



**FORESTS<sup>TM</sup>  
FOR ALL  
FOREVER**

**PUBLIC SUMMARY:  
Draft One Consultation of  
FSC Canada's National Forest  
Management Standard**

**JUNE 2016**

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### STAYING INVOLVED



## INTRODUCTION

### History and Development

In 2013, 94% of the FSC Canada membership approved a motion which defined the Strategic Direction of the Standards Revision Process. The motion gave FSC Canada the mandate to develop one National Standard that would have common indicators. To begin this process, both public consultation processes and internal research and analysis over the past 3 years have been completed. This has included stakeholder surveys and forums, expert consultation, assessments of FSC International's Principles & Criteria (P&C) and International Generic Indicators (IGI), comparisons of Canada's regional FSC standards, collaboration with FSC International, and a National public consultation which this document describes.

Proactive and comprehensive, the draft Standard<sup>1</sup> aims to advance current practice. Significant adaptations include the reconciliation of Aboriginal Rights in forest management planning, protection of endangered species and recognition of progressive labour practices whilst confirming that forests are essential to sustain rural and northern livelihoods. The draft is the culmination of a three-year process involving dozens of individuals and organizations across Canada including the FSC CA Board of Directors, the Standards Committee, the Standard Development Group, Technical Expert Panels, and FSC Staff and consultants.

The six Technical Expert Panels (TEPs) that have informed this process include: (1) Species at Risk (including Caribou); (2) Ecological & Operational Considerations (Principle 6, 9 and 10); (3) Aboriginal Rights & Free, Prior and Informed Consent (Principle 3); (4) Stakeholder & Community Rights; (5) Scale, Intensity and Risk (SIR) including small, low intensity managed forests; and (6) Pesticides, Conversion and Invasive Species. In addition to this, two subcommittees, for High Conservation Values (HCV) Framework revision and intact forest landscape/Indigenous cultural landscapes, have been formed.

### Consultation Activities and Tools

Stakeholders and members were asked to provide input on the design of the Standard Revision Process via a survey in early 2013 and then later also asked for input on specific indicators and topics. Two consultation periods were facilitated in 2013 and 2014 by FSC Canada for the IGI (which included a cross-walk document describing how indicators from regional standards compared with the IGI). In addition to this, a consultation period for proposed caribou indicators was held in 2014 and FSC Canada continues the development of indicators and supplementary materials for managing Woodland Caribou.<sup>2</sup>

<sup>1</sup> The draft Standard is available on the FSC Canada Website: <https://ca.fsc.org/en-ca/our-work/forestmanagement-standard-revision-01>

<sup>2</sup> For the most up-to-date information on the development of caribou indicators, see: <https://ca.fsc.org/en-ca/our-work/forest-management-standard-revision-01/species-at-risk-woodland-caribou>



On December 1, 2015, FSC Canada release Draft 1 of the National Forest Management Standard for public consultation. The consultation period ended February 2, 2016 and many engaged stakeholders have reviewed and commented on the draft in order to assist in furthering its development.

Following the launch of the draft Standard, FSC Canada hosted a number of information sessions in January 2016. These general Information sessions were held online in French and English and provided an overview of the draft Standard, its development, and key topics. The general English language session was attended by 48 people while the French language session had 33 attendees.

Several regional meetings were held to provide an overview of the draft Standard, its development, and specific regional issues. These took the form of two in-person meetings in Quebec City and Amherst (Nova Scotia) and had 37 and 19 attendees respectively. Online meetings were also provided for Ontario and British Columbia stakeholders and each had 17 attendees.

Aside from the FSC Canada-led consultation processes, Nipissing Forest Resource Management (NFRM) and Tembec held a meeting in North Bay to discuss and review the draft Standard on January 19 & 20th, 2016. Over 30 representatives from companies and government attended coming from Ontario, Quebec, New Brunswick and Alberta. FSC Canada also participated.

FSC Canada supported an Aboriginal forest sector Forum developed and delivered by the National Aboriginal Forestry Association (NAFA) in April 2016. At this event, FSC Canada held a workshop focused on Principle 3 of the draft Standard with 29 delegates in attendance. A follow-up webinar was also hosted by FSC Canada that fostered further discussion and a comprehensive review of requirements on Principle 3, Indigenous Peoples Rights, including requirements related to the right to free, prior and informed consent (FPIC).

FSC Canada fact-sheets<sup>3</sup> were created for the draft Standard consultation period that served to further explain numerous themes introduced or developed within. These included:

- Sphere of influence
- Managing for Climate Change
- Managing for Woodland Caribou
- Range of Natural variation
- Representative Sample Areas of Native Ecosystems
- Social Considerations – Part 1: How the Standard Considers Different Parties
- Social Considerations – Part 2: Culturally Appropriate Engagement
- Social Considerations – Part 3: Dispute Resolution Process
- Social Considerations – Part 4: Local Community and FPIC Process

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<sup>3</sup> These sheets are available at the FSC Canada website: <https://ca.fsc.org/enca/our-work/forest-management-standard-revision-01>

## The Transfer Procedure

FSC's Transfer Procedure (FSC-PRO-60-006), facilitates the development of national indicators by guiding the assessment of FSC's international generic indicators (IGI) and the evaluation of whether or not an indicator is regionally and/or nationally appropriate. Standards developers are allowed to:

1. **Adopt:** The IGI is copied into the Standard.
2. **Adapt:** The IGI is revised in order to address terminology, scope, or effectiveness.
3. **Drop:** The IGI is omitted from the Standard where it is determined to be inapplicable or otherwise non-contributing in measuring conformance to a criterion.
4. **Add:** A new indicator is added in order to better establish conformance to a criterion as appropriate to the Canadian context.

