

SCS FOREST MANAGEMENT CERTIFICATION SERVICES

Corrective Action Request (CAR) / Observation (Obs) Form

Certificate Holder/Applicant	Wisconsin Department of Natural Resources
CAR/OBS identified by (SCS representative)	Brendan Grady
Date of Issuance	April 22, 2021
Applicable Standard(s)	
<input checked="" type="checkbox"/> Forest Stewardship Standard(s), including version: FSC-US Forest Management Standard V 1-0 <input type="checkbox"/> SCS COC indicators for FMEs, V8-0 <input type="checkbox"/> FSC Trademark Standard (FSC-STD-50-001 V2-0) <input type="checkbox"/> FSC standard for group entities in forest management groups (FSC-STD-30-005), V1-1 <input type="checkbox"/> Other(s):	
Audit Year	2021
Audit Type	<input type="checkbox"/> Re/Evaluation
	Surveillance: <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th
	Other: <input type="checkbox"/> CVA; <input type="checkbox"/> Scope Expansion; <input checked="" type="checkbox"/> Special (<i>describe</i>): Complaint Investigation

Finding Number: 2021.1	
Finding and Deadline	
<input type="checkbox"/> Major CAR: Pre-condition to certification/recertification <input type="checkbox"/> Major CAR: 3 months from Issuance of Final Report <input type="checkbox"/> Minor CAR: 12 months or next regularly scheduled audit, whichever comes first (<i>surveillance or re-evaluation</i>) <input type="checkbox"/> Observation – response is optional <input checked="" type="checkbox"/> Other and deadline (specify): A minor CAR is issued, but evidence of conformance must be provided prior to resumption of the relevant timber harvest, or at the next scheduled audit, whichever is sooner.	
FMU CAR/OBS issued to (when more than one FMU):	
Standard and Indicator	FSC-US Forest Management Standard, Indicator 6.5.b
<input checked="" type="checkbox"/> Non-Conformity Evidence <input type="checkbox"/> Observation Justification and/or Explanation	
<p>Subsequent to the 2020 field audit, a complaint was submitted to SCS regarding the Hodge Podge 11-19 timber sale, adjacent to Whitney Lake. On the basis of information provided by the complainants as well as interviews with pertinent DNR staff, review of pertinent elements of the Wisconsin Best Management Practices for Water Quality Manual and the Northern Highlands/American Legion Master Plan, it was determined that DNR’s planned (and partially executed) timber harvest plan/sale (“Hodge Podge” 11-19 adjacent to Whitney Lake), is found to be in conflict with FSC-US Forest Management Standard.</p>	

The planned harvest in tract 11-19 is primarily intended as an “overstory removal” type of commercial harvest that, in large part, is designed to provide sufficient light to the forest floor to foster establishment and development of a new cohort of seedlings/saplings, primarily oak. Overstory removal harvest prescriptions are generally more intensive (in terms of volume removed per acre) than single tree selection prescriptions. Likewise, so are the visual impacts.

Another pertinent aspect of the planned harvest is that the intensity of planned removal of harvest trees (and, conversely, the spatial pattern of leave trees) varies across the harvest unit. The basal area retention of retained trees will be as low 35 square feet per acre in some areas and above 60 square feet per acre in other areas of the harvest unit. As well, the widths of riparian management zones (RMZ’s) adjacent to or within the harvest boundaries are not universally 100 feet or greater.

Chapter 7 of the Wisconsin BMP Field Manual specifies requirements for establishing RMZ’s (riparian management zones) in association with lakes and streams. For lakes and for streams wider than 3 feet, RMZ’s are to be at least 100 feet (per each side for streams), starting at the ordinary high-water mark. On page 91 of Chapter 7, tree retention requirements within RMZ’s are stipulated: “at least 60 square feet of basal area per acre in trees greater than 5” DBH, *evenly distributed*” (emphasis added).

On page 87, variations from the 100’ per side RMZ width requirement are addressed:

RMZ widths greater than 100’ per side “may be needed on sites that exhibit one or more (emphasis added) of the following site conditions:

- steep slopes
- long, continuous slopes
- highly erodible soils
- no ground cover or duff layer
- intensive soil disturbance near the RMZ
- Unique or sensitive waters”

RMZ widths less than 100’ per side “may be suitable on sites that exhibit the following site conditions:

- flat terrain
- short slopes
- stable or undisturbed soil
- dense groundcover vegetation
- soils with high filtration rates”

Of significant note, the trigger for increasing the widths of RMZs is “one or more” of the stipulated conditions. In contrast, “one or more” does not apply to narrowing RMZs below 100’ per side. That is, text on page 87 rather clearly establishes that all 5 stipulated site conditions must be present to warrant narrower RMZs.

