



April 6, 2009

Dave Wager
Director of Forest Management Certification
Scientific Certification Systems
145 Park Place, Point Richmond, CA 94801

VIA Email: dwager@scscertified.com

Dear Mr. Wager:

On behalf of Mass Audubon, I submit the following comments on the 5-year recertification review for the Forest Stewardship Council's (FSC) Green Certification of Commonwealth of Massachusetts' forestlands. Mass Audubon's position statement on Department of Conservation and Recreation (DCR) Forestland Management is attached and should be considered part of these comments.

Mass Audubon supported FSC Certification in 2004 for Commonwealth lands under the care and control of the DCR and Division of Fisheries and Wildlife (DFW), based on an understanding that this would provide the following benefits:

- Designation of large and small forest reserves which would be protected from commercial logging and allowed to develop old-growth forest characteristics through natural disturbance regimes;
- Designation of High Conservation Value Forests (HCVF) which would be treated as reserves or otherwise managed in a manner that maintains and enhances the special ecological values and sensitivities of these areas;
- Application of high standards for forestry in areas that would be managed, above and beyond the minimum standards in the Massachusetts Forest Cutting Practices Act and regulations;
- Development of site-specific plans, publicly reviewed, before forestry operations take place; and
- Independent, third party oversight to ensure that the standards are upheld.

The FSC Certification has led to several positive areas of progress, including:

- Designation of 9 large forest reserves (50,000 acres);
- Designation of smaller reserves in some areas, where management plans have been completed, with commitments to designate additional reserves when plans are prepared for remaining areas;
- Updates to natural resource inventories and GIS data; inventories of roads and trails; boundary surveys and markings, and preparation of management plans for some (but not yet all) of the lands.

DCR has also instituted a policy and website in 2007 providing information and opportunities for public comment on proposed timber cutting projects. Previously, there was no defined mechanism for public information or comment.

Much of the progress that has been achieved in inventories, plans, and publicly available information is attributable to some degree to the Green Certification process, since the Executive Office of Energy and Environmental Affairs made funds available to the agencies in response to the planning requirements of FSC Certification. However, management planning resources in DCR remain significantly below the level needed, and we are particularly concerned that \$100,000 allocated in the FY09 budget for the Resource Management Planning (RMP) program was cut from the budget. The outlook for state agency budgets in FY10 remains very tight, and adequate planning for the RMP program is of concern.

Mass Audubon notes the following concerns:

- Not all state lands are appropriate for FSC certification. We request that DCR consider removing some properties with park characteristics that do not fit well with either forest reserve or managed forest designations. This appears to be necessary, since FSC does not have a category for parklands where only light, ecological and public-safety driven management would take place.
- Management plans are still not complete 5 years into the program. Since management plans are part of the FSC standards, forestry operations should not take place on lands where management plans have not been completed. For DCR Division of State Parks and Recreation lands, the plans need to comply with MGL Ch. 21 S. 2F, which requires that the plans “shall ensure consistency between recreation, resource protection, and sustainable forest management.” To accomplish this, DCR needs adequate resources in its RMP program.
- Third party oversight of the program needs to be strengthened in the following ways:
 - The process for public input to the annual audit and 5 year review should be made more robust and clear to the general public, since these are public lands;
 - The process for public input into annual audits should be clarified;
 - The review needs to respond clearly and thoroughly to all complaints. It appears some sites may not have adequately protected water resources and cultural resources (graveyards). Choices of sites for early successional habitat have not been explained clearly, and the adequacy of regeneration on some of those sites has not been demonstrated. SCS should examine the sites where complaints have been made, in order to clarify whether these sites are in violation or not.
- Mass Audubon remains very concerned regarding the extent of Off-Road Vehicle (ORV) illegal use and associated damage to vegetation, soils, wildlife, and the public’s ability to use and enjoy their public lands in peace and quiet. We participated in the ORV working group that the state convened on this issue, and support the legislation that is currently pending. However, it should be noted that the legislation has not passed and the state has not issued any new formal enforcement plan or procedures. There is no evidence that we are aware of that the problem has been abated on the ground. Meaningful progress on this issue must be a priority.

It is important that the recertification review very carefully evaluate and document the extent of compliance with the FSC Northeast Regional Standards. This includes compliance with state laws (e.g. planning requirements and the appropriate balance between recreational and conservation values of lands pursuant to MGL Ch. 21 S. 2f <http://www.mass.gov/legis/laws/mgl/21-2f.htm>).

The FSC Standard for Forest Management Evaluation FSC-STD-20-007 (Version 2-1) EN includes (in the Procedures/surveillance section 4.3.3.1b): “*review of any complaints, disputes or allegations of non-compliance with any aspect of the applicable Forest Stewardship Standards.*” It is important that the recertification review process objectively evaluate all complaints that have been registered by various parties, and document for each whether the site/project in question is or is not in compliance.

Conclusion

Mass Audubon remains committed to the principles that led to our support for FSC Certification, and we will review the recertification documentation with those principles in mind. Mass Audubon urges that the Commonwealth permanently protect the large reserves regardless of whether FSC Certification continues.

The review process should fully address compliance with the FSC standards and respond meaningfully to public concerns and complaints. We also recommend that DCR evaluate program costs and other potential means of achieving the program goals as part of the Forest Vision process. Mass Audubon supports DCR Commissioner Richard Sullivan’s decision to put a hold on issuance of new contracts while the Forest Vision and FSC recertification review get underway.

Mass Audubon recommends that the scope of properties subject to FSC Certification be narrowed to exclude parklands under DCR. The criteria for distinguishing parklands from actively managed state forests should be publicly examined through DCR's upcoming Forest Vision process. The approved DCR district level Forest Resource Management Plans should be revised based on the results of the Forest Vision process when complete. Mass Audubon will participate in the DCR Forest Vision process, and we encourage all other interested parties to do so as well.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Heidi Ricci". The signature is written in a cursive style with a prominent flourish at the end.

E. Heidi Ricci
Senior Policy Analyst

cc: Robert O'Connor, EEA
DCR Commissioner Richard Sullivan
DFG Commissioner Mary Griffin