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SCS Headquarters: Complaints/Appeals
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July 31, 2018

Re: FSC Complaint/Appeal for Humboldt and Mendocino Redwood Company

Dear SCS Complaint/Appeals,

I'm writing on behalf of the undersigned coalition of groups and individuals taking issue with Humboldt and Mendocino Redwood Companies (HRC) practices on two specific issues; logging of previously un-entered forest stands and the extensive use of herbicides through the hack and squirt method as well as foliar application. The precautionary approach as prescribed under the FSC standards has been neglected as relates to these issues and HRC has been directed by SCS in a Non-Conformity report (see attached FM_FRM_2011_HRC_Surv#84F4E6.doc) to address and comply with requirements related to High Conservation Value Forests (HCVF) indicating the inadequacies in HRC's process as relates to protecting these values.

These issues are taken in turn, but there is significant over lap as the areas of previously un-entered stands are also slated for and have been treated with a hack and squirt herbicide treatment **prior to harvest** and a follow up foliar application is planned.

In an effort to resolve these matters directly with the company, representatives of the Lost Coast League, Environmental Protection Information Center (EPIC), and The Mattole Restoration Council (The Council) and others in both our official and personal capacities have engaged in email correspondence, phone conversations, field tours, and have met with company representatives at the company headquarters in Scotia California. .

Previously Un-Entered Stands

HRC filed two Timber Harvest Plans (THPs) in the lower North Fork of their Mattole holdings numbered 1-12-026HUM (2012) and 1-14-034HUM (2014) the Long Ridge Cable and Long Reach Helicopter THPs (collectively "the THPs"). These two THPs have been an issue of great controversy within the local community because of concerns

that HRC has logged and will log within previously un-entered stands, in violation of the standards set forth by SCS and FSC. Stakeholders and the company's nearby neighbors have reached out to HRC about our concerns. Within the boundary of the THPs, harvest has been completed in part (the eastern portion of unit 3 of the Long Ridge Cable THP) and not completed in other parts of the harvest plans. The actions taken by HRC is an ongoing harm and in need of immediate attention and resolution. Time is of the essence in this matter.

FSC standards demand the retention of previously un-entered stands as high conservation value forests (HCVF). *See* FSC Standards Indicators 9.2a, 9.1b, 9.4b, 10.5f, 6.3a.3.¹ In determining a HCVF, FSC standards require that such decisions shall be made in the context of a precautionary approach. *See* FSC Principle 9.

PRINCIPLE 9: MAINTENANCE OF HIGH CONSERVATION VALUE FORESTS

Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.

Indicator 9.1.a The forest owner or manager identifies and maps the presence of High Conservation Value Forests (HCVF) within the FMU and, to the extent that data are available, adjacent to their FMU, in a manner consistent with the assessment process, definitions, data sources, and other guidance described in Appendix F.

Given the relative rarity of old growth forests in the contiguous United States, these areas are normally designated as HCVF, and all old growth must be managed in conformance with Indicator 6.3.a.3 and requirements for legacy trees in Indicator 6.3.f.

Indicator 9.2.a The forest owner or manager holds consultations with stakeholders and experts to confirm that proposed HCVF locations and their attributes have been accurately identified, and that appropriate options for the maintenance of their HCV attributes have been adopted.

Indicator 9.1.b In developing the assessment, the forest owner or manager consults with qualified specialists, independent experts, and local community members who may have knowledge of areas that meet the definition of HCVs.

Indicator 9.4.b When monitoring results indicate increasing risk to a specific HCV attribute, the forest owner/manager re-evaluates the

measures taken to maintain or enhance that attribute, and adjusts the management measures in an effort to reverse the trend.

Indicator 6.3.a.3 When [previously un-managed stands] are present, management maintains the area, structure, composition, and processes of all *Type 1* and *Type 2 old growth*. Type 1 and 2 old growth are also protected and buffered as necessary with conservation zones, unless an alternative plan is developed that provides greater overall protection of old growth values.