## FIRST CONSULTATION RESULTS

The draft Standard included an Introduction, Principles, Criteria, Indicators, Annexes and a Glossary. The Standard Development Group indicated overall support for the release of the draft while acknowledging that more work is needed on certain issues. Draft 1 National Forest Management Standard has the following proposed indicators by principle.

	# of IGIs	# of D1 Proposed Indicators	# of Indicators Added	# of Indicators Dropped
Principle 1	24	16	1	9
Principle 2	28	20	0	9
Principle 3	16	14	1	1
Principle 4	19	19	0	1
Principle 5	13	13	1	1
Principle 6	29	43	16	2
Principle 7	13	14	2	1
Principle 8	9	10	1	0
Principle 9	13	16	6	4
Principle 10	38	29	4	15
	<b>202</b>	<b>194</b>	<b>32</b>	<b>43</b>

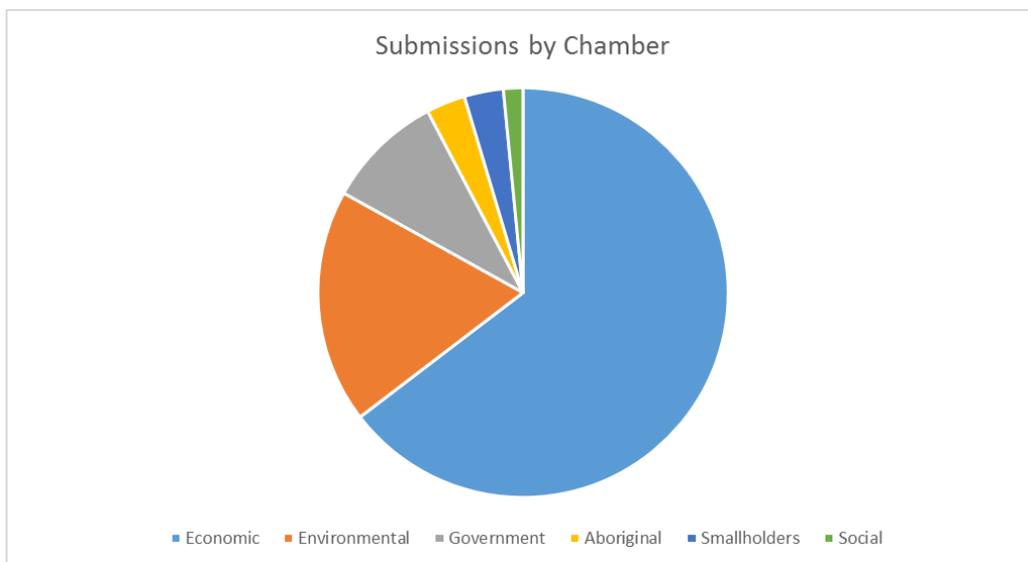
Table 1: Indicators Proposed, Added, and Dropped<sup>4</sup>

<sup>4</sup> It should be noted that the number indicators do not directly correspond to the number of requirements. For example, for some of the indicators in Principle 6 there are multiple requirements that span different topics. In Draft 2 of the Standard, the placement of requirements will be re-considered.

## General Overview

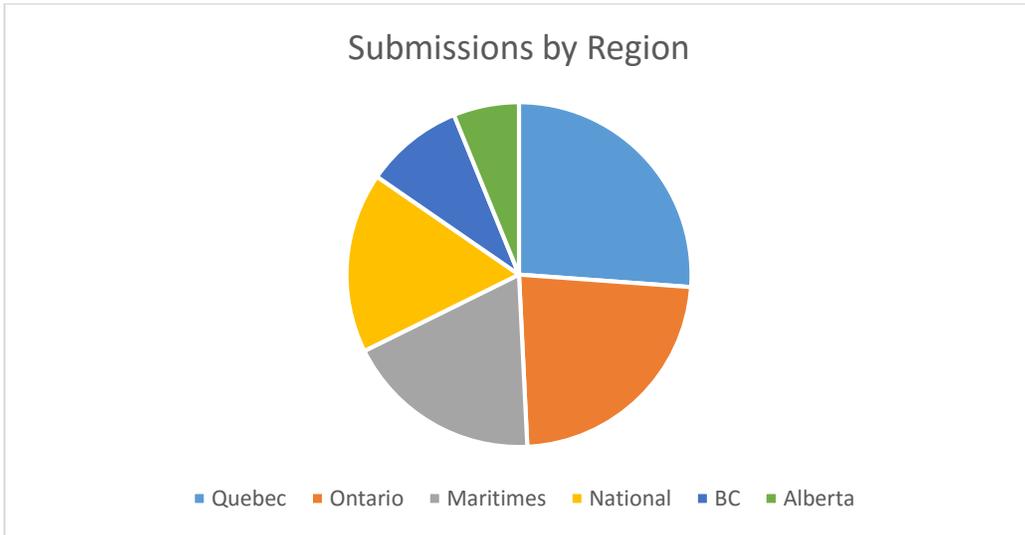
FSC Canada received a total of 65 submissions from organizations across the country. In total, more than 500 pages of comments have been received.

