which ecosystem services to prioritize, and then work to develop a public dialogue around those priorities. Certification could provide a third-party process for doing that.
- If an Act of Congress were to designate a new Wilderness Area on a National Forest, this could very likely require a change to the existing forest plan. If that forest were already certified, would this then require a change to the certification?
- In terms of implementation of certification, what will it take to make certification work on the ground? How will transparency be maintained? How could certification impact staff job security or expansion of jobs? How receptive is the Forest Service to what ostensibly could be a new layer of definitions, understandings and protocols that will need to be followed? This is exactly what the Forest Service is hoping to garner from these listening sessions. The Agency does not have the answers to these questions, but this is what Forest Service leadership needs to know in order to come to a reasonable decision about certification. Based on the certification studies, there was a wide range of opinion on what impacts it had on staff. Some staff spent less time than others in preparing for the audits so it is hard to determine how it would affect staff needs in general.
- If the Forest Service were to pursue certification, which forests would it start with? Those with: typical management challenges, the most management challenges, the greatest stakeholder consensus on existing management, the loudest demand (from local communities, state governments, nearby large private landholders)?

- Would individual National Forest units nominate themselves for certification assessment or would there be a National Forest Service directive to undergo the certification process? It could occur either of those ways if the Forest Service does decide to pursue certification. It seems unlikely that the Washington, D.C., office would impose certification on an unwilling forest unit. Presumably, the local unit would express interest and ask headquarters before pursuing certification.
- The auditors carefully worded the CARs in the audit reports, because some of the problems need to be addressed using a new strategy for management, rather than simply throwing more money at the issue.
- Could there be a situation on a National Forest where the Forest Service may want to address a CAR but it cannot afford to do so immediately, and as a result it requests and gets certification anyway while merely promising to address the CAR “as soon as possible”?
- The existing economic system around forests does not reinforce sustainable management of forests because it does not currently reward for better management.
- If the National Forests are certified, do the SFI and FSC become the dominant or de facto standard-setting bodies? And if so, what role would the public have in that process?
- To become certified, a National Forest would need to be audited against SFI and FSC standards. But the forest also must comply with other legally mandated processes and standards for environmental compliance, public input, and other requirements. There will still be a public process directed through the legislative branch that will provide funds and tell forest managers what to do. On-the-ground management objectives are not decided by FSC or SFI.
- The Forest Service should put more emphasis on the notion of sustainability when it discusses the issue of certification with stakeholders. It is not enough to simply say that sustainability is incorporated by reference in the definition of certification.
- There are many stakeholders who would like to see certification of public lands move forward. However, transparency in the decision making process is very important. Having independent national and international certifying bodies involved in National Forest management could be an opportunity to conduct open dialogues and achieve a level of transparency that seems to be lacking in other areas of forest management.
- There is sometimes a reaction amongst environmental groups that automatically assumes the Forest Service is trying to green-wash. The Agency needs to make it clear that public lands have more uses than just producing certified fiber.

c. Policies and Procedures Specific to FSC or SFI

- Neither the FSC nor SFI certification systems require timber harvesting. However, certification is market-oriented since the systems were established to deal with the issues surrounding logging and timber and their products in the marketplace.

