

# FOREST MANAGEMENT AND STUMP-TO-FOREST GATE CHAIN-OF-CUSTODY SURVEILLANCE EVALUATION REPORT

*Wisconsin Department of Natural Resources*  
*State Forests and Lands*  
Wisconsin, USA

**SCS-FM/COC-00070N**

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CERTIFIED	EXPIRATION
31 December 2018	30 December 2023

DATE OF FIELD EVALUATION
7-9 June 2021
DATE OF REPORT FINALIZATION
13 July 13, 2021

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## Foreword

Cycle in annual surveillance evaluations				
<input type="checkbox"/> 1 <sup>st</sup> annual evaluation	<input type="checkbox"/> 2 <sup>nd</sup> annual evaluation	<input type="checkbox"/> 3 <sup>rd</sup> annual evaluation	<input type="checkbox"/> 4 <sup>th</sup> annual evaluation	<input checked="" type="checkbox"/> Other ( <i>expansion of scope, Major CAR audit, special audit, etc.</i> ): Special audit
Name of Forest Management Enterprise (FME) and abbreviation used in this report:				
Wisconsin Department of Natural Resources (WIDNR, DNR), Forestry Division (Forestry), Fish Wildlife & Parks (FWP).				

All certificates issued by SCS under the aegis of the Forest Stewardship Council (FSC) require annual evaluations to ascertain ongoing conformance with the requirements and standards of certification. A public summary of the initial evaluation is available on the FSC Certificate Database <http://info.fsc.org/>.

Pursuant to FSC and SCS guidelines, annual / surveillance evaluations are not intended to comprehensively examine the full scope of the certified forest operations, as the cost of a full-scope evaluation would be prohibitive and it is not mandated by FSC evaluation protocols. Rather, annual evaluations are comprised of three main components:

- A focused assessment of the status of any outstanding conditions or Corrective Action Requests (CARs; see discussion in section 4.0 for those CARs and their disposition as a result of this annual evaluation);
- Follow-up inquiry into any issues that may have arisen since the award of certification or prior to this evaluation; and
- As necessary given the breadth of coverage associated with the first two components, an additional focus on selected topics or issues, the selection of which is not known to the certificate holder prior to the evaluation.

### Organization of the Report

This report of the results of our evaluation is divided into two sections. Section A provides the public summary and background information that is required by the Forest Stewardship Council. This section is made available to the public and is intended to provide an overview of the evaluation process, the management programs and policies applied to the forest, and the results of the evaluation. Section A will be posted on the FSC Certificate Database (<http://info.fsc.org/>) no less than 90 days after completion of the on-site evaluation. Section B contains more detailed results and information for required FSC record-keeping or the use by the FME.

## Table of Contents

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SECTION A – PUBLIC SUMMARY .....	4
1. GENERAL INFORMATION .....	4
1.1 Evaluation Team.....	4
1.2 Total Time Spent on Evaluation .....	4
1.3 Applicable Standards .....	4
1.4 Conversion Table English Units to Metric Units.....	5
2. CERTIFICATION EVALUATION PROCESS .....	5
2.1 Evaluation Itinerary, Activities, and Site Notes.....	5
2.2 Evaluation of Management Systems .....	10
3. CHANGES IN MANAGEMENT PRACTICES .....	11
4. RESULTS OF EVALUATION .....	11
4.1 Definitions of Major CARs, Minor CARs, and Observations .....	11
4.2 History of Findings for Certificate Period.....	11
4.3 Existing Corrective Action Requests and Observations .....	12
4.4 New Corrective Action Requests and Observations .....	12
5. STAKEHOLDER COMMENTS .....	19
5.1 Stakeholder Groups Consulted .....	20
5.2 Summary of Stakeholder Comments and Evaluation Team Responses .....	20
6. CERTIFICATION DECISION .....	28

## SECTION A – PUBLIC SUMMARY

### 1. General Information

#### 1.1 Evaluation Team

<b>Auditor name:</b>	Kyle Meister	<b>Auditor role:</b>	Audit Team Leader
<b>Qualifications:</b>	Kyle Meister is an FSC Forest Management (FM) and Chain of Custody (COC), Sustainable Biomass Partnership, and Roundtable on Sustainable Palm Oil Supply Chain Certification Lead Auditor with SCS Global Services. He has conducted FSC FM pre-assessments, evaluations or surveillance audits in Bolivia, Brazil, Canada, Costa Rica, Dominican Republic, Indonesia, India, Japan, Mexico, New Zealand, Spain, and all major forest producing regions of the United States. He has conducted COC assessments in Bolivia, Canada, Panama, and the United States (California, Georgia, Kentucky, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia). Mr. Meister has successfully completed CAR Lead Verifier, ISO 9001:2008 Lead Auditor, SA8000 Social Systems Introduction and Basic Auditor, RSPO Supply Chain Lead Auditor, SBP Lead Auditor, and FSC Lead Auditor and Trainer Training Courses. He holds a B.S. in Natural Resource Ecology and Management and a B.A. in Spanish from the University of Michigan; and a Master of Forestry from the Yale School of Forestry and Environmental Studies.		

#### 1.2 Total Time Spent on Evaluation

A. Number of days spent on-site for evaluation	2.0
B. Number of auditors participating in on-site evaluation	1
C. Number of days spent by any technical experts (in addition to amount in line A)	0
D. Additional days spent on preparation, stakeholder consultation, and follow-up	2.0
<b>E. Total number of person days used in evaluation</b>	<b>4.0</b>

#### 1.3 Applicable Standards

All applicable FSC standards are available on the websites of FSC International ([www.fsc.org](http://www.fsc.org)) or SCS Global Services ([www.SCSglobalServices.com](http://www.SCSglobalServices.com)). All standards are available on request from SCS Global Services via the comment form on our website. When no national standard exists for the country/region, SCS Interim Standards are developed by modifying SCS's Generic Interim Standard to reflect forest management in the region and by incorporating relevant components of any Draft Regional/National Standard and comments from stakeholders. More than one month prior to the start of the field evaluation, SCS Draft Interim Standards are provided to stakeholders identified by FSC International, SCS, forest managers under evaluation, and the FSC National or Regional Office for comment. SCS's COC indicators for FMEs are based on the most current versions of the FSC Chain of Custody Standard, FSC Standard for Group Entities in Forest Management Groups (FSC-STD-30-005), and FSC Accreditation Requirements. "Applicable standards" are all FSC standards with which the certified entity must comply, not just the standards selected for evaluation this year.

Standards applicable <i>NOTE: Please include the full standard name</i>	<input checked="" type="checkbox"/> Forest Stewardship Standard(s), including version: FSC-US, V1-0
	<input checked="" type="checkbox"/> FSC Trademark Standard (FSC-STD-50-001 V2-0)
	<input checked="" type="checkbox"/> SCS COC indicators for FMEs, V8-0

<i>and Version number and check all that apply based on type of certificate.</i>	<input type="checkbox"/> FSC standard for group entities in forest management groups (FSC-STD-30-005), V1-1
	<input type="checkbox"/> Other:

### 1.4 Conversion Table English Units to Metric Units

Length Conversion Factors		
To convert from	To	multiply by
Mile (US Statute)	Kilometer (km)	1.609347
Foot (ft.)	Meter (m)	0.3048
Yard (yd.)	Meter (m)	0.9144
Area Conversion Factors		
To convert from	To	multiply by
Square foot (sq. ft.)	Square meter (m <sup>2</sup> )	0.09290304
Acre (ac)	Hectare (ha)	0.4047
Volume Conversion Factors		
To convert from	To	multiply by
Cubic foot (cu ft.)	Cubic meter (m <sup>3</sup> )	0.02831685
Gallon (gal)	Liter (l)	4.546
Quick reference		
1 acre	= 0.404686 ha	
1,000 acres	= 404.686 ha	
1 board foot	= 0.00348 cubic meters	
1,000 board feet	= 3.48 cubic meters	
1 cubic foot	= 0.028317 cubic meters	

## 2. Certification Evaluation Process

### 2.1 Evaluation Itinerary, Activities, and Site Notes

#### Special Audit Process

This special audit was conducted as a follow-up to a formal complaint investigation. SCS received a complaint regarding a Wisconsin DNR planned timber sale adjacent to Whitney Lake, also known as the “Hodge Podge” (11-19) timber sale. The complaint alleged, among other things, that the timber sale as planned out is in violation of Wisconsin Forestry’s Best Management Practices for Water Quality (also known as the BMPs), particularly regarding Riparian Management Zones.

