

Appendix 3

New York State Department of Environmental Conservation (NYDEC) 2016 SFI Forest Management Public Summary Report

Introduction

The Green Certification Program of the New York State Department of Environmental Conservation (DEC), Division of Lands and Forests, Bureau of State Land Management (BSLM) has demonstrated conformance with the SFI 2015-2019 Standard and Rules, Section 2 – Forest Management Standard, and multi-site requirements in IAF-MD1 according to the NSF Certification Process.

The DEC Division of Lands and Forests is responsible for New York's extensive system of forest preserves, support for good management of private lands, real property services including handling property conveyances for varied categories of lands (fee and easement), and the management of State Forests. The DEC Green Certification Program is managed by Josh Borst, Green Certification Coordinator. The Division and Bureau are incorporated within the DEC, run by an appointed DEC Commissioner. Appointees with direct line authority over the implementation of land management programs also include two Deputy Commissioners and 7 Regional Directors.

Under the New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos, the main offices with decision making responsibility, planning and direction for the management of State Forests within the scope of this review are outlined below:

- 1) Office of Natural Resources – Kathleen Moser, Deputy Commissioner
 - a. Division of Lands and Forests – Robert Davies, Director
 - i. Bureau of Forest Resource Management – Robert Messenger, Chief
 1. State Forest Section – Justin Perry, Section Chief
 - a. Green Certification Coordinator – Josh Borst

Additional resources and administrative assistance for State Forest management may also come from the following Offices, Divisions and Bureaus as listed and explained below:

- 2) Office of Natural Resources – Kathleen Moser, Deputy Commissioner
 - a. Division of Lands and Forests – Robert Davies, Director
 - i. Bureau of Real Property – Robert A. Burgher, Superintendent
(Responsible for land acquisition program and conducting land surveys)
 - b. Division of Fish and Wildlife - Director currently vacant, anticipated to be filled soon
(State Land Foresters rely on this Divisions expertise when developing policy and management decisions on State Forests)
- 3) Office of Regional Affairs & Permitting – Christian Ballantyne, Assistant Commissioner
 - a. Region 3-9 – Regional Directors
 - i. Natural Resources 3-9 – Natural Resource Supervisors
 1. Forestry 3-9 – Regional Forester
 - a. State Land Foresters
(Regional supervision of State Land Foresters)
- 4) Office of Public Protection – Christopher Welch, Assistant Commissioner
 - a. Division of Forest Protection & Fire Management – Eric Lahr, Director
 - i. Forest Rangers by Region
(Responsible for enforcement of the Environmental Conservation Law on State Forests)
- 5) Office of Administration – Jeffrey Stefanko, Deputy Commissioner
 - a. Division of Operations – Mark Malinoski, Director

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i. Bureau of Maintenance & Technical Services – Roland Ozols, Chief

(Perform construction and maintenance on State Forests as requested by the State Land Foresters and develop policy/technical specifications for bridges, and dams.)

“The Division’s other three bureaus manage and protect the 2.7 million acre Adirondack Forest Preserve and the 288,000 acre Catskill Forest Preserve; promote good forest stewardship practices among private landowners, communities and the forest industry; and handle all land conveyance transactions for the Department.” Source: DEC Web site.

The BSLM has primary responsibility for the management of the resources on State Forests, including the harvesting and sale of State-owned timber. The BSLM manages approximately 789,339 acres of land. Certification pertains to 781,405 acres of State Forests in Regions 3-9.

Lands classified as State Forests include lands purchased under legislative authority that set up three broad programs: reforestation lands, multiple-use lands, and unique areas. Reforestation lands make up the majority of the state forest system. They are described as “... properties are to be forever devoted to ‘reforestation and the establishment and maintenance thereon of forests for watershed protection, the production of timber, and for recreation and kindred purposes.’ This broad program is authorized under Article 9, Title 5 of the Environmental Conservation Law.”