- Under FSC there is a process currently underway to consolidate the nine existing regional standards into a single national standard with associated indicators, and which is intended to retain some regional specificity.
- Under FSC, there is a longstanding issue about “partial estate certification”, which concerns the practice of a large landowning entity pursuing certification of only a part of its landholdings. This tactic could result in public deception that all forests held by that entity are managed to the same certification standards of the one unit that has undergone certification, thereby “green-washing” the entire operation.
- One of a certifier’s obligations when working with a subset of a landholding is to do a due diligence evaluation of the rest of the landholding (which may require on-site visits) in order to confirm that no activities are taking place that could call into question the landowner’s overall commitment to FSC’s standards (Principles and Criteria).
- If the National Forests were certified and a group of citizens became concerned about an SFI/FSC standard and requested that it be changed, would SFI or FSC change the standard to address the public’s concerns?
- Both FSC and SFI periodically review and update their standards, and both solicit comments from the public and interested stakeholders during that process. For the FSC, standard revisions are developed through a consensus-based process of the membership. In the case of the FSC-US standards, the US board approves them and they are then sent to FSC-international for final board approval. FSC’s large and diverse international membership, which could be considered the highest authority when it comes to the FSC’s standards and policies, also creates considerable inertia in the system that does not respond rapidly or precipitously to changing winds. The SFI program conducts a review (currently underway) of the SFI Standard and supporting documents every five years, during which comments are sought from the public and interested stakeholders. A special, balanced-interest task force reviews the comments and develops a draft standard, which then goes to the SFI board for approval.

d. FSC Federal Lands Policy

- The consensus threshold (#2) under the FSC Federal Lands Policy is an impossible one to achieve and needs to be changed.
- How can FSC determine the public consensus embedded in the requirement of Threshold #2 of the Federal Lands Policy without knowing what the additional indicators will be under Threshold #3? The current policy is that the thresholds must be met in sequential order. However, some of the FSC’s internal work on defining Threshold #3 is likely to influence its work on Threshold #2.
- Even if the Forest Service were to formally declare that it is an interested landowner and wants to engage with FSC on certification, the FSC is not yet ready. It will take time for the FSC to address the second and third thresholds. Currently, the FSC is waiting for the Forest Service to make a decision about certification before it proceeds with further internal discussions on its Federal Lands Policy.

- The previous listening sessions in Minneapolis and Portland also discussed the sequential nature of the FSC Federal Lands Policy thresholds. FSC has punted on this issue for some time in part because of the issue's divisive nature and the FSC's desire to build consensus. FSC understands that some of the third threshold work will affect whether or not the second threshold is met. These listening sessions are also an important step in the process to motivate FSC to move forward with its discussions and to further define its Federal Lands Policy and thresholds.
- How would public consensus under Threshold #2 of the FSC Federal Lands Policy be reached?
- The FSC policy looks like it was written ten years ago. The Forest Service has come a long way, as have stakeholder dialogues, in that time. Everyone's definition of what consensus meant ten years ago, when most of the focus of the land management debate was on timber, has probably changed since then. Part of the reason why we are able to have this conversation about ecosystem services and sustainability is that the dynamics have shifted so much in the past ten years.
- When and if NFS-specific standards are developed in the future under Threshold #3 of the FSC Federal Lands Policy, it would help that process if the "additional considerations" used in the NFS certification studies were better understood -- how effective and realistic were they?
- The additional considerations and indicators developed for the studies were inspired by FSC's third threshold. The Forest Service did not develop the additional considerations; these were part of the Request for Proposals (RFP) for auditors. The auditors developed the additional considerations and they were also peer-reviewed for comments.
- Some of the additional indicators from the certification studies, such as tribal consultations and landscape issues, provide a good estimate of what actual FSC third-threshold considerations might be under the full certification process.
- If the FSC continues to use its Federal Lands Policy to simply stall National Forest certification, there are those who may be prepared to file an appeal against this.

e. Timber vs. Other Goods and Priorities

- Given the market rewards for timber production, how do we ensure that the public's interest in not producing timber is also valued?
- Certification cannot dictate the correct mix of recreation, water quality, biodiversity or timber; it can only assess whether or not a forest meets the certification standards on each of those.
- While neither FSC nor SFI may mandate timber production, it's important to realize that the main reason most landowners seek certification is to get a label on their timber products, and it's not to more broadly improve forest management for the benefit of other forest values.