Following the complaint investigation, a report was issued, identifying that the sale was in violation of the BMPs and other management planning documents. Several Corrective Action Requests (CARs), were issued in accordance with the findings presented in the complaint investigation report. As part of the DNR’s response to the CARs, the factual bases underlying the CARs was challenged, particularly whether the Riparian Management Zone (RMZ) at the Hodge Podge sale retained sufficient basal area and spatial distribution to meet the requirements in the BMPs. The applicable BMP for lakes, designated trout streams, and streams 3 feet and wider reads, “Harvesting plans should leave at least 60 square feet of

basal area per acre in trees 5 inches DBH (diameter at breast height) and larger, evenly distributed.” Given this key factual discrepancy, this special audit was conducted to assess whether the CARs, as issued, adequately reflected the on-the-ground conditions. Additionally, stakeholders (some of which are complainants) had alleged similar BMP violations at other timber sales in the NHAL State Forest.

<b>Date: 7 June 2021 (0.5 days)</b>	
<b>FMU/location/sites visited</b>	<b>Activities/ notes</b>
Trout Lake Forestry Headquarters	<p>Opening Meeting: Introductions, client update, review scope of evaluation, audit plan, intro/update to FSC and SCS standards, confidentiality and public summary, conformance evaluation methods and tools, review of open CARs/OBS, emergency and security procedures for evaluation team, final site selection.</p> <p>Review of BMP manual with one of the main authors, and presentation of FME’s response to the SCS complaint investigation.</p>
Whitney Lake Sale (marked, unharvested at the time of the audit)	<p>1. Sites suggested by stakeholders. Using a standard loggers’ tape, the auditor measured the length of the “equipment exclusion” or “no-cut” zone as 67 ft. from the Ordinary Highwater Mark (OHWM). Another point was measured and the equipment exclusion zone was 50 ft. from the OHWM. Three plots were sampled along the RMZ, each of which had 90 (at stakeholder-selected point), 80, and 80 (at stakeholder-selected point) square feet of residual basal area (BA) using the FME’s understanding of the BMP manual and the harvest prescription. All live trees above 5 inches in diameter at breast height (DBH) in the equipment exclusion zone that exceed the width of the measurement tool’s angle gauge (cruise stick with a 10 ft. factor angle gauge) were tallied (commonly referred to as “in” trees). For borderline trees (i.e., trees that are difficult to determine if they are “in” or “out”), every other tree was tallied. For trees in the outer zone of the RMZ, i.e., the portion of the RMZ that is outside of the equipment exclusion zone up to the 100 ft. length of the RMZ AND open to harvest, live tree species designated for harvest (e.g., red maple, paper birch) or marked for harvest (i.e., orange painted pine and oak) were not included in the residual BA.</p>
Meeting with stakeholders (6:00pm)	<p>Upper Gresham Lake State Forest Campground</p> <ol style="list-style-type: none"> <li>1. Meeting with stakeholders to review concerns;</li> <li>2. Boat tour of Upper Gresham Lake;</li> <li>3. Stop at harvested portion of LA Timber sale. Discussion on width of RMZ, residual BA, distribution of residual trees, trees selected for retention, and harvest methods allowed in the RMZ.</li> </ol>
<b>Date: 8 June 2021 (1 day)</b>	
<b>FMU/location/sites visited</b>	<b>Activities/ notes</b>
LA Timber (Upper Gresham Lake)	<ol style="list-style-type: none"> <li>1. Visit to Zone A, same site as item 3 with stakeholders on 7 June 2021. Measured 3 plots using logger tape (width of RMZ in ft.) and cruise stick (residual BA). <ul style="list-style-type: none"> <li>- Plot 1: 65 ft inner buffer (i.e., equipment exclusion zone); 35 ft outer buffer; 20 BA;</li> <li>- Plot 2 (same location as stop with stakeholders on 7 June 2021): 63 ft inner</li> </ul> </li> </ol>

	<p>buffer; 27 ft outer buffer; 30 BA;</p> <ul style="list-style-type: none"> <li>- Plot 3: 53 ft inner buffer; 47 ft outer buffer; 40 BA</li> </ul> <p>2. Interview with different stakeholder group.</p>
Jute Lake	<p>3. Overview of site: set up in 2014 and harvested 2016 (during previous certification cycle (2013-18) prior to current staff assignment. The equipment exclusion zone was not marked in the field with red paint or flagging. Leave-trees were marked with green paint. Some leave-trees were cut early on in the sale and staff detected the error quickly, and devised and implemented corrective actions (use of different color paint to mark leave-trees and marking of additional leave-trees). No citations were issued for this error due to operator disability, and there were no public complaints on this sale in 2016. Observed a skid trail towards the bottom of the sale running parallel to RMZ. Staff treat the 100 ft from the OHWM of the lake as the RMZ. Measured 2 plots at the 50 ft (i.e., halfway point) and 100 ft (i.e., end-point) of the RMZ using logger tape (width of RMZ in ft.) and cruise stick (residual BA).</p> <ul style="list-style-type: none"> <li>- Plot 1: 40 BA at 50 ft; 10 BA at 100 ft.</li> <li>- Plot 2: 90 BA at 50 ft; 10 BA at 100 ft.</li> </ul>
Trout Lake (sale 23-19)	<p>4. Overview of site. A shelterwood preparation harvest was done in 2014 and in 2021 a shelterwood removal was completed. A prescribed burn is included in the description of the sale as a post-harvest treatment to favor oak regeneration; however, the fire boss decided to delay the prescribed burn until fuel loads become more manageable. Measured 2 plots at red-marked equipment exclusion zone of RMZ using logger tape (width of RMZ in ft.) and cruise stick (residual BA).</p> <ul style="list-style-type: none"> <li>- Plot 1: Inner buffer measured at 94 ft. (i.e., equipment exclusion zone) and outer buffer of 6 ft. Residual BA at 94 ft. was 100.</li> <li>- Plots 2: Inner buffer measured at 90 ft. and outer buffer of 10 ft. Residual BA of 110.</li> </ul>
Whitney Lake (with stakeholder group; no FME staff or contractors present)	<p>5. Aspen clearcut site, harvested March-April 2020. Inner buffer measured at 43 ft. with logger's tape (per FME interpretation of BMP manual, remaining RMZ is 57 ft (i.e., outer zone). Discussion on potential leave-trees since there were fewer options for long-lived species within the RMZ. Stakeholders felt that old, live aspen could have been designated as residual trees. Stakeholders also concerned that management activities took place after April 15 when oak wilt restrictions are in place.</p> <p>6. Unharvested portion of sale. Equipment exclusion zone marked with red paint on trees at 46 ft. from OHWM as measured with logger's tape. Stakeholder used cruise stick to determine that outer buffer has 30 BA measured at the red-marked equipment exclusion zone; however, this was half a plot. Field visits with FME staff confirm that the FME would measure a full circular, variable radius plot of the RMZ to determine residual BA. This would put the residual BA of the RMZ at 60-80. For half-circular plots, a method of boundary overlap correction would have to be applied; for example, in the case of a plot that is bounded by non-forest, property boundary, or other land-use classes.</p> <p>7. Unharvested portion of sale. Stakeholders alleged that harvest would go right up to the creek; however, the auditor observed red-marked trees to indicate the equipment exclusion zone. This means that trees behind this line are designated for retention. Reviewed leave-trees in RMZ with stakeholders. FME</p>