In the absence of an argument and supporting evidence that all 5 triggers for narrower RMZ’s are met, the RMZs established for the Whitney Lake harvest unit are not in compliance with the Wisconsin Best Management Practices Manual. That is:

- the RMZ’s as laid out are not uniformly greater than 100’ per side

<ul style="list-style-type: none"> The residual trees (to be reserved from harvest) are not evenly distributed, and comprising at least 60 square feet basal area per acre. <p>Given that forest operations must meet or exceed BMPs, the current harvest layout constitutes a non-conformity with pertinent elements of the FSC US Forest Management Standard.</p>	
<input checked="" type="checkbox"/> Non-Conformity Corrective Action Request <input type="checkbox"/> Observation; no Corrective Action is required	
<p>Prior to resumption of timber harvesting in the Hodge Podge 11-19 timber sale, DNR must revise the harvest mark to conform with the RMZ requirements found in the Wisconsin BMP Manual.</p>	
FME response <i>(including any evidence submitted)</i>	
SCS review	
Status of CAR:	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major <input type="checkbox"/> <i>Other decision (refer to description above)</i>

Finding Number: 2021.2	
Finding and Deadline	
<input type="checkbox"/> Major CAR: Pre-condition to certification/recertification <input type="checkbox"/> Major CAR: 3 months from Issuance of Final Report <input type="checkbox"/> Minor CAR: 12 months or next regularly scheduled audit, whichever comes first (<i>surveillance or re-evaluation</i>) <input type="checkbox"/> Observation – response is optional <input checked="" type="checkbox"/> Other and deadline (specify): A Minor CAR is issued, but evidence of conformance must be provided prior to resumption of the relevant timber harvest, or at the next scheduled audit, whichever is sooner.	
FMU CAR/OBS issued to (when more than one FMU):	
Standard and Indicator	FSC-US Forest Management Standard, Indicator 4.4.a
<input checked="" type="checkbox"/> Non-Conformity Evidence <input type="checkbox"/> Observation Justification and/or Explanation	
<p>See finding 2021.1 for additional background.</p> <p>The Whitney Lake complainants, have strongly asserted that the harvest plan, if operated as presently planned, will result in a significant adverse aesthetic impact on the viewsheds adjacent to Whitney Lake. While the complaint review did not include a site inspection, it is likely that an overstory removal type of harvest that involves removing large trees in the near vicinity of the lake shore will generate adverse aesthetic impacts.</p> <p>The NHAL Master Plan, contains numerous references and directives regarding the importance of aesthetic values in the state forests of northern Wisconsin, particularly with respect to the many lakes found in this region. Notable directives regarding aesthetics include:</p> <ul style="list-style-type: none"> “The scenic quality of all shorelines and primary roadways will be maintained and enhanced through application of aesthetic management techniques” (page 7) 	

- Vision Statement: “The unique, aesthetic character of the NH-AL State Forest and the quality of its waters will be perpetuated.” (page 9)
- Property Goal #2: “Maintain and enhance aesthetic qualities of the Northern Highlands— American Legion State Forest.”
- Property Goal #8: “Protect and enhance wild resource values such as...the sights and sounds of a natural environment.”
- Big Tree Silviculture: “A...Governor appointed committee...recommended that...recreational and aesthetic values of old growth and big trees be recognized.” (page 11)
- “All undeveloped lake and stream shoreline will be managed to protect water quality, maintain wildlife and fisheries habitat, and enhance aesthetics. Shoreline management shall include vegetative zones. They will be maintained by following Best Management Practices for Water Quality when performing all forest management activities.” (page 156)

Based upon review of pertinent written information and telephone interviews with the complainants and DNR personnel, the harvest plan for tract 11-19, adjacent to Whitney Lake, is likely in conflict with the above excerpts from the NHAL Master Plan. The evidence suggests that the harvest prescription does not adequately incorporate “aesthetic management techniques” nor adequately balance aesthetic objectives against silvicultural and production objectives.

Non-Conformity Corrective Action Request **Observation; no Corrective Action is required**

Prior to resumption of timber harvesting in the Hodge Podge 11-19 timber sale, DNR must revise the harvest mark to conform with the lakeshore aesthetic management objectives articulated in the NHAL Master Plan.

FME response
(including any evidence submitted)

SCS review

Status of CAR:

- Closed
- Upgraded to Major
- Other decision (refer to description above)*

Finding Number: 2021.3

Finding and Deadline

- Major CAR:** Pre-condition to certification/recertification
- Major CAR:** 3 months from Issuance of Final Report
- Minor CAR:** 12 months or next regularly scheduled audit, whichever comes first (*surveillance or re-evaluation*)
- Observation** – response is optional
- Other** and deadline (specify): A minor CAR is issued, but evidence of conformance must be provided prior to resumption of the relevant timber harvest, or at the next scheduled audit, whichever is sooner.

FMU CAR/OBS issued to (when more than one FMU):

Standard and FSC-US Forest Management Standard, Indicator 1.1.a

Indicator	
<input checked="" type="checkbox"/> Non-Conformity Evidence <input type="checkbox"/> Observation Justification and/or Explanation	
<p>As detailed in finding 2021.1, the harvest plan for the the Hodge Podge 11-19 timber sale, is not in conformance with Wisconsin Best Management Practices for Water Quality Manual. The BMPs, while voluntary to some private landowners in Wisconsin, are mandatory for use on public lands, including state forests. This is explicitly detailed on page 13 of the Wisconsin BMP Manual.</p> <p>Thus, to the extent that the issues identified in 2021.1 represent a violation of state administrative requirements, a separate non-conformance is raised under the Principle 1 of the FSC standard, requiring compliance with all applicable laws.</p>	
<input checked="" type="checkbox"/> Non-Conformity Corrective Action Request <input type="checkbox"/> Observation; no Corrective Action is required	
<p>Forest management plans and operations must demonstrate compliance with all applicable federal, state, county, municipal, and tribal laws, and administrative requirements.</p>	
FME response <i>(including any evidence submitted)</i>	
SCS review	
Status of CAR:	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major <input type="checkbox"/> <i>Other decision (refer to description above)</i>