- Certifiers would theoretically assess the management plan and operation for all ecosystem services, and timber from a certified forest would be only one of many ecosystem services or products that would be covered.
- Certification is not just about the financial benefits of selling timber, but protecting and enhancing the ecosystem services values such as water, biomass, or carbon sequestration. These ecosystem services, and carbon credits, will become big issues and opportunities for certification in the future.
- People want better forest management and not better timber management, and there is a clear distinction between the two.

f. Budgetary and Funding Considerations

- How do state and National Forests relate in terms of who is paying for certification and how it is managed? For the Pennsylvania state forests, the initial certification assessment was funded by a group of foundations, which cost approximately \$200,000. Certification is now paid for by the State of Pennsylvania Department of Forestry. The first re-certification assessment cost \$75,000, and this year's re-certification will cost \$102,000. It also costs money to address the management problems that certification identifies.
- Despite the costs, third-party certification can help affirm that forest managers need more resources, which can help influence budgetary decision-makers.
- How much will certification cost?
- Have there been any instances where certification has resulted in positive changes in forest management budgets?
- Despite the fact that there is more discussion about ecosystem services, the NFS district budgets are being cut, yet the timber operation is still allocated a majority of funding while other management priorities are losing funding. Will certification help to address this inequity in budget management?
- The budget process for National Forests is dictated in Washington, D.C., and it's a one-size-fits-all budget, which is a ludicrous way to manage it, and this implies that the individual forest managers are not trusted. Washington uses line-item budgets to dictate how much recreation or timber production the forests in a region will have.
- What level of priority will certification have in the wake of the current economic issues and other priorities such as fighting forest fires?
- The certification studies cost \$80-100 thousand total, which included the development of additional considerations. Routine certification may ultimately cost less. The Agency is still calculating how much it would cost to address all of the CARs from the certification studies. It is not yet clear, in the calculation of costs, whether the maintenance and management costs required by the CARs should be attributed to the certification process or to the normal land management process.

- Initial assessment for certification of a National Forest would cost approximately \$100,000, then \$10,000 annually for monitoring and \$70,000 for re-certification every five years.
- When the Agency moved from the 2000 to the 2008 regulations, the Forest Service made the case that they could not afford to implement the regulations put in place during the Clinton administration due to the species monitoring burden on the agency created by the biodiversity provisions of the old planning regulation. In some certification study cases (e.g., the Mount Hood NF), the auditors also found that forest managers were not doing species monitoring. Compliance with certification standards could require the Forest Service to carry out more detailed monitoring of individual species and of non-timber forest products than it is currently doing.
- FSC (and SFI) annual surveillance audits are not full scope audits; rather they cover only a selected portion of the certification standard. Only the five-year re-certification audits are conducted against the full standard.
- For SFI, there is also an annual \$1,000 public land licensing fee in addition to audit costs.
- The Forest Service staff asked about the costs of certification during the certification studies and forest managers had to decide how much to staff the audits. Forest managers all recognized that staffing costs are the tip of the iceberg compared to costs associated with addressing non-conformances found during certification assessments.
- The Oregon state forest agency mentioned that certification cost approximately one dollar per acre, but that may vary widely. The representative from SCS noted that due to the unique nature of the National Forest System, it was likely that certifiers would need to augment their audit teams in order to match the public's concerns and interests regarding public land values and issues. It is likely that it would cost more with larger audit teams.
- National Forest certification would cost approximately ten cents per acre, not one dollar per acre.
- It is important to consider the net change in ongoing management costs once a forest is certified; some state forests have experienced some net reduction in costs because of certification. CARs have been helpful in motivating management to address problems. There are costs associated with addressing CARs, but there are also cost savings for long-term management.
- The major hurdles for certification are funding and the politicized nature of how funding works.
- Certification will need to be funded using multiple line items; otherwise, one forest could receive money for certification while other forests did not.
- The major funding issue is not about what initial certification would cost, but rather about the ongoing costs to continue the necessary management and to address any non-conformances. The Forest Service needs to be prepared to allocate money in order to fix

some of the identified problems. This may cause the Agency to re-evaluate its priorities and funding processes.