	<p>staff marked some additional trees for retention at the behest of the stakeholder group. The main issue is retention of long-lived trees within the outer portion of the RMZ, i.e., the area between the red-marked equipment exclusion zone and the end of the 100 ft. RMZ.</p>
<p>White Sand Lake (with stakeholder group; no FME staff or contractors present)</p>	<p>8. Stakeholders felt that this was an important example of a site on which they felt that the FME had properly adjusted the RMZ to consider slope as the equipment exclusion zone was wider than 100 ft. The harvest area was a shelterwood preparation cut done during the past 3 years. The auditor observed a former camp site within the RMZ that is still frequented by visitors as evidenced by the presence of an active trail. Per observation of the auditor, to have placed tracked or rubber-tired equipment on the slope would have meant locating a turnaround point in the minimum width equipment exclusion zone of 15 ft. at the lakeshore, which would have caused major visual impacts to the camp site and potential sedimentation of the lakeshore. The slope likely would also have increased harvest cost. Stakeholders also mentioned concern over how to release established oak regeneration within the effective harvest area.</p>
<p><b>Date: 9 June 2021 (0.5 days)</b></p>	
<p><b>FMU/location/sites visited</b></p>	<p><b>Activities/ notes</b></p>
<p>Trout Lake Forestry Headquarters</p>	<p>1. Reviewed Timber Sale Notice and Cutting Report for Vilas 16-16 (Sale 1139-H). Confirmed that DNR staff detected removal of leave-trees on 10/27/16 and determined the root cause. Corrective actions were implemented on 10/28/16, which included marking of additional leave-trees to meet residual BA target and remarking original leave-trees with a different color.</p> <p>2. Reviewed DNR Public Input webpage (<a href="https://dnr.wisconsin.gov/publicinput">https://dnr.wisconsin.gov/publicinput</a>) to assess conformity to FSC-US indicators 4.4.d and related indicator 7.1.r. Reviewed <a href="https://dnr.wisconsin.gov/news/input/Guidance">https://dnr.wisconsin.gov/news/input/Guidance</a>. Reviewed NRB webpage to search for similar content (<a href="https://dnr.wisconsin.gov/about/NRB/public.html">https://dnr.wisconsin.gov/about/NRB/public.html</a>). Per interviews with DNR staff, there is no documented appeals process outside of litigation; the current process has a semi-formal structure. Reviewed <a href="https://dnr.wi.gov/topic/lands/apip/index.aspx">Annual Property Implementation Plans &amp; Property Plan Monitoring</a> webpage (<a href="https://dnr.wi.gov/topic/lands/apip/index.aspx">https://dnr.wi.gov/topic/lands/apip/index.aspx</a>) for access annual operational plans. This webpage (<a href="https://dnr.wisconsin.gov/topic/Lands/APIP/expanded.html">https://dnr.wisconsin.gov/topic/Lands/APIP/expanded.html</a>) contains links to activities planned for FY2020, FY2021, and FY2022. Reviewed FY2022 for Northern Highlands American Legion State Forest (<a href="https://widnr.widen.net/s/ztfxfffsw/nhalapipfy22">https://widnr.widen.net/s/ztfxfffsw/nhalapipfy22</a>; note that embedded PDF files are not accessible; this was corrected during the audit by removing embedded files and placing their text within the document). The <a href="https://dnr.wisconsin.gov/topic/fl/PropertyPlanning/NHAL_Variance">https://dnr.wisconsin.gov/topic/fl/PropertyPlanning/NHAL_Variance</a> page contains links to the variance to the property's master plan, including a way to subscribe via email to obtain updates. Bid packages and results for operational plans for timber sales are here: <a href="https://dnr.wisconsin.gov/topic/timbersales/salesNHAL">https://dnr.wisconsin.gov/topic/timbersales/salesNHAL</a>. A search of the <a href="https://dnr.wi.gov/topic/lands/apip/index.aspx">https://dnr.wi.gov/topic/lands/apip/index.aspx</a> webpage for "Northern Highland" reveals that a list of planned and in-progress activities is</p>



	<p>available for 2019-2024.</p> <ol style="list-style-type: none"> <li>3. Review of annual allowable harvest data for NHAL. The FME’s harvest planning system, WisFRS, establishes a long-term goal for number of acres to treat per year. This is used to establish an annual goal, which may be 10% less than the long-term annual goal to reflect deferred acres (i.e., acreage that was evaluated in previous years, but not silviculturally ready for treatment). The report also contains the real number of acres treated per year. The long-term goal is what is compared to the real acres treated.</li> <li>4. Review of <i>Communication Course Offerings/Options: Forestry</i>. This is a summary prepared by a DNR learning specialist for the audit team. It contains a list of internal and external communications courses available to DNR staff. This information is available to the public on <a href="https://dpm.wi.gov/Pages/Managers_and_Supervisors/TrainingResources.aspx">https://dpm.wi.gov/Pages/Managers_and_Supervisors/TrainingResources.aspx</a>. Reviewed training record for NHAL state forest team leader. Training related to these topics has included courses on leadership, HR practices, law enforcement, and harassment prevention.</li> <li>5. Additional stakeholder consultation.</li> <li>6. Review of oak wilt guidelines (<a href="https://widnr.widnr.net/view/pdf/aqszuho7ee/Oak-Harvesting-Guidelines-Web-version---FR-560.pdf">https://widnr.widnr.net/view/pdf/aqszuho7ee/Oak-Harvesting-Guidelines-Web-version---FR-560.pdf</a>) vis-à-vis LA Timber Sale documentation (tract 21-19), zone A does not have any oak wilt restrictions.</li> <li>7. Review of procedures that FME staff use to guide forest inventory methods and measurements of tree attributes such as height, diameter at breast height (DBH), volume, and sampling techniques (e.g., <i>Measuring Trees and Volume</i> (G3332; by J. Martin); <i>Public Forest Lands Handbook</i> 2460.5; and <i>Timber Sale Handbook</i> 2461). Also reviewed training course content for <i>Wisconsin DNR – Division of Forestry, Basic Training Series Taskforce: Applied Forest Inventory</i>.</li> <li>8. Per interview with FME staff, there is no prescribed method for measuring residual BA within the RMZ; however, it is expected that it would follow a generally accepted sampling protocol. This would include random location of plots, sampling intensity (e.g., number of plots per acre), and the plot sampling measurements (e.g., basal area, height, and other attributes as determined by the objectives of the sampling). It would also include methods for measurement of plots that may be bounded by non-forest, property boundary, or other land-use classes.</li> <li>9. Review of <i>Silviculture and Basal Area Analysis of Hodge Podge Timber Sale - Riparian Mgt Zone</i>, 5-4-2021, conducted by a WDNR Forest Ecologist/Silviculturist. Review of <i>Re: Silviculture and Basal Area Analysis of Hodge Podge Timber Sale - Riparian Mgt Zone</i>, 5-4-2021, which includes the addition of a map of the location of all plots within the Hodge Podge Timber Sale RMZ on Whitney Lake. Key Points from <i>Silviculture and Basal Area Analysis of Hodge Podge Timber Sale - Riparian Mgt Zone</i>, 5-4-2021:</li> </ol> <p><b>Background</b>  <i>The NHAL State Forest Hodge Podge timber sale located along the western shoreline of Whitney Lake in Vilas County was visited on May 4, 2021. Random basal area plots (generated on a timber sale map using Avenza software) were taken in the 100' lake riparian management zone (RMZ) of the timber sale area to</i></p>
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	<p>determine residual (post-harvest) basal area. The 100' RMZ boundary was created from information in the Wisconsin DNR 24K Hydro Geodatabase (available for download here: <a href="https://data-wi-dnr.opendata.arcgis.com/datasets/0128cce2c06342218725f1069031a4fa">https://data-wi-dnr.opendata.arcgis.com/datasets/0128cce2c06342218725f1069031a4fa</a>). Residual basal area (10BAF), tree species, and general comments were documented at each plot within the RMZ. Observations of regeneration and the applied silviculture system were taken throughout the proposed harvest area.</p> <p><b>Findings</b></p> <p>Based on analysis of the 21 plots, the residual basal area ranged from 50 to 200 square feet per acre (sq. ft./acre). One plot of the 21 was 50 sq. ft./acre and one plot was 200 sq. ft./acre. The average residual basal area of the total plots (mean) was 94 sq. ft./acre within the RMZ. If the high outlier plot of 200 sq. ft. is omitted, the average is at 85 sq.ft./acre. Most of the residual basal area consisted of saw log red oak with white birch, red and white pine, balsam fir, red and sugar maple, and ironwood present. Only one plot fell below the target minimum residual basal area for the RMZ (60 sq. ft/acre).</p> <p>Overall the residual basal area appeared to fit the criteria of either seed tree or in some cases a shelterwood system where residual basal areas are typically 40-60 sq. ft/acre. Advanced red oak regeneration ranging from &lt;1 foot to &gt;6 feet was noted throughout the timber sale area.</p> <p><b>Discussion</b></p> <p>The NHAL State Forest Hodge Podge timber sale on Whitney Lake is located in a diverse area with an unusually high abundance of advanced red oak regeneration. The overall residual basal area in the RMZ meets or exceeds the target basal area minimum cited in the WDNR Best Management Practices for Water Quality manual. The RMZ also meets the manual's criteria of having larger diameter trees and long-lived species where appropriate and available.</p> <p>The auditor's three plots on Whitney Lake on 7 June 2021, which consider a complete-circle, variable radius measured using a 10 BA factor cruise stick, demonstrated residual BA of 90 (at stakeholder-selected point), 80, and 80 (at stakeholder-selected point) square feet of residual basal area within the RMZ.</p>
Trout Lake Forestry Headquarters	<p>Closing Meeting Preparation: Auditor(s) take time to consolidate notes and confirm evaluation findings</p> <p>Closing Meeting: Brief summary of audit activities, present preliminary findings, confidentiality, SCS/FSC dispute policy, timeline for report, and discuss next steps.</p>

## 2.2 Evaluation of Management Systems

SCS deploys interdisciplinary teams with expertise in forestry, social sciences, natural resource economics, and other relevant fields to assess an FME's conformance to FSC standards and policies. Evaluation methods include reviewing documents and records, interviewing FME personnel and contractors, implementing sampling strategies to visit a broad number of forest cover and harvest prescription types, observing implementation of management plans and policies in the field, and collecting and analyzing stakeholder input. When there is more than one team member, each member may review parts of the standards based on their background and expertise. On the final day of an

evaluation, team members convene to deliberate the findings of the assessment jointly. This involves an analysis of all relevant field observations, interviews, stakeholder comments, and reviewed documents and records. Where consensus among team members cannot be achieved due to lack of evidence, conflicting evidence, or differences of interpretation of the standards, the team is instructed to report these in the certification decision section and/or in observations.