Statistics related to these comments are provided below and are drawn exclusively from comments that were submitted using the comment form provided by FSC Canada. Any additional comments which take the form of detailed analyses or letters are not part of these statistics, but are being considered by FSC Canada as well.



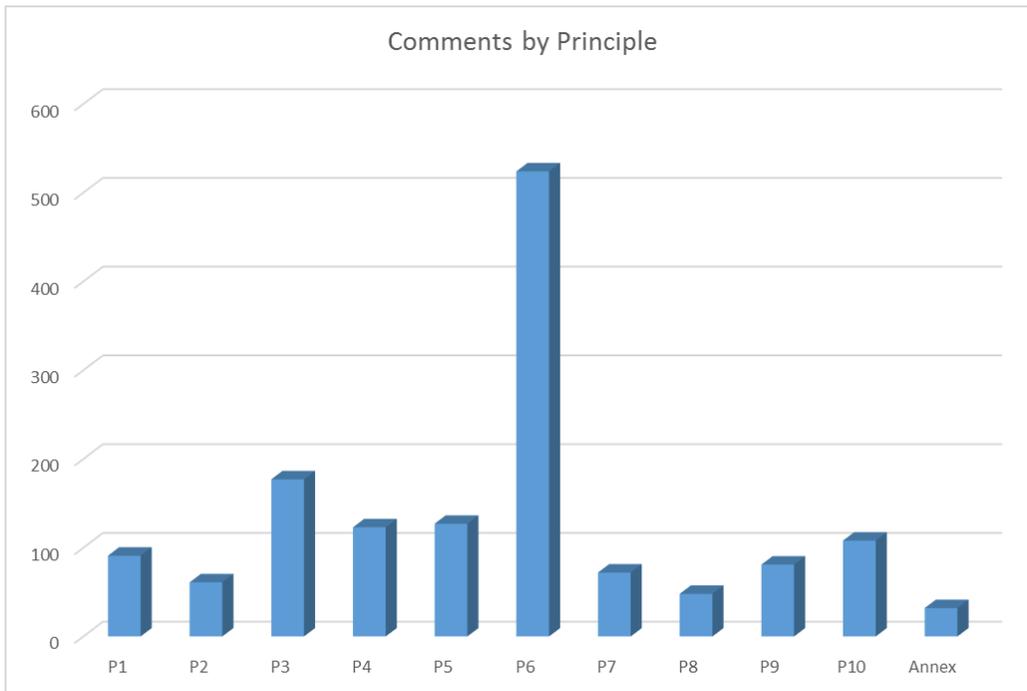
Graph 1: Submissions by Chamber

Most comments received came from the Economic Chamber, followed by the Environmental Chamber and Government. Several managers representing smallholders contacted FSC Canada during the consultation to indicate that they would submit comments after SIR indicators were released.



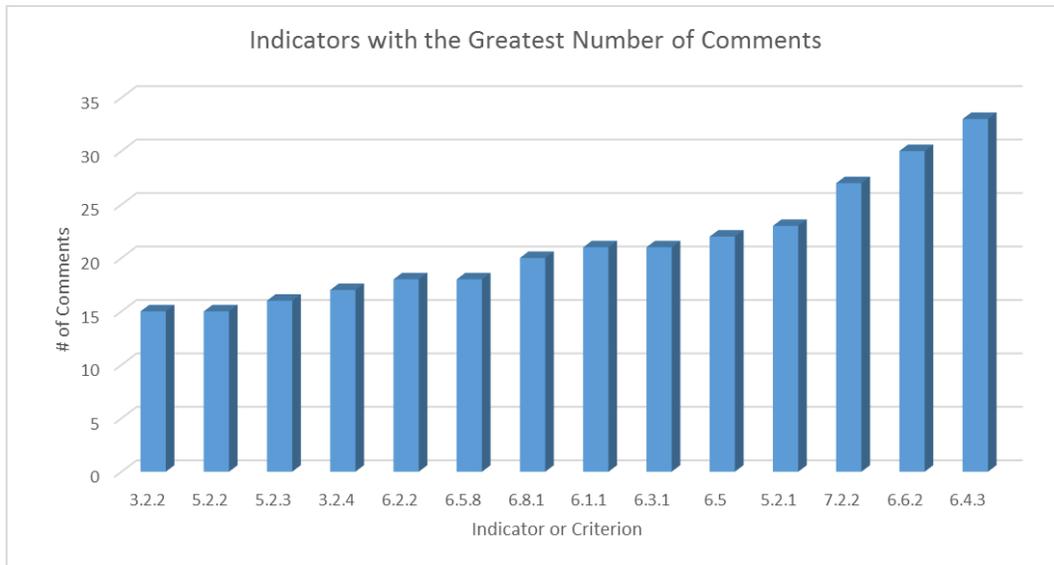
Graph 2: Submissions by Region

The majority of comments received came from Quebec and Ontario who accounted for 32 out of the 65 comment forms or analyses submitted.



Graph 3: Comments by Principle

Principle 6 received the most comments (approximately 524) followed by Principle 3 (approximately 177) and Principle 5 (approximately 127).



Graph 4: Most Comments

Graph 4 illustrates those indicators or criteria which received 15 or more comments. Across all Principles, the indicators with the greatest number of comments were indicators 6.4.3, 6.6.2 and 7.2.2.