Source: <http://www.dec.ny.gov/lands/4982.html>

Multiple-use lands were purchased for conservation and development of natural resources, including preservation of scenic areas, watershed protection, forestry, and recreation under authority of the “Park and Recreation Land Acquisition Act of 1960” and the “Environmental Quality Bond Acts” of 1972 and 1986. Unique areas were purchased under the same authority, but are designated for management to preserve their special features, and not likely to receive timber management beyond measures to preserve important vegetation communities

The audit was performed by NSF on October 17-20, 2016 by an audit team headed by Keri Yankus, Lead Auditor and SCS FSC Auditor Dave Capen. Audit team members fulfill the qualification criteria for conducting audits contained in SFI 2015-2019 Standards and Rules, Section 9 - Procedures and Auditor Qualifications and Accreditation.

Audit Process

The objective of the audit was to assess conformance of the firm’s SFI Program to the requirements of the SFI 2015-2019 Standard and Rules, Section 2 – Forest Management. The scope of the audit included forest management operations. Forest practices that were the focus of field inspections included those that have been under active management over the planning period of the past 3 years. In addition, practices conducted earlier were also reviewed as appropriate (regeneration and BMP issues, for example), SFI obligations to promote sustainable forestry practices, to seek legal compliance, and to incorporate continual improvement systems were also within the scope of the audit.

Several of the SFI Section 2 requirements were outside of the scope of NYDEC SFI program and were excluded from the scope of the SFI Certification Audit as follows: Performance Measures Excluded: 1.2, 2.1.5, and 8.3. No indicators were modified.

The audit was governed by a detailed audit plan designed to enable the audit team to efficiently determine conformance with the applicable SFI requirements. The plan provided for the assembly and review of audit evidence consisting of documents, interviews, and on-site inspections of ongoing or completed forest practices. NSF used a formal planning process to confirm the scope of the audit, review the SFI Indicators and evidence to be used to assess conformance, verify that NYDEC was prepared to proceed to Surveillance Audit, and to prepare a detailed audit plan. NSF then conducted the Certification Audit of conformance to the SFI, Section 2. A report was prepared and final approval was done by an independent Certification Board member assigned by NSF. Follow-up or Surveillance Audits are required by SFI, Section 9. The second Surveillance Audit is scheduled for date September 2016

During the audit NSF reviewed a sample of the written documentation assembled to provide objective evidence of Conformance. NSF also selected field sites for inspection based upon the risk of environmental impact, likelihood of occurrence, special features, and other criteria outlined in the NSF protocols. NSF also selected and interviewed stakeholders such as contract loggers, landowners and other interested parties, and interviewed employees within the organization to confirm that the SFI Standard was understood and actively implemented.

The possible findings of the audit included Full Conformance, Major Non-conformance, Minor Non-conformance, Opportunities for Improvement, and Practices that exceeded the Basic Requirements of the standard.

Overview of Audit Findings

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NYDEC was found to be in conformance with the standard, as NSF determined that there were one major and three new non-conformances. Three opportunity for improvement was identified. This finding does not indicate a current deficiency, but served to alert New York DEC to an area that could be strengthened or which could merit future attention.

Major nonconformance:

15.1.2 System for collecting, reviewing, and reporting information to management regarding progress in achieving *SFI 2015-2019 Forest Management Standard objectives and performance measures*. 15.1.3 Annual review of progress by management and determination of changes and improvements necessary to continually improve conformance to the *SFI 2015-2019 Forest Management Standard*. Reporting of information to management regarding progress of the SFI program status has not occurred nor reporting of the information. The management has not determined changes or improvement necessary to make to continually improve the program since the last audit.

Minor nonconformance(s):

9.1.2. System to achieve compliance with applicable federal, provincial, state, or local laws and regulations.

There was an ineffective system in place to achieve compliance with applicable federal, provincial state or local laws and regulations.

4.1.5 Program to address conservation of known sites with viable occurrences of significant species of concern.

Not a fully implemented consistent program as it relates to High Conservation Value Forests(HCFV) with in all regions.

Multi-site criteria IAF=MDI 4.4.1 d.: There is minor non-conformance to "Internal Audit Team Charter and Executive Review Process" for addressing collection, analysis, and evaluation of corrective actions identified in yearly audits for the multi-site criteria.

An incomplete analysis and evaluation of corrective actions identified in the yearly audits for multi-site criteria were not addressed.

