

CLARIFICATION OF JOHN MUIR PROJECT POSITION REGARDING FOREST CERTIFICATION: FEDERAL LANDS

John Muir Project recognizes that the political systems and land ownership patterns of nations vary from country to country. Within this context, we also recognize that, at this time, the Forest Stewardship Council (FSC) approach to forest certification does not differentiate according to land ownership status. Nevertheless, while this may be appropriate in a generic, global sense, we think it is apparent that the question of whether to certify publicly-owned lands in the U.S. is one that we must address as a special case.

In the United States, such lands are considered to have a very high public trust value, and hence are commonly held to a different and higher standard than privately-owned lands. Public lands also are expected to provide certain services that are rarely provided by private lands, e.g., open access for public recreation and special ecological purposes to help maintain or restore entire ecosystems. These trust values and public services are particularly pertinent to federally-owned lands.

In the past, we have supported the FSC's regional and national standard-setting approach to developing ecologically appropriate certification standards through open and participatory processes. However, when it comes to deciding whether or how to apply certification to public lands, several questions arise which suggest that certification of federally-owned lands may be inappropriate, and even unworkable. Among the observations that we believe support this conclusion are the following:

Conflicts With Public Consultation Process

FSC certification procedures strongly encourage that all stakeholders and owners be involved in the certification process, yet all Americans are owners of our federal forests. Thus, as equal owners, they all have the right to provide input into forest management planning and decision-making. Together with the Congress, the President, and the US Forest Service, they all determine how these forests are managed, under law. Given these requirements, it is our belief that it will be difficult to adequately involve the full range of America's public land owners in a certification process.

Conflicting Voices of Authority

The US government, through Congress, can abruptly and at any time alter the way federal lands are managed and change the level of logging on national forests, e.g., as demonstrated by the Salvage Logging Rider of 1995 which suspended all environmental laws for logging purposes. This makes it very difficult for Federal land management agencies to agree to implementing long-term forest management plans, as required by the FSC's Principles and Criteria. This is not just a legal issue, but a political reality. Federal land managers must respond to Congressional directives, administrative policy, lobbying (e.g., from the timber industry), and agency culture.

Potential Conflicts With FSC Principle 1

While federal law has required that national forests be managed under the principle of "multiple use," an overly strong emphasis on logging has led to deliberate and willful disregard of federal law by logging proponents in the U.S. Forest Service. This conclusion was confirmed by several U.S. Federal Courts, including Federal Judge Dwyer in Oregon (Seattle Audubon Society v. Evans, 952 F.2d 297, 9th Cir. 1991)¹ and countless federal court rulings since then. FSC Principle 1 requires that forest owners and land managers obey all national laws, yet courts continue to confirm that the Forest Service is violating our federal laws for logging. Even if the Forest Service were eventually able to verify compliance with federal laws, their track record and Congressional actions indicate that a long-term commitment to this principle cannot be assured. In addition, the question of whether U.S. Federal Laws and FSC Principles and Criteria are compatible, has not yet been answered.

Conflicts With Other FSC Principles

Over the last 40 years, federal forests, particularly in the Northwest, have been significantly over-cut, well beyond sustained yield. In addition, most natural forests in our National Forest System have been converted and replaced by even-aged tree plantations. The U.S. Forest Service intends to continue logging in primary forests on federal lands as is demonstrated by long-range management plans for the Pacific Northwest and other regions of the Country. These long-range plans also lack clear direction for active restoration of plantations to native conditions, reflecting a lack of will by the U.S. Forest Service to restore ecosystems integrity. Clearly, such practices would not comply with FSC Principles 9 and 10.

Problems With Applications Across Landscapes

Due to their large areas, federal lands present a unique opportunity for landscape level management and planning and species/ecosystem conservation and recovery. John Muir Project is not convinced of the capacity or effectiveness of certification to adequately address these goals. For example, current certification standards simply do not incorporate an adequate process for determining which parts of the landscape should not be commercially managed.

Contradiction With Public Opinion

According to polling data taken in 1997, an overwhelming majority of the public (>77%) supports protecting roadless areas, ancient forests, and other old growth forests in the Pacific Northwest from logging (ForestWater Alliance poll from June, 1997). In addition, a national poll of Americans in 1996 suggests that over 59% of those with an opinion, want federal public lands in the United States protected by ending all commercial logging on those lands (IRC Research Group Nationwide Poll - May 1996). In several other statewide polls, data shows that from 69% to 73% of those asked oppose commercial logging on national forests in their states (Indiana 69%, Georgia 72.3%, Kentucky 72.8%, Ohio 73.5% - University and Research Polls from 1990 to 1998). We cannot expect those segments of the American public that are opposed to commercial logging on their national forests to support logging certification on federal lands.

Position Statement

Federal forest lands in the United States retain special values and provide a wide range of benefits for John Muir Project members and the American public. These values must be protected by a variety of policy and management tools, only one of which is a market-based certification system like the FSC.

While FSC certification on private lands shows promise, it has yet to be fully tested. However, because of the promise it holds, John Muir Project continues its support of the FSC and its processes to certify private forest lands in the United States.

Strong environmental support is critical for the credibility and success of the FSC. And while this support still continues, there is and will continue to be strong opposition from many environmental organizations to any attempts at certifying federal lands, even from organizations that otherwise support the policies of the FSC. John Muir Project believes that certification of federal public lands could become a significant political liability with the potential to discredit FSC-endorsed certification.

In the long term, certification of federal forest lands, where commercial logging is allowed, is inconsistent with John Muir Project's goal to end all commercial logging on those lands in the United States. For that reason and the many other reasons stated above, John Muir Project opposes any certification or attempts at certification of commercial logging on Federal lands in the United States, including any certifications by FSC-accredited certifiers.

¹ Judge Dwyer wrote: "More is involved here than a simple failure by an agency to comply with its governing statute. The most recent violation of NFMA exemplifies a deliberate and systematic refusal by the Forest Service and the FWS to comply with the laws protecting wildlife. This ... reflects decisions made by higher authorities in the executive branch of the government." (771 F.Supp. 1081 W.D. Wash. 1991)