## General Issues

Some of the most common general issues that arose through consultation include:

### ***The relation of indicator requirements to existing legislation and regulations***

This concern highlights the need for the relationship between government duties and forest companies to be better clarified. Where indicators may potentially conflict, or are redundant, with existing legislation warrants further exploration.

At the same time, it must be recognized that the FSC Standard may require organizations to achieve a standard of management that exceeds legislation in certain places identified as important by stakeholders and FSC members. Conforming to these requirements separates an organization from competition in the marketplace and is part of the fundamental logic of becoming certified.



### ***The achievability of indicators***

This concern revolves around questions regarding a company's ability to extend their sphere of influence to effectively meet the requirements of certain indicators as well as the total amount of requirements found throughout the draft Standard. If the cumulative total of requirements results in a workload that too onerous given an organization's resources than could reduce the achievability of the Standard as a whole.

A balance must be found between the creation of a Standard that brings forestry practices in Canada to a place that garners cross-chamber support and that is achievable in practice with adjustments to operations and the will to adapt existing structures.

### ***The clarity of indicators***

This concern relates to terminology used throughout the draft Standard. Some requirements or terms in draft Standard appear to need greater clarity and additional definitions are required.

### ***Prescriptive elements in the Standard***

This concern relates especially to Principle 5 and Principle 6 which include requirements that were considered too prescriptive by many stakeholders.

As the draft Standard spans many eco-regions across all provinces, solutions related to making requirements both flexible and specific enough to be effective will continue to be sought.

### ***FPIC and customary rights***

This concern illustrates the need for greater clarity in the application of FPIC and the understanding of customary rights in Canada.

Questions regarding the engagement and consent of both Aboriginal and local communities to ensure FPIC and customary rights are being upheld will be the focus of further guidance in draft 2.

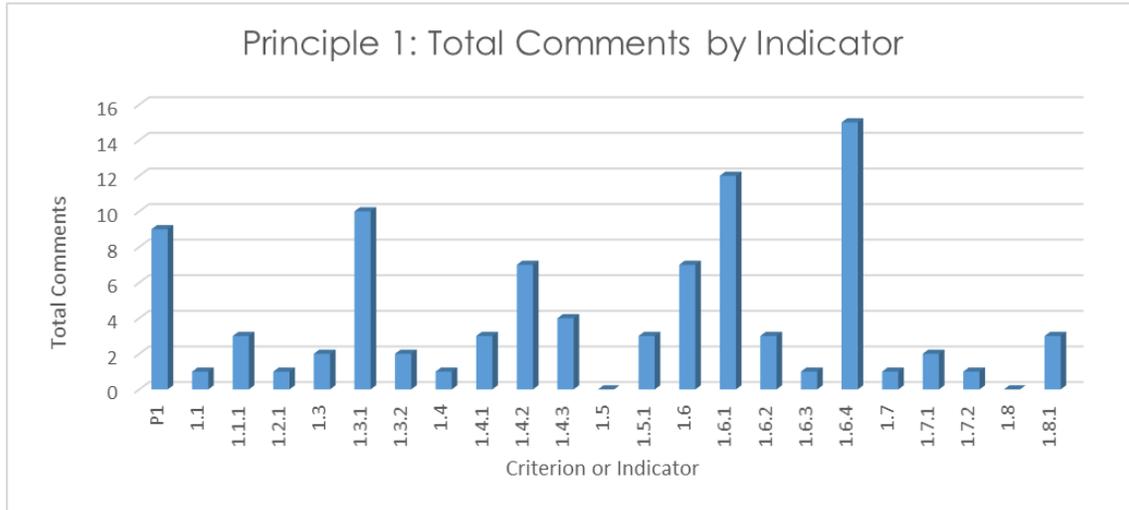
### ***Applicability of indicators for small, low intensity forests***

This concerns relates to the achievability of many indicators for smaller operations. The intended audience of this draft Standard is medium to large tenures with moderate to high risk operations for some identified values.

Indicators for small, low intensity managed forests are in development and will be included in Draft 2.

## Main Comments by Principle

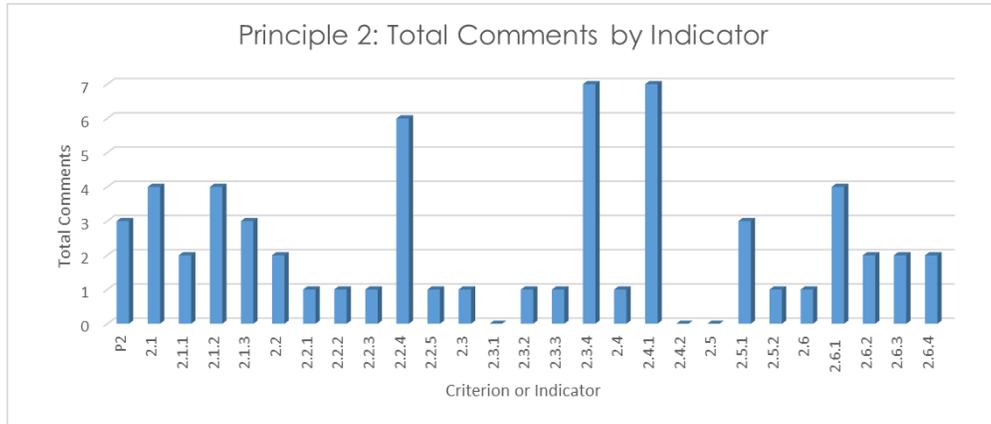
### PRINCIPLE 1



Graph 5: Principle 1 Comments

The indicators with the greatest number of comments for Principle 1 were 1.6.4, 1.6.1 and 1.3.1. Some of the key questions that arose were those related to the differences or conflicts between provincial duties/legislation and FSC requirements (e.g. related to enforcement, illegal activities and disputes), the place of internationally ratified treaties within the draft Standard, and the term customary rights.