- From a certifier's perspective, severe budget constraints or shortfalls would not necessarily make a public landowner uncertifiable. The certifier would simply craft CARs that would match the challenge of a much longer timetable. It's not black & white, or hard and fast.

5. SOCIAL AND ECONOMIC ASPECTS OF CERTIFICATION

a. The Unique Relationship between National Forests and Communities

- The social conditions in a lot of public land communities have deteriorated over the last 20 years. Drug culture and abysmal poverty are now what we see in some of these communities. Hopefully certification could help address how the local people and communities are treated.
- Forest Service staff tends to cycle a lot, which provides uneven community representation and relations.
- The Forest Service has to recognize that when local communities lose resources such as saw mills and forest product-related jobs, the costs for carrying out certain land management activities on adjacent National Forests increases. This is because there are fewer skilled practitioners and equipment available in the community, forcing the Forest Service to pay more when contracting for such services. This acts as a further disincentive for the Agency to carry out proper management treatments, such as reducing fire risks, in turn costing the Forest Service considerably more every year in order to fight more serious forest fires.
- In the western part of the US, many rural communities are affected by what happens in the National Forests. The state forests don't have that kind of relationship with communities.
- The Forest Service's roots are fundamentally rural and in the local communities, due to the decentralized nature of the organization. The Agency involves communities in many different ways: through contracting, hiring practices and involving people in public processes such as fire fighting, planting trees and building biomass facilities. It employs salaried employees as well as contractors and the employees of contractors.
- What is it that makes the National Forest so different from other forests? The notion of National Forests being there to benefit all Americans came out of a period where public lands were being exploited by a few private interests. National Forests were created to overcome that, and to ensure that the benefits would accrue to the public and not to a few private firms. In the 1900s there was already a notion that the local community was inherent in the constitution of National Forests.
- The 1944 Sustained Yield Act was based on the idea that National Forests had a special obligation to support local communities. The Forest Service has somewhat forgotten that

obligation in the last 20 years. The Agency looks at specific things like log accountability, but not how the National Forest contributes to local communities. There is no direct statutory requirement or a law that emphasizes the importance of social aspects but there is potential for social issues to become a more robust part of management through certification.

- It is not just about what the Forest Service can do for communities; it is important not to underestimate what communities can do for the Forest Service. The Forest Service cannot respond to rapid changes in the forests like people in the community can. There is a symbiotic relationship between communities and forests; local people provide the vitality for our forests.
- Even if forest management achieved all of the ecological standards, a forest still may not be certified if the benefits are not flowing to local communities. It is important for the Forest Service leadership to understand that as it makes a decision about certification of public lands.
- Not all communities' economic well-being depends on the management of National Forests. There is a difference between benefits for the general public and benefits for adjacent communities.
- Certification is an opportunity to create socio-economic benefits for communities that currently are not available.

b. Social Aspects of Certification

- How did the social standards fare in the certification studies? Auditors reported conformance with the majority of social standards concerning “benefits from the forest” and the welfare of local communities. The aspects of community welfare that relate to harvesting and implementing other activities that provide local jobs were mostly dealt with as issues of forest health (i.e., a backlog in management actions was leading to forest health concerns). Auditors also commended other types of benefits provided by management, such as recreational opportunities, programs of interpretation, and education. Also, for the most part, the auditors commended forest managers for the different types of outreach and consultation with local communities, with only a few nonconformance issues regarding stakeholder consultation.
- Social effects of certification are numerous: The audit process itself has a positive social ramification; it provides another means of transparency and another mechanism for stakeholders to get involved. Auditors hold stakeholder meetings and concerned stakeholders can send written comments. The standard itself speaks to social issues—it creates a transparent, consultative process and auditors are obligated to solicit input from stakeholders on those issues. There are specific social criteria that require actions designed to improve local benefits, and there is a clear value system embodied in the standard that forest management ought to generate local benefits. That forest

management will demonstrably benefit local economies and communities is interspersed throughout the certification standards.