Opportunity for Improvement(s):

4.1.4. *Program Participants* shall participate in or incorporate the results of state, provincial, or regional *conservation* planning and priority-setting efforts to conserve biological diversity and consider these efforts in forest management planning. Examples of credible priority-setting efforts include state *wildlife* action plans, state forest action plans, relevant *habitat conservation* plans or provincial *wildlife* recovery plans.

There is an opportunity to consider incorporating the results of the State Wildlife Action Plan information (such as the species assessment) into initial phases in the UMP Process.

2.2.5. Use of pesticides banned under the Stockholm Convention on Persistent Organic Pollutants (2001) shall be prohibited.

NYDEC has checked chemicals to ensure that none are on the WHO/FSC list, however there is an opportunity for organization to ensure that the all pesticides used are not found under the Stockholm Convention on Persistent Organic Pollutants listing.

2.4.3 Participation in and support of fire and pest prevention and control programs.

There is an opportunity to consider updating the information in SFID to capture the fire for Rosa Gap Stand 1 & 2 located in Region 3.

NSF also identified the following area where forestry practice and operation of NYDEC exceed the basic requirement of the SFI Standard:

5.4.1. Provide recreational opportunities for the public, where consistent with forest management *objectives*.

The NYDEC Division of Land and Forest has established an exemplary recreation program to allow multi-user access, while concur traditional forestry operations happen and excellent educational kiosk in recreational areas.

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General Description of Evidence of Conformity

NSF's audit team used a variety of evidence to determine conformance. A general description of this evidence is provided below, organized by SFI Objective.

Objective 1 Forest Management Planning

To ensure forest management plans include long-term sustainable harvest levels and measures to avoid forest conversion.

Summary of Evidence: The Strategic Plan and UMP for NYDEC and supporting documentation and the associated inventory and growth data as well as harvest-related planning documents were the key evidence of conformance.

Objective 2 Forest Health and Productivity

To ensure long-term forest productivity, carbon storage and conservation of forest resources through prompt reforestation, afforestation, minimized chemical use, soil conservation, and protecting forests from damaging agents.

Summary of Evidence: Field observations and associated records were used to confirm practices. NYDEC has programs for reforestation, for protection against common insects and diseases and wildfire, and for careful management of activities which could potentially impact soil and long-term productivity. Harvests are carefully planned, with winter logging or processor systems used on sensitive soils.

Objective 3 Protection and Maintenance of Water Resources

To protect the water quality of rivers, streams, lakes, wetlands and other water bodies through meeting or exceeding best management practices.

Summary of Evidence: Field observations of a range of sites were the key evidence. During inspections of completed harvests auditors reviewed measures implemented to protect water resources. Compliance with NY BMP's for the protection of these features provided additional evidence.

Objective 4 Conservation of Biological Diversity

To manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand- and landscape-level measures that promote a diversity of types of habitat and successional stages, and the conservation of forest plants and animals, including aquatic species, as well as threatened and endangered species, Forests with Exceptional Conservation Value, old-growth forests and ecologically important sites.

Summary of Evidence: Field observations, written plans and policies, and regular staff involvement in conferences and workshops that cover scientific advances were the evidence used to assess the requirements involved biodiversity conservation.

Objective 5 Management of Visual Quality and Recreational Benefits

To manage the visual impact of forest operations and provide recreational opportunities for the public.

Summary of Evidence: Field observations of completed operations and policies/procedures for visual quality were assessed during the evaluation. Further involvement with the multi user recreational groups helped confirm a strong recreation program.

Objective 6 Protection of Special Sites

To manage lands that are geologically or culturally important in a manner that takes into account their unique qualities.

Summary of Evidence: Records of special sites and management and harvest plans were all assessed during the evaluation.

Objective 7 Efficient Use of Fiber Resources

To minimize waste and ensure the efficient use of fiber resources.

Summary of Evidence: Field observations of completed operations, contract clauses, and discussions with supervising field foresters and with loggers provided the key evidence.

Objective 8 Recognize and Respect Indigenous Peoples' Rights

To recognize and respect Indigenous Peoples' rights and traditional knowledge.

Summary of Evidence: Field review and ongoing updated documents for operations.

Objective 9 Legal and Regulatory Compliance

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To comply with applicable federal, provincial, state and local laws and regulations.