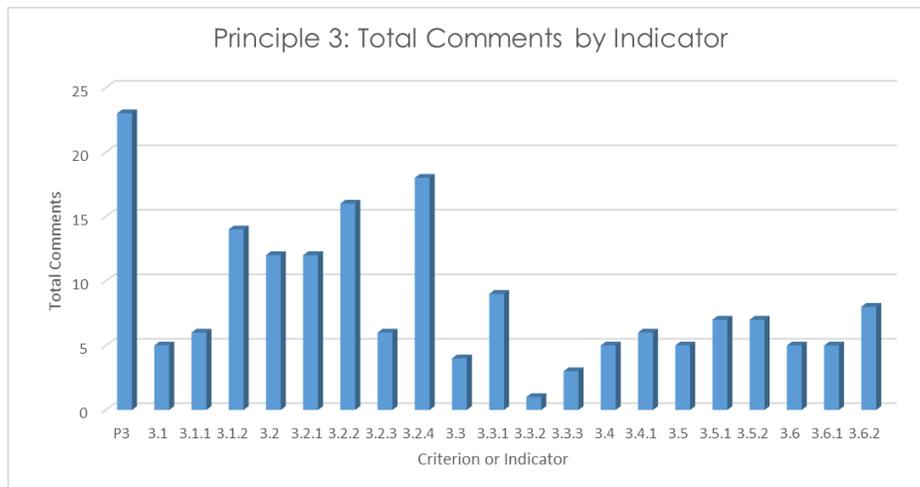
**PRINCIPLE 2**



Graph 6: Principle 2 Comments

The indicators with the greatest number of comments for Principle 2 were 2.3.4, 2.4.1, and 2.2.4. Some of the key questions that arose were those related to the differentiation between types of workers (i.e. contract, part-time and full-time staff) and those related to the national average or calculation of accident rates,

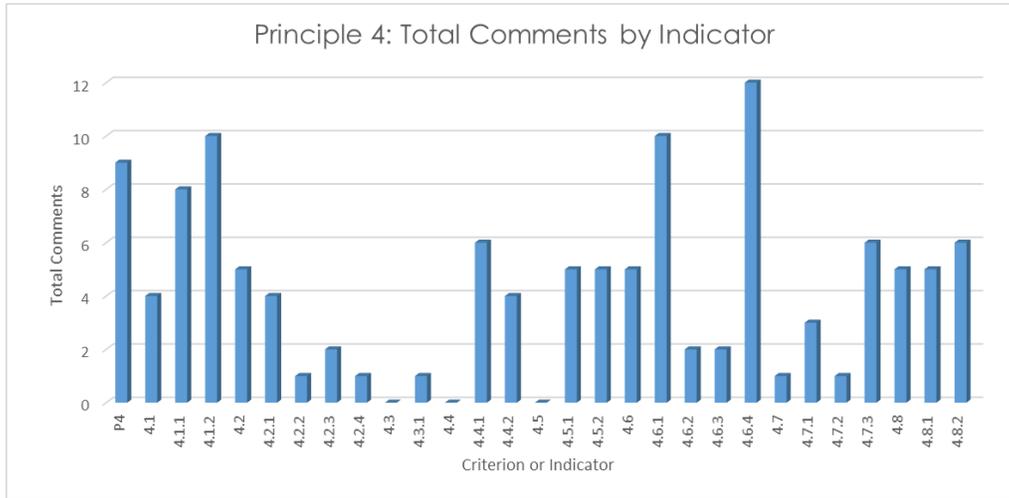
**PRINCIPLE 3**



Graph 7: Principle 3 Comments

The indicators with the greatest number of comments for Principle 3 were 3.2.4, 3.2.2 and 3.1.2. In addition to this, many respondents submitted general comments about the Principle which are counted under 'P3'. Some of the key questions that arose were those related to the application of FPIC, the ability and willingness of First Nations communities to engage, and clarification surrounding consent in practice.