- The certifiers may need to explore ways to access more detailed information and understanding from the community in order to make determinations on compliance with the social indicators.
- Many of the state certification projects have had CARs to address workers' need for protections and benefits such as health insurance.
- How are the local social and economic benefits assessed? One auditor on the team is usually a social scientist from the local region. Among the approaches used by the certification study auditors were: asking the forest manager if local citizens were employed by the Forest Service; asking stakeholders questions about how the forest managers interact with them and whether managers engage in local activities to benefit local communities; and asking Forest Service employees how they are treated by the Forest Service and if they are happy as Agency employees. Public meetings were held, comments were solicited by phone and e-mail, and management plans and other documents were reviewed.
- Do auditors talk to the seasonal forest workers? Absolutely, auditors want to talk with them, and their privacy is ensured so they can speak frankly. There is also a Spanish speaking person on the auditing team to talk with Hispanics.
- There are concerns about how to address social issues in relation to forest management. For example, could certification standards be set in such a way that if the local communities are deteriorating then auditors determine that the forests are not sustainably managed? Ideally, the standards should be set in that way, but it is not clear this will happen.
- In FSC, the social dimension is equal to the ecological and economic components. Clearly, certification does set a higher social bar for managers that seek certification, because it requires managers to accept the fundamental reality that social dimensions are part of managing a forest. However, it is difficult to assess social benefits.
- The annual certification audit needs to look at the social benefits and incentives of involving the local community in forest management. The Forest Service has much broader social responsibilities today than it did in the past. The Forest Service has many responsibilities, from recreation to wildlife protection, and all of these affect the local communities.
- Certification may be an opportunity for the Forest Service in terms of providing guidance on how to approach the question of sustainable communities.
- It sounds like the auditors are still struggling with how to audit some of these social dimensions. Auditors audit against the social certification standards every day, but they are more challenging than auditing some of the environmental standards.

- The development of additional indicators could provide a unique opportunity to include various social aspects of forest management. It is difficult to develop additional indicators that make sense across the board for every forest and associated community. However, additional social indicators could be more broadly applicable to management of many different forests.
- Community involvement is a major social indicator but many people in the community simply don't have the time and resources to be involved in forest management because they are too busy trying to make money to feed their families.
- Does the certification process really address the larger social challenges or is the auditing process simply measuring collected data against a set of standards? The auditing process does address social aspects of forest management. The audit is not simply quantifiable data collection; it is also evidence gathering of empirical data which has the same standing as objective numerical data in the overall assessment.
- There have been grand notions on the social aspects that certification can address since the beginning of certification. FSC led the way but SFI has responded and ramped up its social criteria as well. FSC first established equal weight between environmental and social criteria and the first five principles in the FSC standards address socio-economic issues, not environmental issues.
- Internationally, the more communities are involved in forest management, the better protected forests are, because communities can also serve as the eyes and ears of the forest.

c. Tribal Relationships

- Tribes used to occupy much of the National Forest lands before ceding them to the US government, but they retained the rights to hunt and gather on these lands. Tribes rely on forest lands as their supermarket. If the forests disappear, they lose their ability to provision themselves, their culture and everything associated with it. Tribal people have been completely disenfranchised and they have had no role in how the lands are cared for. Tribal people will not survive if these lands are not managed in an appropriate way and they need to be engaged in the management process.
- Forest certification could be another avenue whereby Indian people can make their voices known and hopefully public land managers will listen and address their concerns. However, there is a lot of misunderstanding and confusion about how to engage tribes. As mentioned previously, both the Forest Service and auditors said it was hard to talk to the tribes and often times there was no response. However, there are ways to do it; public land managers cannot just send a letter to the tribe and then sit back thinking they have done their job.
- Certification could provide an opportunity to teach the Forest Service how to properly discharge its federal trust responsibility to Indian tribes.