These two THPs are comprised almost entirely of “previously un-entered stands,” areas of native forest having never before been subjected to industrial management/harvest. The areas are composed of a Douglas fir dominant over-story with mixed hardwood midlevel canopy. Compared to adjacent previously-entered stands, these stands are clearly un-entered. There is an absence of stumps, skid trails, and early seral forest conditions. On previous field trips, HRC has acknowledged that the stand appeared to have been un-entered.

Although HRC/MRC does have a legacy tree policy, which they describe as “an old growth policy,” that policy is out of alignment with the FSC standards in that it lacks any prescriptive protections for forest stands not previously harvested. Part and parcel of the FSC standards is that work is to be conducted in areas previously harvested and areas never before harvested are left intact. This is where the HRC/MRC policy falls short. They commit to not harvesting trees that were in existence prior to 1800 (i.e. a scrolling age so no new trees will qualify over time) and a diameter class (for Douglas Fir it is 36” or greater DBH). In other words if the tree is both big and old it will be left at the time of harvest. However, that does nothing to preserve areas that have never been logged but may not fit the “old growth policy.” According to the HRC/MRC website only 105 acres of previously un-entered stands have been identified. This appears to underestimate the actual amount of this forest class by a factor of 10 or more. These discrepancies must be addressed and reconciled and management plans must change accordingly if HRC/MRC is going to claim to comply with FSC standards and SCS is going to certify them.

HRC/MRC does not have a policy that complies with FSC standards as relates to un-entered stands. The HRC/MRC policy must be updated to include HCVF designation for all areas never before subjected to industrial forestry. FSC standards clearly prescribe protection for any area never before subjected to industrial forestry thus HRC/MRC must take steps to comply with this standard.

As a result of engagement with local community members, HRC designated a 202-acre block as High Conservation Value Forest (HCVF) in a nearby stand which shares the same or similar character to the areas covered by the THPs in question. This designation is commendable, but given that the stands which remain subject to the planned harvest are of equal or substantially similar character to the designated HCVF, this change in management plans speaks volumes to the need to set aside all of the similar stands that

are currently designated for harvest under these THPs. Since the forest character is the same, the appropriate prescription (HCVF) should be the same.

There are other areas in this region not currently under approved timber harvest plans with the same previously un-entered character that will likely be subjected to future harvest plans. This detail makes finding resolution to this issue at this time even more important.

While HRC has set aside the above-mentioned 202-acre HCVF, they have not developed a management plan that will protect or enhance the overall area, structure, composition, and process of these un-entered stands. They have in fact to date done significant damage to said stands by chemically killing old hardwoods using the hack and squirt method (see attached photos in Supporting Documentation/Chemical Application Photos folder taken February 1, 2018 on an HRC led field tour). Previously un-entered stands have been logged. Other areas of **previously un-entered stands have been subjected to hack and squirt herbicide application as an initial treatment prior to harvest.**

(See Supporting Documentation/Chemical Application Photos/IMG_0682 “HRC map indicating where herbicide was used to kill hardwoods Pre-Harvest”)

(See Supporting Documentation/Chemical Application Photos/IMG_0404 and IMG_0689 “Photos of large trees hacked and injected with poison within the area of map in IMG_0682”)

(See <https://drive.google.com/drive/folders/1-KHdNqvZy7z4mDDPR17OSsIY7KPjImiu?usp=sharing> to view photos)

Herbicide Application

The undersigned have additional concerns about the application of herbicides, in particular “hack and squirt” application to remove hardwoods, in violation of FSC policy. HRC is not seeking to minimize, avoid, or eliminate herbicide use as prescribed under the FSC Principles and Criteria.