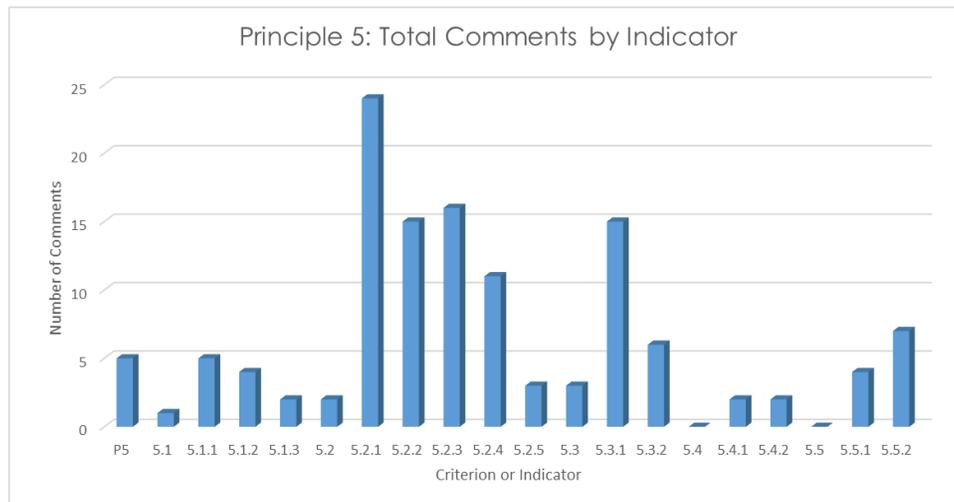
## PRINCIPLE 4



Graph 8: Principle 4 Comments

The indicators with the greatest number of comments for Principle 4 were 4.6.4, 4.6.1 and 4.1.2. Some of the key questions that arose were those related to the definition of 'local community', the consideration of customary rights, the applicability of FPIC for local communities in a Canadian context and disputes of substantial magnitude.

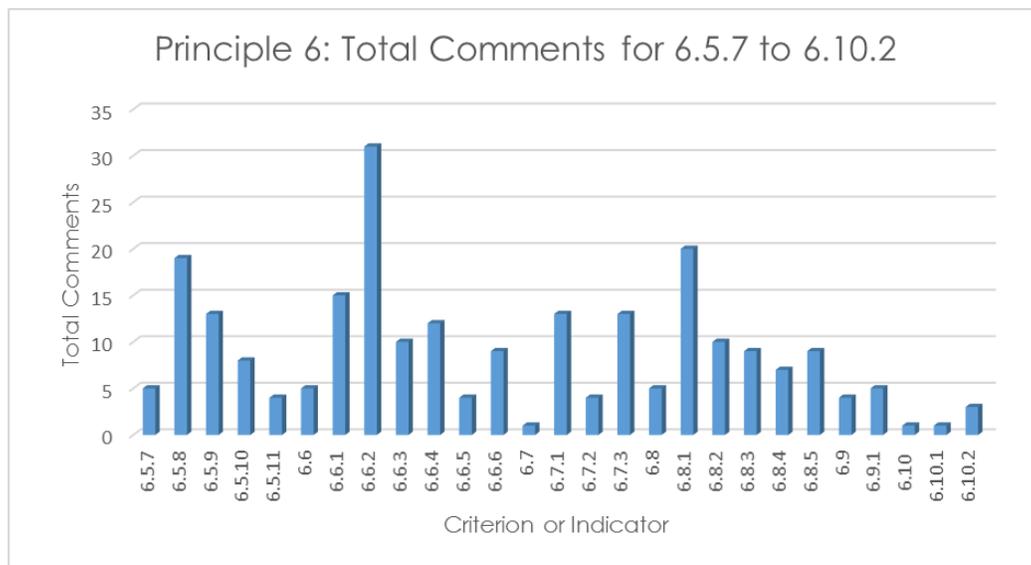
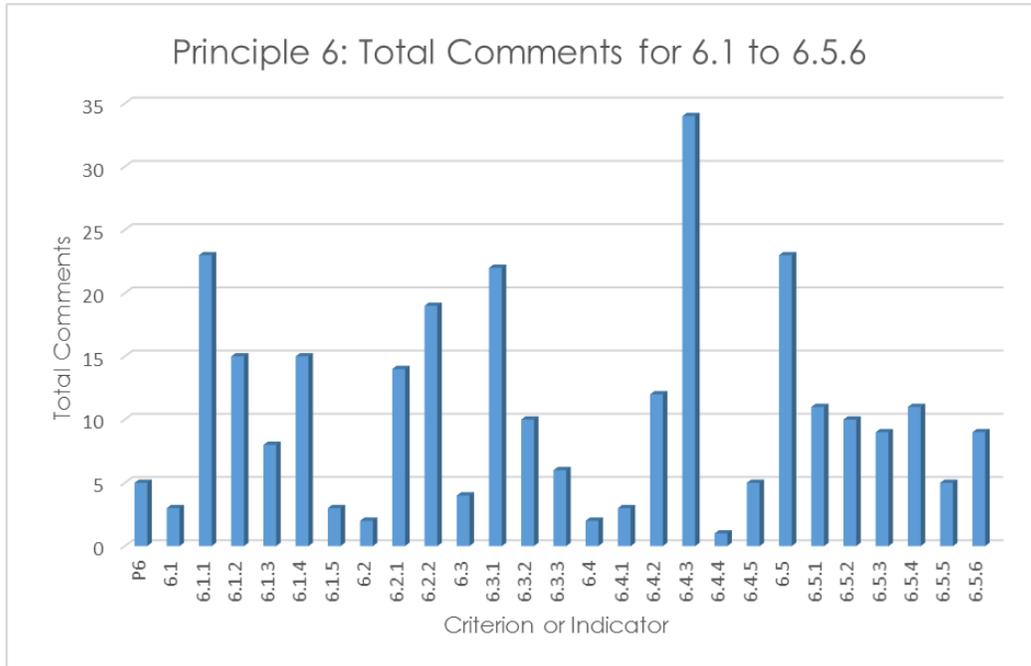
## PRINCIPLE 5



Graph 9: Principle 5 Comments

The indicators with the greatest number of comments for Principle 5 were 5.2.1, 5.2.3, and 5.3.1. Some of the key questions that arose were those related to the determination of sustainable yield, the evaluation of externalities, and the expectations around economic viability.