6. CERTIFICATION AND ADHERENCE TO LAW IN THE NATIONAL FOREST SYSTEM

- Currently, federal lands management is dictated by laws that require strict adherence as defined by the court system. While litigation is not the most expedient process for getting the Forest Service to adjust and adapt in order to use certification to effectively achieve management objectives, there needs to be greater assurance that certification constitutes more than just putting a label on Forest Service management practices; there must be a level of accountability behind it.
- Would certification lead to weakening of federal laws and policies through green-washing?
- If National Forests are certified, Congress could eventually decide that the National Forest Management Act is not necessary because it is redundant once certification is in place. Certification could be perceived as redundant and existing federal laws would be weakened as a result.
- The certification process requires compliance with all laws, rules and regulations.
- If certification could lead to more stakeholder involvement, how would the process integrate with the National Environmental Policy Act (NEPA) process? Would certification supplant or weaken the process of stakeholder participation or consultation?
- One of the first things the certification process evaluates is whether or not the landowner is compliant with its own set of management rules. Certification cannot take the place of the forest plan on a National Forest; it is simply another way to ensure the forest plan is being carried out in a sustainable way.
- There is a fear that once a forest is certified, there could be a greater likelihood that a forest management policy could be changed; for instance, could certification supplant the current policy dealing with tribes?
- Would certification enhance as well as diminish existing Forest Service policies? It is unknown whether or not certification would improve or detract from laws or policies.
- In the case of certification of state-owned lands, there have not been any instances where certifiers have been informed of any legislative efforts to roll back policies or statutes because the forest was certified.
- Certification may prevent additional laws from being enacted by establishing greater trust in the forest management. Certification provides another means for gathering and addressing the public's concerns without needing a new law in order to address every concern that arises. The need for a law arises only when society is not otherwise going to achieve the objective on its own. If the air was clean, there would not be a Clean Air Act. If it is possible to preempt and prevent the problem then it eliminates the need for a controlling force such as a law.
- Certification could help identify regulations that are unnecessary or counterproductive to achieving sustainable management. It would be helpful to create a management

system that includes constant review of regulations and standards so that forest managers can change and adapt as needed to factors such as climate change or constituency interests.

- The 2008 management approach is completely different from the 1982 regulations and this is an important point which may prove relevant to the certification process. The 1982 forest management regulations require development of management standards and guidelines for each National Forest, which seem to fit well with FSC's paradigm on performance evaluation of forest plan implementation. However, the new 2008 regulations do not require such standards and guidelines. Under a new National Forest Management Act regulation, the certification bodies may have to deal with a new Forest Service management system that doesn't completely align with the certification system, since new forest plans will not include the same level of detail as the certification standard.
- The initial purpose of certification was to determine sustainable forest management, regardless of whether or not forest management laws are in place. Certification requires the assessor to determine if the forest meets the requirements of the law, the forest's own management plan, and the standards of the certification system.
- Forest management needs to be addressed and discussed in more venues than just the court system.
- When the NFMA regulations were released, the Forest Service did a great job in taking the time to hold public meetings and educate the public on what the new regulations meant. If the Forest Service does decide to pursue certification, it will be important to spend time and resources educating the public about what that means for management of public lands.
- Even with certification, the forest planning process would remain intact. Forest plans have to address objectives, deal with land allocations, zoning, etc. National Forests would still have to comply with all environmental requirements. Certification simply evaluates if the National Forests are achieving those requirements and meeting their forest plans.
- Given the shift in the 2008 forest planning regulations from the 1982 approach, the plans themselves will be more visionary and assert higher level, more nebulous goals that will have less detailed standards to which forest managers can be held accountable.

7. MARKET FOR CERTIFIED PRODUCTS

- Certification could lead to improved access to markets. Consumers are demanding certified products and many businesses depend on certification to provide entry into the market.
- The market access component of certification has been important to people in my local community. Even though my organization is a member of the FSC social chamber and

we work on restoration for public lands, so far we have not been able to access the green market in order to pay for those restoration costs because certification of those lands has not been possible. Market access is a major issue for some local communities.