### 3. Changes in Management Practices

There were no significant changes in the management and/or harvesting methods that affect the FME’s conformance to the FSC standards and policies.

Significant changes occurred since the last evaluation that may affect the FME’s conformance to FSC standards and policies (*describe*):

### 4. Results of Evaluation

#### 4.1 Definitions of Major CARs, Minor CARs, and Observations

*Major CARs:* Major nonconformances, either alone or in combination with nonconformances of all other applicable indicators, result (or are likely to result) in a fundamental failure to achieve the objectives of the relevant FSC Criterion given the uniqueness and fragility of each forest resource. These are corrective actions that must be resolved or closed out before a certificate can be awarded. If Major CARs arise after an operation is certified, the timeframe for correcting these nonconformances is typically shorter than for Minor CARs. Certification is contingent on the certified FME’s response to the CAR within the stipulated time frame.

*Minor CARs:* These are corrective action requests in response to minor nonconformances, which are typically limited in scale or can be characterized as an unusual lapse in the system. Most Minor CARs are the result of nonconformance at the indicator-level. Corrective actions must be closed out within a specified time period of award of the certificate.

*Observations:* These are subject areas where the evaluation team concludes that there is conformance, but either future nonconformance may result due to inaction or the FME could achieve exemplary status through further refinement. Action on observations is voluntary and does not affect the maintenance of the certificate. However, observations can become CARs if performance with respect to the indicator(s) triggering the observation falls into nonconformance.

#### 4.2 History of Findings for Certificate Period

FM Principle	Cert/Re-cert Evaluation (2018)	1 <sup>st</sup> Annual Evaluation (2019)	2 <sup>nd</sup> Annual Evaluation (2020)	Special Audit (2021)	3 <sup>rd</sup> Annual Evaluation (2021)	4 <sup>th</sup> Annual Evaluation (2022)
No findings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P1				Minor 1.1.a		
P2						
P3	Obs 3.3.a					
P4	Obs 4.4.b			Minor 4.4.d		

P5						
P6	Obs 6.3.e, Obs 6.6.e, Obs 6.7.c			Minor 6.5.b		
P7		Obs 7.1.q		Minor 7.1.r		
P8	Obs 8.1.a	Obs 8.5.a				
P9						
P10						
COC for FM						
Trademark						
Group						
Other						

### 4.3 Existing Corrective Action Requests and Observations

No new corrective action requests or observations were issued at the last audit.

### 4.4 New Corrective Action Requests and Observations

<b>Finding Number: 2021.1</b>	
<b>Finding and Deadline</b>	
<input type="checkbox"/> <b>Major CAR:</b> Pre-condition to certification/recertification <input type="checkbox"/> <b>Major CAR:</b> 3 months from Issuance of Final Report <input type="checkbox"/> <b>Minor CAR:</b> 12 months or next regularly scheduled audit, whichever comes first ( <i>surveillance or re-evaluation</i> ) <input type="checkbox"/> <b>Observation</b> – response is optional <input checked="" type="checkbox"/> <b>Other</b> and deadline (specify): Minor CAR, 12 months from finalization of the audit report	
<b>FMU CAR/OBS issued to</b> (when more than one FMU):	
<b>Standard and Indicator</b>	FSC-US Forest Management Standard, Indicator 6.5.b
<input checked="" type="checkbox"/> <b>Non-Conformity Evidence</b> <input type="checkbox"/> <b>Observation Justification and/or Explanation</b>	
<b>Issued 4/22/21, Following Complaint Investigation Report.</b>	
<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> <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.</p>	

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: "Harvesting plans should leave at least 60 square feet of basal area per acre in trees 5 inches DBH (diameter at breast height) and larger, *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
- The residual trees (to be reserved from harvest) are not evenly distributed, and comprising at least 60 square feet basal area per acre.

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.

**Amended 6/22/21, Following Special Audit**

Fundamental to the discrepancy is a misunderstanding between the DNR and stakeholders as to how the RMZ buffer is designated in the field. The BMPs recommend a minimum 100 ft RMZ from the ordinary high water mark (OHWM) for RMZs adjacent to lakes and certain other water bodies. (see page 91 of the BMP manual). The BMP manual also presents field conditions and a multiple factor list for when a wider RMZ is needed or a narrower RMZ is suitable. However, there is an additional buffer within the RMZ which is an equipment exclusion zone (EEZ), which is only required to be a minimum of 15 ft from the OHWM. From 15-50 ft, wheeled or tracked equipment is only allowed on frozen or dry ground.

At the Hodge Podge sale and other sales, a spot painted red line has been marked out running parallel to the shoreline. In the initial complaint submission, the complainants allege that the cutline at the Hodge Podge sale averages 50-60 ft, while the residual basal area would be less than 60 sq ft in many places in the RMZ, and 32 sq ft on average behind the no cut zone. The red line appears to be the RMZ line, and as it is clearly less than 100 ft in many places, it would be subject to the BMP's test on whether conditions are suitable for a narrower BMP. Indeed, after initial concerns were raised by stakeholders, the DNR's BMP forester reviewed the sale in June 2020, and analyzed the redline as the entire RMZ. The BMP forester concluded that it met the test to be narrowed, while the SCS complaint investigation report disagreed with this assessment, as described above.

However, in response to the complaint investigation report, it was clarified by the DNR that the redline is only the equipment exclusion zone, and that the RMZ should be measured 100 ft from the OHW, including areas falling outside the EEZ and available for harvest. This has the practical effect of creating an "inner buffer" composed of the EEZ, and an "outer buffer" composed of the remainder of the 100 ft. It is acknowledged that the terms inner and outer buffer are not found in the BMP manual and this concept is not used by DNR, SCS is using it only to illustrate the sites visited on this audit. The 100 ft RMZ itself is not marked out on the ground, but trees retained within the entire 100 ft still contribute to the basal area retention requirement. Using a 100 ft RMZ, a DNR Forest Ecologist/Silviculturist conducted an inventory of the area in May 2021 using 21 random plots and determined that the average basal area to be retained after harvest was 94 sq ft. basal area, with a range of 50-200 sq ft. The SCS auditor also took sample plots of the area and found a lowest basal area plot of 80 sq ft.

The difference between the inventory data submitted by stakeholders and the inventory plots is possibly explained by the fact that DNR marked additional trees for retention in response to stakeholder concerns after the stakeholder survey was conducted. Also, there is a difference in interpretation on how to measure the basal area of plots that fall partially within the RMZ. Regardless, based on the inventory data taken directly by the SCS auditor and the DNR data confirmed by SCS, we conclude that the average basal area of the RMZ exceeds the 60 sq ft. minimum.

However, the BMPs also state that the basal area should be retained in trees that are "evenly distributed," and a simple average of basal area in an RMZ would not capture potential variability. An RMZ in which the retained basal area was all clumped in the EEZ with little to none in the RMZ beyond the EEZ would not meet this requirement, even if the average basal area of the 100 ft was above 60 sq ft. At the Hodge Podge sale, this does not appear to be the case, because plots taken in the outer buffer in exceeded 60 sq ft.

Other completed sites visited during the audit did identify a larger discrepancy between the basal area within the EEZ and basal area in the remainder of the RMZ. For example, a completed sale at Upper

Gresham Lake had plots taken by the auditor showing 20, 30, and 40 basal area in the outer zone. However, in this case the EEZ had been extended to 75 feet, beyond the minimum of 15 ft. The Jute Lake sale also included plots as low as 10 sq ft basal area, although it is acknowledged that this sale occurred more than 5 years ago, and DNR identified it as operator error. In cases such as this, the basal area is clearly not evenly distributed and in excess of 60 sq ft. Stakeholders also identified other sites around the NHAL that exhibited a similar pattern of decreased basal area outside the EEZ, although these sites were not all sampled during the audit.