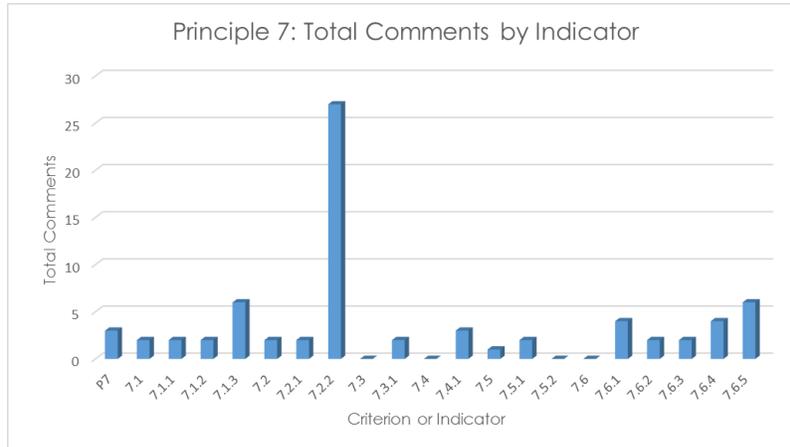
**PRINCIPLE 6**



Graph 10 and 11: Principle 6 Comments

The indicators with the greatest number of comments for Principle 6 were 6.4.3, 6.6.2 and 6.1.1. Some of the key questions that arose were those related to caribou requirements, range of natural variation (RONV) requirements, the ability of organizations to implement protection areas, and managing IFLs.

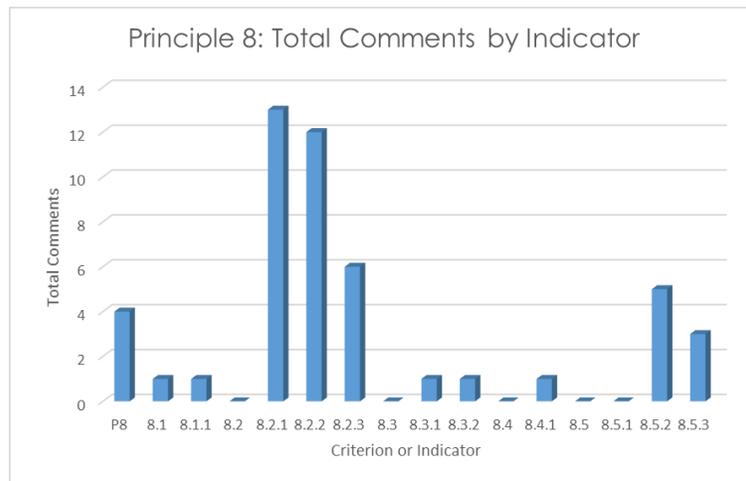
**PRINCIPLE 7**



Graph 12: Principle 7 Comments

The indicators with the greatest number of comments for Principle 7 were 7.2.2, 7.6.5 and 7.1.3. Some of the key questions that arose were those related to how some indicators relate to provincial requirements, the total number of requirements, the relation between Principle 7 and other Principles, and stakeholder engagement.

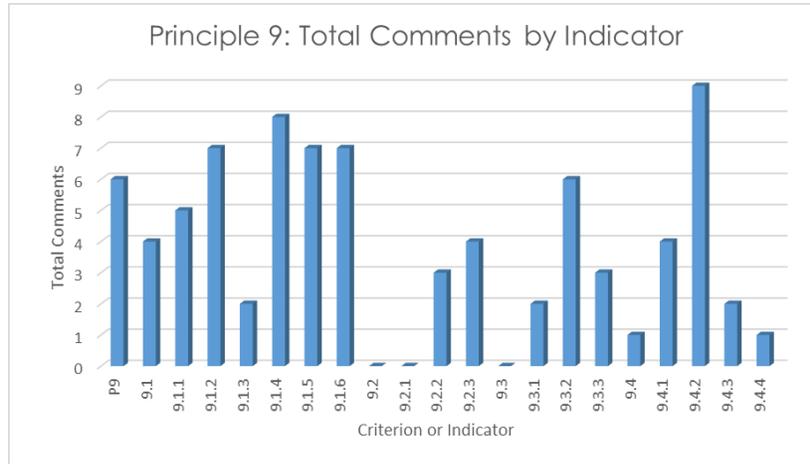
**PRINCIPLE 8**



Graph 13: Principle 8 Comments

The indicators with the greatest number of comments for Principle 8 were 8.2.1, 8.2.2 and 8.2.3. Some of the key questions that arose were those related to the length and prescriptiveness of the indicators related to the monitoring of environmental and social impacts, the possibility of using a risk-based approach for certain indicators and the clarification of some items of the tracking system.