FSC policy states:

The Organization* **shall** use integrated pest management and silviculture* systems which *avoid*, or aim at *eliminating*, the use of chemical pesticides*. (The Principles and Criteria p. 19, Sec. 10.7). (Definition of Pesticide to include Herbicides, see Definition Pesticide, The Principles and Criteria, p. 28) (emphasis added).

HRC/MRC’s website states that more than 78,000 acres of forestland have been treated with hack and squirt herbicide application to date. Some of this area has had a follow up foliar application of herbicide post the initial hack and squirt treatment.

Within the two Mattole THPs an estimated 163 acres have already been treated with hack and squirt herbicide application **prior to harvest** in direct contradiction of the “post harvest” prescription as written in the approved THP.

Community opposition to hack and squirt practices is clear. In 2016, Mendocino County citizens put forward Measure V, which directly addressed the use of hack and squirt practices within the county. The measure passed with overwhelming support, gaining over 60% of the vote. Despite the clear mandate from local voters, HRC/MRC has continued to use hack and squirt on their lands. Further, HRC/MRC have been on notice through direct communications from stakeholders and local tribal people who have a direct link to the hardwoods, oak trees in particular, as a traditional source of food.

HRC/MRC subverts the will of its neighbors, the voting populous, and flagrantly ignores the mandate of FSC Principles and Criteria in its very extensive use (more than 78,000 acres) of herbicides on its holdings.

Consultation with Stakeholders

FSC standards prescribe extensive consultation with stakeholders and outside experts especially in relation to assessing and designating HCVF.

C9.2 The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.

Intent: This Criterion is focused on the landowner or manager engaging in a consultation process and not the CBs certification process. FSC-ADV-30-901 Interpretation of Criterion 9.2 clarifies the meaning of this Criterion. The FSC Board of Directors agreed that the Criterion requires that forest managers should consult with stakeholders to identify presence of, and management options for, High Conservation Values. Further background information is available in the FSC Board paper BM28-17 FSC Criterion 9.2.

Indicator 9.2.a The forest owner or manager holds consultations with stakeholders and experts to confirm that proposed HCVF locations and their attributes have been **accurately identified**, and that appropriate options for the maintenance of their HCV attributes have been adopted.

Guidance: Experts may include employees of the forest owner/manager who possess the requisite expertise, but external stakeholders with experience pertinent to the HCVF attribute **must always** be consulted. (emphasis added)

Though HRC/MRC has taken substantial steps to incorporate input from concerned stakeholders, they have fallen short on implementation of the FSC standards and further discussion/negotiations appear inadequate to address the above discussed issues.

HRC has taken input from stakeholders and made substantial changes to their logging plans as a result. These commendable actions do not go unappreciated by the undersigned. We do appreciate having a neighbor that is approachable and willing to take action and admit error at times. In that vein, HRC/MRC has made two very significant changes related to these logging plans and adjacent stands.

First, HRC admitted to finding additional small stands that meet the Type 1 Old Growth definition **AFTER** proposing the Mattole THPs which included plans to harvest these newly designated HCVF areas.

Second, HRC has agreed to not log in the helicopter units of these THPs. This is a substantial portion of the THPs by acre (upwards of if not more than half the acreage).

However, this does not sufficiently address our concerns related to these previously un-entered stands and the appropriateness of HCVF designation. HRC has overtly stated they do not admit or intend to designate these previously un-entered forests as HCVF. Nor does HRC intend to make any other assurance regarding their commitment not to log the helicopter units other than their statement to concerned stakeholders that, “you’ll just have to trust us.”

Though we are grateful for HRC making the commitment to not log the helicopter units of this plan, that holds no assurance as they are unwilling to put these commitments in writing and are expressly reserving the right to log these areas at a later date.

As mentioned above SCS indicated to HRC in its 2011 report (attached below) that HRC was in Non-Conformity as relates to its HCVF policy and HRC was directed to correct this Non-Conformity by, “updating its HCVF process to include as assessment of precautions required to avoid risks or impacts to HCVs.” (SCS Report 2011).