Summary of Evidence: *Field reviews of ongoing and completed operations were the most critical evidence.*

Objective 10 Forestry Research, Science and Technology

To invest in forestry research, science and technology, upon which sustainable forest management decisions are based and broaden the awareness of climate change impacts on forests, wildlife and biological diversity.

Summary of Evidence: *Financial support was confirmed by contacting the recipients of research support or via websites listing supporting members.*

Objective 11 Training and Education

To improve the implementation of sustainable forestry practices through appropriate training and education programs.

Summary of Evidence: *Training records of selected personnel, records associated with harvest sites audited, and interviews were the key evidence for this objective.*

Objective 12 Community Involvement and Landowner Outreach

To broaden the practice of sustainable forestry through public outreach, education, and involvement, and to support the efforts of SFI Implementation Committees.

Summary of Evidence: *Records provided by the audited organization and interviews were used to confirm the requirements.*

Objective 13 Public Land Management Responsibilities

To participate and implement sustainable forest management on public lands.

Summary of Evidence: *Unit Management Planning (UMP) process confirms the involvement with the public inputs.*

Objective 14 Communications and Public Reporting

To increase transparency and to annually report progress on conformance with the SFI Forest Management Standard.

Summary of Evidence: *Most of this objective relates to actions to be taken after certification; NYDEC is prepared to complete the required public reporting activities.*

Objective 15. Management Review and Continual Improvement

To promote continual improvement in the practice of sustainable forestry by conducting a management review and monitoring performance.

Summary of Evidence: *Records of program reviews, agendas and notes from management review meetings, and interviews with personnel from all involved levels in the organization were assessed.*

Relevance of Forestry Certification

Third-party certification provides assurance that forests are being managed under the principles of sustainable forestry, which are described in the Sustainable Forestry Initiative Standard as:

1. Sustainable Forestry

To practice sustainable forestry to meet the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic that integrates reforestation and the managing, growing, nurturing and harvesting of trees for useful products and ecosystem services such as the conservation of soil, air and water quality, carbon, biological diversity, wildlife and aquatic habitats, recreation and aesthetics.

2. Forest Productivity and Health

To provide for regeneration after harvest and maintain the productive capacity of the forest land base, and to protect and maintain long-term forest and soil productivity. In addition, to protect forests from economically or environmentally undesirable levels of wildfire, pests, diseases, invasive exotic plants and animals and other damaging agents and thus maintain and improve long-term forest health and productivity.

3. Protection of Water Resources

To protect water bodies and riparian areas, and to conform with forestry best management practices to protect water quality.

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4. Protection of Biological Diversity

To manage forests in ways that protect and promote biological diversity, including animal and plant species, wildlife habitats, and ecological or natural community types.

5. Aesthetics and Recreation

To manage the visual impacts of forest operations, and to provide recreational opportunities for the public.

6. Protection of Special Sites

To manage lands that are ecologically, geologically or culturally important in a manner that takes into account their unique qualities.

7. Responsible Fiber Sourcing Practices in North America

To use and promote among other forest landowners sustainable forestry practices that are both scientifically credible and economically, environmentally and socially responsible.

8. Legal Compliance

To comply with applicable federal, provincial, state, and local forestry and related environmental laws, statutes, and regulations.

9. Research

To support advances in sustainable forest management through forestry research, science and technology.

10. Training and Education

To improve the practice of sustainable forestry through training and education programs.

11. Community Involvement and Social Responsibility

To broaden the practice of sustainable forestry on all lands through community involvement, socially responsible practices, and through recognition and respect of Indigenous Peoples' rights and traditional forest-related knowledge.

12. Transparency

To broaden the understanding of forest certification to the SFI Standard by documenting certification audits and making the findings publicly available.

13. Continual Improvement

To continually improve the practice of forest management, and to monitor, measure and report performance in achieving the commitment to sustainable forestry.

14. Avoidance of Controversial Sources including Illegal Logging in Offshore Fiber Sourcing

(Applies only to the SFI 2015-2019 Fiber Sourcing Standard)

To avoid wood fiber from illegally logged forests when procuring fiber outside of North America, and to avoid sourcing fiber from countries without effective social laws.

Source: Sustainable Forestry Initiative® (SFI) Standard, 2015–2019 Edition

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