- One argument against certification is that certifying public lands could dilute the marketplace (for timber or carbon trading). Is industry concerned about a lot more certified product becoming available?
- Even though approximately ten percent of the world's forests are certified, industry cannot buy enough certified product to meet customer needs. Many businesses are struggling to meet the expectations of our global customers.
- Is it conceivable that the addition of a major land manager like the Forest Service into the market would perhaps spur additional landowners to seek certification in order to ensure they would remain competitive? That is certainly conceivable.

8. NEXT STEPS IN THE DECISION-MAKING PROCESS

- Hopefully the Forest Service will not end its decision-making process on certification after just the first presentation to its leadership team. The information from the studies and these meetings should be used to start a dialogue with the Forest Service leadership team so they have time to consider and get their questions answered.
- Certification also needs to be discussed in Congress to determine what policymakers are thinking and what questions they have about certification.
- What, if any impact will the election have on the composition of the Forest Service leadership team? The Forest Service leadership team is comprised of all career personnel, not political appointees. If there is a change in administration it will not likely have a major impact on the decision about certification.
- Will the incoming under-secretary get involved in whether the Forest Service would pursue certification? If the Forest Service chose to move forward with certification, the under-secretary would need to be aware of this decision and be comfortable with it. Certification is not a very political issue; both political parties will have questions about the pros and cons of certification.
- Will the Forest Service be transparent in the decision-making criteria and process? Yes. The listening sessions are records of what was said, and the federal register notice and the factors associated with the final decision will be available to the public.
- Does the Forest Service leadership feel it has gotten what it needs from the listening sessions? Each session has been a rich, in-depth and unique discussion. These sessions have brought up different nuances around certification that the Agency needs to think about. The Forest Service may need to pursue further clarification of these issues and obtain feedback on how to address some of the complex ideas that have been raised. Additionally, if there is something that participants think would be helpful for the

Forest Service to consider as it makes a decision about pursuing certification, please let the Agency know.

- Certification of the National Forests is such a complex issue, the Agency should be cautious about putting a decision about certification on a fast track process. Gathering more input and being transparent about the decision-making process will be healthy for everyone involved.
- The more open and thorough the Forest Service can be as it makes a decision about certification, the better. The Agency could release certification scenario analyses to illustrate how certification would play out on the ground. If the public and stakeholders do not understand all the nuances around certification, there will be an instant negative reaction to certification of public lands due to the many remaining uncertainties.
- Stakeholders in the environmental community have discussed certification at length to try to understand available information and to determine how to best participate in the decision-making process. It is important for the Agency to know if there is a division in the environmental community over the issue of certification of public lands. There is still major mistrust of the Forest Service; any changes the Agency has pursued in the past eight years have not been well received in the environmental community because there is a healthy suspicion around policy changes and hidden agendas. Some environmental stakeholders fear that by simply joining in the discussion of certification, they are automatically approving certification to go forward. The Agency should keep this in mind as it continues its decision-making process, because often times the most divergent of opinions are the healthiest to have in the discussion.

CLOSING REMARKS, DOUG MACCLEERY, CHUCK MEYERS AND SALLY COLLINS, USFS

Thank you for participating and providing such a high level of attention and thought to the complex issue of National Forest certification. These discussions have been very helpful and respectful. The Forest Service appreciates participants' leadership and candor, especially given the divide in the environmental community regarding whether to participate in these sessions; it takes courage to participate in light of that controversy.

Prior to this listening session, the Forest Service was mainly focused on the environmental and economic issues around certification, but this discussion has especially helped expand upon the social and tribal issues as well.

Thanks to everyone for having the courage to come to the table and discuss certification in an open, honest and respectful manner. The Forest Service leadership looks forward to the next steps in the decision-making process and will likely continue to ask for your help.

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