By its own terms, the BMP manual does allow for modification of BMPs if water quality is not impacted, and the sites visited during the special audit did not have visible evidence of water quality impacts. So, these modifications do not indicate automatic violations of the BMPs. However, the DNR’s system for review of BMP modifications needs to be strengthened.

Because DNR clarified that the RMZ was not narrowed, an analysis of the five conditions allowing an RMZ to be narrowed is not directly pertinent here. However, the state-wide BMP forester who originally reviewed the Hodge Podge sale for BMP compliance in June 2020 explicitly analyzed the sale as if the RMZ had in fact been narrowed. This indicates that the DNR’s internal system for evaluating BMP field review needs improvement in order to ensure that it is operating effectively.

Based on this, CAR 2021.1 is being maintained, but rewritten to more accurately reflect evidence from the special audit.

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

DNR must review its forest operations to ensure that harvest plans consistently meet or exceed Best Management Practices. DNR must also review its internal systems for BMP compliance field review in order to ensure that being BMPs are consistently being met.

**FME response**  
*(including any evidence submitted)*

**SCS review**

**Status of CAR:**

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

**Finding Number: 2021.2**

**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): Waived

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

<b>Standard and Indicator</b>	FSC-US Forest Management Standard, Indicator 4.4.a
<input checked="" type="checkbox"/> <b>Non-Conformity Evidence</b> <input type="checkbox"/> <b>Observation Justification and/or Explanation</b>	
<p><b>Issued 4/22/21, Following Complaint Investigation Report.</b></p>	
<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"> <li>• “The scenic quality of all shorelines and primary roadways will be maintained and enhanced through application of aesthetic management techniques” (page 7)</li> <li>• Vision Statement: “The unique, aesthetic character of the NH-AL State Forest and the quality of its waters will be perpetuated.” (page 9)</li> <li>• Property Goal #2: “Maintain and enhance aesthetic qualities of the Northern Highlands— American Legion State Forest.”</li> <li>• Property Goal #8: “Protect and enhance wild resource values such as...the sights and sounds of a natural environment.”</li> <li>• Big Tree Silviculture: “A...Governor appointed committee...recommended that...recreational and aesthetic values of old growth and big trees be recognized.” (page 11)</li> <li>• “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)</li> </ul>	
<p>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.</p>	
<p><b>Amended 6/22/21, Following Special Audit</b></p>	
<p>Based on the site visit conducted during the special audit, the auditor concluded that the DNR had taken aesthetic considerations into account when setting up the Hodge Podge sale. In particular, the equipment exclusion zone and the basal area retention at Hodge Podge is above the minimum required by the BMPs. Review of the DNR’s forest aesthetics guidelines indicate that even-aged harvesting is not prohibited in aesthetic management zones, although there are recommendations for an average patch size of less than 120 acres, which the Hodge Podge sale is clearly below. Additionally, the management objective of “big</p>	



tree silviculture” was removed from the NHAL master plan by a variance in 2017. Other sites visited during the audit also demonstrated aesthetic features such as retention within the harvest unit and road screens. Without more concrete evidence of how the aesthetic guidelines are not being met, this CAR is waived.	
<input type="checkbox"/> <b>Non-Conformity Corrective Action Request</b> <input type="checkbox"/> <b>Observation; no Corrective Action is required</b>	
<b>FME response</b> <i>(including any evidence submitted)</i>	
<b>SCS review</b>	
<b>Status of CAR:</b>	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major <input checked="" type="checkbox"/> <i>Other decision (refer to description above): Waived</i>

<b>Finding Number: 2021.3</b>	
<b>Finding and Deadline</b>	
<input type="checkbox"/> <b>Major CAR:</b> Pre-condition to certification/recertification <input type="checkbox"/> <b>Major CAR:</b> 3 months from Issuance of Final Report <input type="checkbox"/> <b>Minor CAR:</b> 12 months or next regularly scheduled audit, whichever comes first ( <i>surveillance or re-evaluation</i> ) <input type="checkbox"/> <b>Observation</b> – response is optional <input checked="" type="checkbox"/> <b>Other</b> and deadline (specify): Waived	
<b>FMU CAR/OBS issued to</b> (when more than one FMU):	
<b>Standard and Indicator</b>	FSC-US Forest Management Standard, Indicator 1.1.a
<input checked="" type="checkbox"/> <b>Non-Conformity Evidence</b> <input type="checkbox"/> <b>Observation Justification and/or Explanation</b>	
<p><b>Issued 4/22/21, Following Complaint Investigation Report.</b></p> <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> <p><b>Amended 6/22/21, Following Special Audit</b></p> <p>As described in the revised finding 2021.1, the Hodge Podge sale was determined to be in conformance with the BMPs. Thus, this finding is waived.</p>	
<input checked="" type="checkbox"/> <b>Non-Conformity Corrective Action Request</b> <input type="checkbox"/> <b>Observation; no Corrective Action is required</b>	

Forest management plans and operations must demonstrate compliance with all applicable federal, state, county, municipal, and tribal laws, and administrative requirements.	
<b>FME response</b> <i>(including any evidence submitted)</i>	
<b>SCS review</b>	
<b>Status of CAR:</b>	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major <input checked="" type="checkbox"/> <i>Other decision (refer to description above)</i>

<b>Finding Number: 2021.4</b>	
<b>Finding and Deadline</b>	
<input type="checkbox"/> <b>Major CAR:</b> Pre-condition to certification/recertification <input type="checkbox"/> <b>Major CAR:</b> 3 months from Issuance of Final Report <input type="checkbox"/> <b>Minor CAR:</b> 12 months or next regularly scheduled audit, whichever comes first ( <i>surveillance or re-evaluation</i> ) <input type="checkbox"/> <b>Observation</b> – response is optional <input checked="" type="checkbox"/> <b>Other</b> and deadline (specify): Minor, 12 months from date of finalization of report	
<b>FMU CAR/OBS issued to</b> (when more than one FMU):	
<b>Standard and Indicator</b>	FSC-US indicator 4.4.d
<input checked="" type="checkbox"/> <b>Non-Conformity Evidence</b> <input type="checkbox"/> <b>Observation Justification and/or Explanation</b> The FME’s consultation process does not clearly make available an accessible and affordable appeals process to planning decisions (item 3 of 4.4.d). Specifically, the appeals process is not fully defined and documented. For annual property implementing plans, staff may follow various methods and chains of command to address stakeholder concerns or disputes. Per interviews with FME staff, litigation is currently considered the primary option of the appeals process, without a defined non-litigation appeal option.  The FME made efforts to engage stakeholder groups, as confirmed via review of email records and interviews with stakeholders. While some concessions were made, such as creating a buffer around a newly established raptor nest on Upper Gresham Lake and marking some additional leave-trees in an uncut timber sale on Whitney Lake, it was unable to determine the main points of disagreement and/or agreement between itself and stakeholders using its informal process.	
<input checked="" type="checkbox"/> <b>Non-Conformity Corrective Action Request</b> <input type="checkbox"/> <b>Observation; no Corrective Action is required</b>  For public forests, consultation shall include an accessible and affordable appeals process to planning decisions.	
<b>FME response</b> <i>(including any evidence submitted)</i>	
<b>SCS review</b>	
<b>Status of CAR:</b>	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major

	<input type="checkbox"/> <i>Other decision (refer to description above)</i>
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<b>Finding Number: 2021.5</b>	
<b>Finding and Deadline</b>	
<input type="checkbox"/> <b>Major CAR:</b> Pre-condition to certification/recertification <input type="checkbox"/> <b>Major CAR:</b> 3 months from Issuance of Final Report <input type="checkbox"/> <b>Minor CAR:</b> 12 months or next regularly scheduled audit, whichever comes first ( <i>surveillance or re-evaluation</i> ) <input type="checkbox"/> <b>Observation</b> – response is optional <input checked="" type="checkbox"/> <b>Other</b> and deadline (specify): Minor, 12 months from date of finalization of report	
<b>FMU CAR/OBS issued to</b> (when more than one FMU):	
<b>Standard and Indicator</b>	FSC-US indicator 7.1.r
<input checked="" type="checkbox"/> <b>Non-Conformity Evidence</b> <input type="checkbox"/> <b>Observation Justification and/or Explanation</b> The management plan describes the current stakeholder consultation process. However, a change in the process is expected based on the outcome of CAR 2021.4.	
<input checked="" type="checkbox"/> <b>Non-Conformity Corrective Action Request</b> <input type="checkbox"/> <b>Observation; no Corrective Action is required</b> Once the process described in 2021.4 is concluded, the relevant section of the management plan must be updated.	
<b>FME response</b> <i>(including any evidence submitted)</i>	
<b>SCS review</b>	
<b>Status of CAR:</b>	<input type="checkbox"/> Closed <input type="checkbox"/> Upgraded to Major <input type="checkbox"/> <i>Other decision (refer to description above)</i>

## 5. Stakeholder Comments

In accordance with SCS protocols, consultation with key stakeholders is an integral component of the evaluation process. Stakeholder consultation takes place prior to, concurrent with, and following field evaluations. Distinct purposes of such consultation include:

- To solicit input from affected parties as to the strengths and weaknesses of the FME’s management, relative to the standard, and the nature of the interaction between the FME and the surrounding communities.
- To solicit input on whether the forest management operation has consulted with stakeholders regarding identifying any high conservation value forests (HCVFs).