HRC/MRC has inadequately addressed this policy deficiency. To fulfil its FSC obligations, HRC must take steps to update and improve its assessment process as relates to forests stands that have not previously been subjected to industrial forest management.

Non-Conformity With Local Law

While FSC prescribes conformity with all federal, state, county, municipal, and tribal law, in the application for the extension of the Long Ridge Cable THP 1-12-026HUM (absent that extension the THP would be expired) we see direct violation of these laws.

C1.1 Forest management shall respect all national and local laws and administrative requirements.

Indicator 1.1.a *Forest* management plans and operations demonstrate compliance with all applicable federal, state, county, municipal, and tribal laws, and administrative requirements (e.g., regulations). Violations, outstanding complaints or investigations are provided to the *Certifying Body* (CB) during the annual audit.

Indicator 1.1.b To facilitate legal compliance, the *forest owner or manager* ensures that employees and contractors, commensurate with their responsibilities, are duly informed about applicable laws and regulations. (emphasis added)

You will find in the attached document (20170829_1-12-026HUM_AM5M(1).pdf) in which the registered professional forester (RPF), Deakon Duey RPF#2853, checked the box at the bottom of page 1, asserting that, “(2) [no] Significant physical changes to the harvest area or adjacent areas have occurred since the timber harvesting plan’s cumulative impacts were originally assessed.” (Public Resource Code section 4590(e))

In the instant case at least one major landslide has occurred since the cumulative impacts were originally assessed. This slide is adjacent to Unit 1 of THP 1-12-026HUM (2012) and is easily observed from the main haul road and readily apparent from the road when we drove by on an HRC field tour as well as from Google Earth.

The failure to provide accurate information to CalFire is a violation of Public Resource Code section 4590(e), which provides:

“(e) The department shall not approve an extension pursuant to subdivision (a) or (d) if either of the following has occurred:

(1) Listed species, as defined in Article 1 (commencing with Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.), have been discovered in the logging area of the plan since approval of the timber harvesting plan.

(2) Significant physical changes to the harvest area or adjacent areas have occurred since the timber harvesting plan's cumulative impacts were originally assessed.” (emphasis added)

In addition to violating state law in at least these two instances, HRC/MRC have simultaneously breached their obligation to FSC (C1.1 quoted above).

As a result of the above listed specific grievances and inadequate resolution through direct dialogue and negotiation with the company (HRC/MRC) we the undersigned here-by request a full and complete implementation of the FSC/SCS grievance resolution process.

Please respond within the prescribed time frame per section 4.2 of the SCS dispute resolution process of 5 days for notice and 14 days for a response.

Supporting Documentation and photographs are available at:
(See <https://drive.google.com/drive/folders/1-KHdNqvZy7z4mDDPR17OSs1Y7KPjImiu?usp=sharing>)

Thank you for your prompt attention to this matter.

Sincerely,

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Lost Coast League

Michael Evenson
Vice President
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Lost Coast Ranch
OldGrothtimbers.com
Petrolia, CA

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Lost Coast League Steering Committee Member

David Simpson
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Gabriel Ward
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Previously:
Friends of Gilham Butte
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Mattole Salmon Group
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Because life is good.

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Joe Yonts
Mattole Resident

Linda Yonts
Mattole Resident

Drew Barber
Mattole Watershed Resident
Petrolia Fire Department Captain
Small Business Owner

Mihael Kavanaugh
Mattole Landowner, Steward

Dylan Mattole
Mattole Valley Organics

Linn Landry
Mattole Resident

Marika Enis, M.D.
North Fork Mattole Resident

Dick Sheinman, M.D.
Mattole Resident

Nathan Scheinman
UC Davis – Student
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Gilbert Gregori
Mattole Resident

Robie Tenorio

Mattole Resident

Mariah Gregori
Clear Water Farms
Honeydew CA (Mattole)

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Lower North Fork Mattole Residents

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