Stakeholder consultation activities are organized to give participants the opportunity to provide comments according to general categories of interest based on the three FSC chambers, as well as the SCS Interim Standard, if one was used.

## 5.1 Stakeholder Groups Consulted

Principal stakeholder groups are identified based upon results from past evaluations, lists of stakeholders from the FME under evaluation, and additional stakeholder contacts from other sources. Stakeholder groups who are consulted as part of the evaluation include FME management and staff, consulting foresters, contractors, lease holders, adjacent property owners, local and regionally-based social interest and civic organizations, purchasers of logs harvested on FME forestlands, recreational user groups, tribal members and/or representatives, members of the FSC National Initiative, members of the regional FSC working group, FSC International, local and regionally-based environmental organizations and conservationists, and forest industry groups and organizations, as well as local, state, and federal regulatory agency personnel and other relevant groups.

## 5.2 Summary of Stakeholder Comments and Evaluation Team Responses

The table below summarizes the comments falling within scope of the standard received from stakeholders and the assessment team’s response. Where a stakeholder comment has triggered a subsequent investigation during the evaluation, the corresponding follow-up action and conclusions from SCS are noted below.

<input type="checkbox"/> FME has not received any stakeholder comments from interested parties (who are not members of the enterprise under evaluation) as a result of stakeholder outreach activities during this annual evaluation.	
<b>Summary of Outreach Activities Conducted (Check all that apply):</b>	
<input checked="" type="checkbox"/> Face to face meetings	<input type="checkbox"/> Notice published on relevant websites
<input checked="" type="checkbox"/> Phone calls	<input type="checkbox"/> Local radio announcements
<input checked="" type="checkbox"/> Email, or letter	<input type="checkbox"/> Local customary notice boards
<input type="checkbox"/> Notice published in the national and/or local press	<input type="checkbox"/> Social media broadcast
<input checked="" type="checkbox"/> Other (describe): Onsite field visits with stakeholders	
Stakeholder Comment (Negative, positive, and neutral)	SCS Response
The DNR is not following BMPs and guidelines for aesthetics. What they do on the ground is important.	The audit team interviewed one of the two main authors of the <a href="#">2010 Wisconsin BMP manual</a> who asserts that much of the BMP manual is guidance and that flexibility was intentionally incorporated into several BMPs. However, it is clear that following the BMPs is mandatory under the certification standard.  One of the principle points of contention between the DNR and stakeholders is that the <i>Use of this field manual</i> section in Chapter 1 (first paragraph on p. 13) states that “On public lands, such as national forests, state forests, and county forests, following BMPs are a requirement of timber sales”.
What about the DNR’s interpretation of BMPs? We are not satisfied with their level of listening.	
There is no follow-through on BMP violations.	
If BMPs aren’t upheld, what will happen?	

<p>There are four main violations:</p> <ol style="list-style-type: none"> <li>1. Harvest of long-lived species such as oaks and pines in the RMZ;</li> <li>2. Lack of even distribution of these long-lived species within the RMZ;</li> <li>3. Use of clearcut and shelterwood in the RMZ (should be using selection systems); and</li> <li>4. Harvest on steep slopes.</li> </ol>	<p>The main author interviewed points out the third through fourth paragraphs on page 13 which state:  <i>Throughout this field manual, BMPs are identified by “Δ”. Each chapter provides explanations on how different activities can affect water quality and how the BMPs address those concerns. There is also additional information on methods to achieve the BMPs.</i></p> <p><i>Any BMPs that are new or substantially altered from the previous field manual <b>are highlighted in red ink.</b></i></p> <p>(Note: the “Δ” symbol is really a graphic of a raindrop in the BMP manual)</p>
<p>We see two main options moving forward: use a wider no-cut zone in the RMZ or use select cut going no lower than 60 BA with even distribution of long-lived species. We want solutions.</p>	<p>The section of the BMP manual that is most specifically related to the stakeholder concerns is Chapter 7: <i>Riparian Management Zones</i>.</p> <p>At the top of page 85 are recommended Riparian Management Zone (RMZ) widths for lakes and streams. From the start, the use of the term “recommended” indicates some degree of flexibility. In the case of lakes, the recommended RMZ width is 100 feet. Specific factors are provided for when the recommended width should be extended or may be narrowed. There is no distinction between inner (i.e., equipment exclusion zone) and outer zones.</p>
<p>It doesn't seem to me that there is much impact when you go below 60 residual BA in the RMZ. Handling retention in the RMZ is not a problem, but you naturally get pockets where there is not 60 BA to retain. The other groups likely don't like the aesthetics.</p>	<p>Per the manual, RMZ width is measured along the lay of the land (the linear distance along the ground).</p> <p>DNR staff interviewed stated that along lakes that they consider the entire RMZ to be at least 100 ft. from the Ordinary High Water Mark (OHWM). They do not make a distinction between an inner and outer zone. Basal Area (BA) of leave-trees is measured considering the full width of the RMZ while the stakeholder group was observed measuring the BA of the “outer” zone only. This type of measurement requires a different plot sampling technique that employs a method of boundary overlap correction; for example, in the case of a plot that is bounded by non-forest, property boundary, or other land-use classes such as the RMZ boundary. One such method is the plot-mirage or reflection method, which may result in double the BA determined in the case of measurement of half a plot circle.</p>
<p>Loggers look at potential for water quality violations and use slash, ditches, and dips to control erosion.</p>	<p>Per review of the BMP manual, the minimum equipment exclusion zone is 15 feet. In all field locations visited, the equipment exclusion zone exceeded 15 feet and no harvest occurred beyond this zone. The equipment exclusion zone (i.e., inner buffer zone) may be marked in the field with a red line boundary on trees to inform the</p>

	<p>harvest operator. In all cases, the equipment exclusion zone was 40 feet or more.</p> <p>As for use of selection harvests in the RMZ, this would include single-tree and group selection, and perhaps alternative prescriptions used on an uneven-aged management trajectory such as variable retention and thinning. Group selection and variable retention harvests allow for larger gaps and openings to be created. There is no restriction in the BMP manual on use of selection systems in the RMZ adjacent to even-aged harvest units (e.g., shelterwood, clearcut). Considering that the whole RMZ for lakes is considered a single zone of 100 ft, this includes all residual BA within the entire width of the RMZ. While the retention tended to decline in the so-called outer zone of all RMZs observed, there were designated leave-trees of 5 inches or greater observed throughout all RMZs visited. The recommended (i.e., optional) residual BA in lake RMZs is 60 sq. ft./acre per the BMP manual (p. 91), evenly distributed. The BMP manual makes no recommendation on which species should be used to meet this residual BA. As such, shorter-lived species may be used to meet this recommendation. Furthermore, not every location within an RMZ on a harvest unit will contain 60 sq. ft. of BA to retain. This can be due to mortality of the overstory prior to harvest caused by a disturbance (e.g., pest outbreak, storm, etc.) or old age.</p> <p>When and where present, the auditor observed retention of live pine, oak, and other long-lived species in the RMZs. Some shorter-lived species such as balsam fir, red maple, aspen, and birch were also observed.</p> <p>On the sites where stakeholders provided comments prior to or during active harvest, the DNR made some concessions as observed in the field. On the LA Timber sale on Upper Gresham, the DNR excluded a peninsula where stakeholders identified two Bald eagle nests and provided a buffer around a new Bald eagle nest occupied after the sale was sold. On Whitney Lake, both DNR and stakeholders stated that DNR marked additional leave-trees in the RMZ at the behest of stakeholders. The auditor observed these in the field and the three plots measured demonstrate that residual BA was 80 or higher in the Hodge Podge sale. The DNR's 21 plots taken in the Whitney Lake RMZ on the Hodge Podge sale demonstrate that residual BA ranges from 50-200 sq. ft./acre. One of these plots was 50 sq. ft./acre and another was 200 sq. ft./acre, but the average BA of the total plots was 94 square feet per acre within the RMZ. If the higher outlier BA of 200 sq. ft. is omitted, then the average is at 85 sq. ft./acre of BA. Most of the BA consisted of saw log red oak but white birch, red and white pine, balsam fir, red and sugar maple, and ironwood were present. Only one plot fell below the target minimum</p>
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	<p>BA for the RMZ (60 sq. ft/acre). This plot’s residual BA (50 sq. ft/acre) comprised of red oak and balsam fir.</p> <p>On the Hodge Podge sale, there is also well-established advanced regeneration of Northern red oak throughout several locations of the sale area. Release of this advance regeneration will promote the next generation of this long-lived tree species on this site, including near the edge of the outer portion of the RMZ.</p> <p>Regarding aesthetics and the general subject of retention, outside of the RMZ within the main harvest unit on all sites visited there were individual trees or species designated for retention. For example, on the LA Timber sale visited with stakeholders, oak and pine species were retained throughout the harvest unit and in key areas along a main road to screen views. It is important that oak species be retained throughout the site since some species specialize on dryer sites and others on wetter sites. Oaks may also hybridize in certain situations, leading to individuals that are better adapted to the site or serve as wildlife trees. Retention of live and dead aspen was observed, though live, large aspen was only observed outside of the RMZ. These retention trees are also observable from the lakeshore.</p> <p>The <a href="#">Forestry Silviculture and Aesthetics Handbook’s</a> (document 2431.5) Forward affirms that it is guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. The <i>Forest Aesthetics: Management Considerations and Techniques</i> is based on document 2431.5. The introductory paragraph states that it is an “on-the-ground guide to help foresters meet varying aesthetic management objectives in diverse timber types.” Its final approval page dated 4/6/20 indicates that it is a guidance document.</p> <p>On all steep slopes observed, the equipment exclusion zone was placed just before the beginning of the downward slope. In some cases, the equipment exclusion zone included areas that drained in the opposite direction of the lake or was placed at the beginning of these areas (i.e., included a ridge with one side draining towards the lake and one draining inward towards the harvest unit OR was placed just at the ridge). Examples were observed on Whitney Lake, White Sand Lake, and Trout Lake. In no cases, including on completed harvest sites, was sediment observed entering lakes or streams. On recently harvested sites, the auditor observed use of slash on skid trails and distributed over the site to meet drainage BMPs and recycle nutrients.</p> <p>All in all, both stakeholders and DNR appear to be somewhat frustrated with each other. Through interviews with all parties, discussions have frequently felt tense. However, through the</p>
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	<p>interview process, the auditor was able to determine some key points of agreement and disagreement.</p> <p>Key points of disagreement according to stakeholders:</p> <ul style="list-style-type: none"> <li>- Interpretation of BMP manual. Stakeholders believe that a more stringent interpretation should apply to lakes.</li> <li>- What residual basal area (BA) should be in the “outer buffer” of RMZs. The 60 BA should be evenly distributed over the RMZ and not concentrated in the “inner buffer”.</li> <li>- Selection cutting systems should be used within the buffer, especially the outer buffer.</li> <li>- What size and species should be retained in outer buffer of RMZ, especially of long-lived species.</li> <li>- In which situations should RMZs be lengthened to protect water and soil quality.</li> <li>- How to measure residual BA in the buffer zone. Stakeholders want more emphasis on the outer portion of the buffer since BA tends to be lower there.</li> </ul> <p>Key points of disagreement according to the DNR:</p> <ul style="list-style-type: none"> <li>- Interpretation of BMP manual. DNR believes that there is more flexibility in its application.</li> <li>- The DNR makes no distinction between the inner and outer buffer of the RMZ for lakes. It is 100 feet in width regardless of what equipment and harvesting is allowed within it. Residual BA is to be measured considering the entire width of the RMZ.</li> <li>- There is flexibility in the application of selection cutting systems within the buffer, especially when the equipment exclusion zone is well beyond the minimum of 15 feet for lakes.</li> <li>- Residual BA within the RMZ is recommended to be 60 or above, but can be lower. This may include live trees of any species greater than or equal to 5 inches DBH.</li> <li>- Whether RMZs should be lengthened to protect water and soil quality depends on slope, type of harvest equipment available, and the probability of sediment entering a water body or course given the correct application of BMPs.</li> </ul> <p>Potential points of agreement between DNR and stakeholders:</p> <ul style="list-style-type: none"> <li>- Retention of larger diameter aspens in the RMZ on aspen harvest sites. Since a few clones tend to dominate a single harvest site, placing green aspen retention within the RMZ may not adversely affect available genetic resources.</li> <li>- Forest health is a major concern.</li> </ul>
<p>Updates to the BMP manual are less restrictive than previous versions.</p>	<p>Updates to the BMP manual, State Forest Master Plans, and State Forest Strategic Plans are higher-level processes that require public consultation. Per interviews with staff, the Northern Highland-</p>



<p>These lakes have steep, continuous slopes and are pristine.</p>	<p>American Legion (NHAL) State Forest Master Plan is to be updated by 2025. The Master Planning process for NHAL is expected to start by 2023, including public consultation. The importance of these high-level planning processes is that they are when lakes may be nominated for special classifications.</p>
<p>The NRB [Natural Resources Board] is overruled by the legislature.</p>	
<p>I am displeased with the state’s forest planning process.</p>	<p>While the state currently has no plans to update the BMP manual since the advisory committee has not required an update, updates are based on the results of BMP monitoring reports on lands that are in the scope of the state’s BMP monitoring system (e.g., DNR lands, Wisconsin County Forests, USFS lands, non-industrial private, etc.) and/or the availability of new science. Public consultation is required to update the BMP manual.</p> <p>As for other remarks about dissatisfaction between the state forest planning process and dynamics between the NRB and legislature, these are outside of the scope of the FSC-US standard. It is up to each individual member of the public to decide whether they wish to participate in the state planning processes.</p>
<p>Transparency is minimal. There was no notification for the upcoming timber sales and we were surprised about their being no notification about shoreline impacts.</p>	<p>Reviewed DNR Public Input webpage (<a href="https://dnr.wisconsin.gov/publicinput">https://dnr.wisconsin.gov/publicinput</a>) to assess conformity to FSC-US indicators 4.4.d and related indicator 7.1.r. Reviewed <a href="https://dnr.wisconsin.gov/news/input/Guidance">https://dnr.wisconsin.gov/news/input/Guidance</a>. Reviewed NRB webpage to search for similar content (<a href="https://dnr.wisconsin.gov/about/NRB/public.html">https://dnr.wisconsin.gov/about/NRB/public.html</a>). Per interviews with DNR staff, there is no documented appeals process outside of litigation; the current process has a semi-formal structure. Refer to <b>CARs 2021.4 and 2021.5</b>.</p>
<p>There is much difficulty in finding documents.</p>	
<p>It is difficult to access growth and yield data. We cannot find it.</p>	<p>Reviewed <a href="#">Annual Property Implementation Plans &amp; Property Plan Monitoring</a> webpage (<a href="https://dnr.wi.gov/topic/lands/apip/index.aspx">https://dnr.wi.gov/topic/lands/apip/index.aspx</a>) for access annual operational plans and monitoring. This webpage (<a href="https://dnr.wisconsin.gov/topic/Lands/APIP/expanded.html">https://dnr.wisconsin.gov/topic/Lands/APIP/expanded.html</a>) contains links to activities planned for FY2020, FY2021, and FY2022. Reviewed FY2022 for Northern Highlands American Legion State Forest (<a href="https://widnr.widen.net/s/ztfxfwsw/nhalapipfy22">https://widnr.widen.net/s/ztfxfwsw/nhalapipfy22</a>). The monitoring results, including annual harvest accomplishments from prior years, are contained in this document.</p>
<p>The DNR deflects. They are not clear in their responses. They have not done any measurements. It makes me feel that they have a bigger problem.</p>	<p>The</p>
<p>We seek to understand. The DNR asks questions, but does not answer ours.</p>	<p>The</p>
<p>The DNR’s correspondence simply repeats DNR statutes and other documents.</p>	<p><a href="https://dnr.wisconsin.gov/topic/fl/PropertyPlanning/NHAL_Variance">https://dnr.wisconsin.gov/topic/fl/PropertyPlanning/NHAL_Variance</a> page contains links to the variance to the property’s master plan, including a way to subscribe via email to obtain updates. Bid packages and results for operational plans for timber sales are here: <a href="https://dnr.wisconsin.gov/topic/timbersales/salesNHAL">https://dnr.wisconsin.gov/topic/timbersales/salesNHAL</a>. A search of the <a href="https://dnr.wi.gov/topic/lands/apip/index.aspx">https://dnr.wi.gov/topic/lands/apip/index.aspx</a> webpage for “Northern Highland” reveals that a list of planned and in-progress activities is available for 2019-2024.</p>

	<p>The auditor concludes that there is lots of information on upcoming timber harvests and other management activities well before these activities begin. DNR staff interviewed also stated that they have provided guidance to interested parties on searching for information and data, and are willing to do so. More information on becoming involved on state forest lands is available here: <a href="https://dnr.wisconsin.gov/about/NRB/public.html">https://dnr.wisconsin.gov/about/NRB/public.html</a>.</p>
<p>There is a perception that harvest levels have increased in the Northern Highland-American Legion State Forest (NHAL).</p>	<p>The DNR acknowledges that there has been an increase in harvest due to a reduction in the backlog of past-due management practices from 2012 to present. This means that annual harvest levels will be more consistent in from now on (all else being equal). The backlog on NHAL has been addressed. WisFRS data reviewed by the auditor shows that this has leveled off (include summary here). The Master Planning process for NHAL is expected to start by 2023.</p>
<p>Retention of balsam fir does not address the lack of retention of long-lived species such as oaks and pines in the RMZ. Balsam will be killed by spruce budworm.</p>	<p>Balsam fir and spruce budworm are both native species that have adapted to coexist with each other. While it is true that spruce budworm outbreaks can lead to significant mortality of balsam stands, balsam fir is an important species ecologically and can regenerate after spruce budworm attacks.</p> <p>Balsam fir is an evergreen, so it maintains leaves year-round. Its smaller leaves create a large surface area to capture different types of precipitation before it can hit the ground. Its shallow rooting structure is mostly within the organic layer of the soil, serving an important function of holding soil in place. More information on the ecological habit of balsam fir is available in the USFS <a href="#">Fire Effects Information System</a> and USFS <a href="#">Silvics Manual</a>.</p> <p>Oaks and pines were observed in all RMZs visited. Native species of oak and pine in the Great Lakes region tend to have deeper root systems than balsam fir. This also contributes to soil functions.</p>
<p>We cannot cut or build within 75 feet of the lakeshore.</p>	<p>The issue of installation of permanent or temporary structures within 75 feet of the lakeshore is handled by another division within the DNR not subject to FSC certification. This is considered to be outside of the scope.</p>
<p>On Upper Gresham Lake, the DNR made adjustment to protect a peninsula and new eagle’s nest. Why was that change allowed? How did this sale go from a thinning to a heave cut? It is not match what is written.</p>	<p>Per review of the timber sale contract, it is possible to suspend operations for violations, weather conditions and other reasons.</p> <p><i>2.b The Seller may temporarily suspend operations, including hauling, under this Contract due to excessive property damage, wet conditions or for any other reason upon notice to the Purchaser or other persons operating on the sale area under this Contract with subsequent equitable adjustment of this Contract deemed reasonable by the Seller. The Seller may temporarily suspend operations, including hauling, under this Contract following a contract breach by the Purchaser for failure to make payments as scheduled on any other similar timber sale contract entered into by the Purchaser with the State of Wisconsin, until such time as the outstanding overdue amounts and interest due are paid in full.</i></p>
<p>Altering contracts can be hard on a logger.</p>	
<p>The DNR has the authority to make changes to sales. The</p>	<p><i>28. ENTIRE CONTRACT. This Contract shall constitute the entire agreement of the parties and any previous communications or agreements are hereby superseded and</i></p>

<p>biggest cost to us is moving our equipment from site to site, so if there is less volume to harvest, we have to move more.</p>	<p><i>that no modifications of this Contract or waiver of its terms and conditions shall be effective unless made in writing and signed by the parties.</i></p> <p>Per clause 28, the purchaser would have to agree to any change and sign off on it in addition to the DNR representative. In the case of the eagle’s nests, per interviews with FME staff the changes were made based on input from stakeholders and the DNR’s adherence to federal guidance on Bald eagle conservation. These changes have been communicated to the logger who has agreed to them.</p> <p>Regarding the Upper Gresham LA Timber sale, the auditor reviewed the presale documentation for C192H Stands 1 &amp; 10 (from May 2018). In Stand 10 (63 acres), it states that white birch and aspen will be removed (i.e., clearcut) and the oak will be thinned, and the understory of white pine and red oak is to be released. SCS concludes that this initial description is consistent with the final approach.</p> <p>For example, Stand 1’s final description is a coppice with standards (85 acres) for aspen. The final prescription is to cut all merchantable aspen, white birch, red maple, balsam fir, and spruce. Orange marked oak and pine will be cut, but unmarked will be left (standards).</p>
<p>The DNR is not managing threats to the forest resource. For example, invasive species. There is a looming forest health crisis.</p>	<p>The DNR has an entire webpage dedicated to <a href="#">Forest Health</a>, which is evidence of the scope of its program. Per interviews with staff, forest health staff are available for consultation and review of management activities upon request. Staff interviewed also stated that they are similarly concerned about forest health.</p>
<p>The state forester’s plots are heavily skewed to the peninsula.</p>	<p>The auditor reviewed the state forester’s response to this comment sent on May 20, 2020. The state forester removed the 10 plots measured on the peninsula from the analysis, and then used the data for the 20 plots taken north of the creek in Zone A (including the already harvested portion on the far north end of the sale), the average residual BA in the RMZ at 83.5 square feet per acre.</p>
<p>You should check the correspondence between the state forester and biologist on the Whitney Lake sale.</p>	<p>The auditor reviewed email exchanges between February 2019 and June 2020. The exchanges are cordial and it is clear that the forester considered the recommendations.</p>
<p>On a Whitney Lake aspen clearcut, they allowed harvest after April 15. This is against oak wilt restrictions.</p>	<p>Per review of the timber sale documentation, the target regeneration species for the site was aspen in this mixed species stand. Per Appendix B of the state oak wilt guidelines, (<a href="https://widnr.widen.net/view/pdf/aqszuho7ee/Oak-Harvesting-Guidelines-Web-version---FR-560.pdf">https://widnr.widen.net/view/pdf/aqszuho7ee/Oak-Harvesting-Guidelines-Web-version---FR-560.pdf</a>), harvest on this type of site was permissible during the oak wilt restrictions. Per interviews with the forester and review of Appendix B, either question 4 or 5 of Appendix B could be used to justify harvest of oak species outside of the restriction period.</p>
<p>On White Sand Lake, there is a lot of red maple in the</p>	<p>Per interviews with the DNR forester, this sale was completed three years ago. He will examine the stands for potential for TSI work</p>

understory that is outcompeting advanced oak regeneration.	either this year or next. Options could include prescribed fire, and hand release with loppers and herbicide treatment to stumps.
Why did you not visit all the GPS locations sent?	Given the time constraints, there was not time to visit all 15 lakes suggested and the GPS locations of sites at each one. However, the stakeholder group determined all lakes visited and roughly 75% of the total sites visited. On day 1, the auditor visited stakeholder-selected sites only, and on day 2 the auditor selected three sites that the stakeholder did not provide to increase the diversity of the sample.

## 6. Certification Decision

The certificate holder has demonstrated continued overall conformance to the applicable Forest Stewardship Council standards. The SCS annual evaluation team recommends that the certificate be sustained, subject to subsequent annual evaluations and the FME’s response to any open CARs.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Comments:</b> The sites reviewed during the special audit demonstrated compliance with the BMP Manual, although improvements in the DNR’s system for reviewing BMP modifications are needed. Also, there is still significant dissatisfaction among stakeholders regarding the visual impacts of these harvests on lakes in the Northern Highland-American Legion State Forest. The FME has processes for these stakeholders to remain engaged on short-term (e.g., timber sale plans) and long-term plans (e.g., master plans), and, most importantly, to influence the future direction of these yet-to-be planned management activities. CARs issued as a follow-up to the complaint investigation report were modified or waived, and two additional minor CARs assigned are directly related to improvements needed in the of the opportunity for improvement to clarify the process for FME staff and stakeholders on dispute avoidance and resolution.</p>	