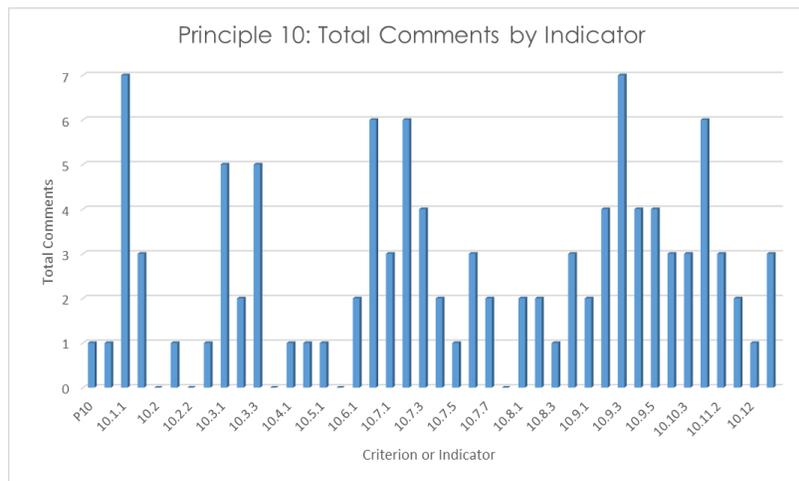
**PRINCIPLE 9**



Graph 14: Principle 9 Comments

The indicators with the greatest number of comments for Principle 9 were 9.4.2, 9.1.4 and 9.1.2. Some of the key questions that arose were those related to expectations around consultation and monitoring and how the indicators relate to government protection requirements. Stakeholders also confirmed that, in the absence of a complete HCV framework in this draft, it is premature to comment at this stage.

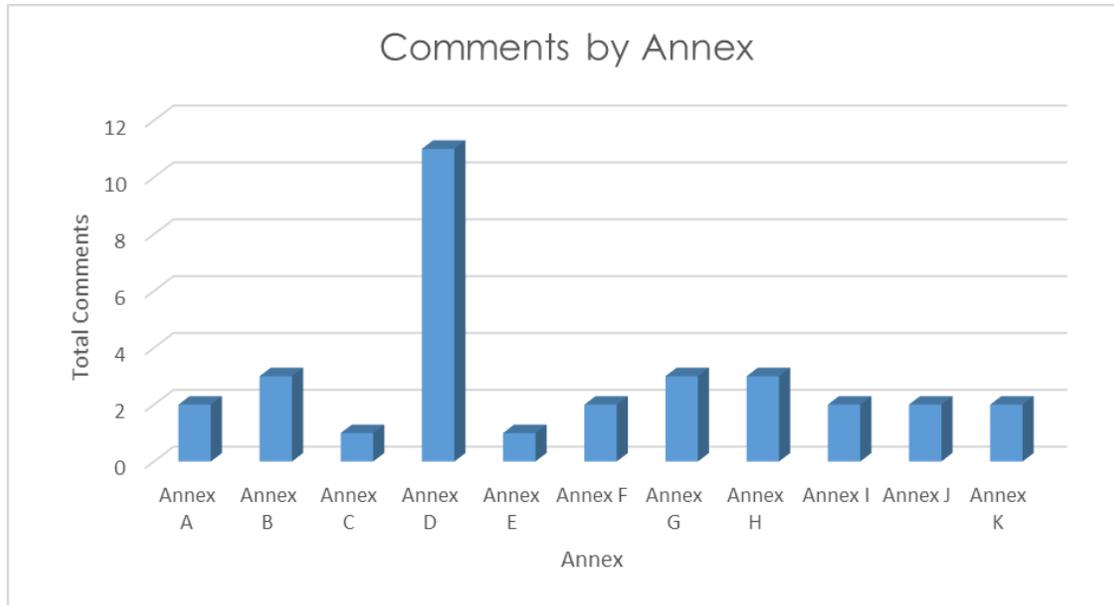
**PRINCIPLE 10**



Graph 15: Principle 10 Comments

The indicators with the greatest number of comments for Principle 10 were 10.1.1, 10.9.3, 10, 7.2, and 10.11.1. Some of the key questions that arose were those related to regeneration and silvicultural practices, alien species, pesticides, natural hazards, and the relation with Principle 6.

**ANNEXES**



Graph 16: Annex Comments

The Annexes with the greatest number of comments were *Annex B: Worker's Safety Program*, *Annex D: Claims for Ecosystem Services*, and *Annex G: Dispute Resolution Process*. Many questions arose around ecosystems services claims. Clarification around this topic and the value it adds is requested. In addition, the concepts and intended audience of *Annex K: Rationale for the treatment of Criterion 5.2 related to sustainable harvesting and annual allowable cut calculation in Canada* was also identified as something that warrants further consideration in the following draft.



## Policy Motion 65: Intact Forest Landscapes

The Intact Forest Landscapes (IFL) Policy Motion was approved by FSC at the 2014 General Assembly and is designed to ensure that large intact landscapes are considered when developing, modifying, or strengthening indicators within FSC Standards globally. FSC membership across all chambers voted in favour of Motion 65.

A key component of the Motion is to take into account cultural, social and economic values of Indigenous peoples and forest-dependent communities, including the provision of Free Prior and Informed Consent (FPIC). IFLs, Indigenous Cultural Landscapes (ICLs) and FPIC will be important components of Canada's new FSC Standard. As they will fit into the broad requirements of certification, it should be reiterated that an Organization is required to meet all FSC Principles and Criteria, taking into account social, environmental and economic requirements.

Since October 2014, FSC Canada has worked with technical experts on these topics. Thus far, a draft Discussion Paper summarizing the IFL and ICL concepts and their associated challenges has been released.<sup>5</sup> In the upcoming months, draft indicators for IFLs will be released and further solutions around IFL planning will undergo field testing.

## IFLs and ICLs: Consultation Results

The IFL/ICL indicators were not included in the first draft of the National Standard as more work on these indicators is needed. However, a consultation period for the draft Discussion Paper occurred in early 2016. All comments were reviewed by FSC Canada staff and this input will inform the approach being developed by the technical experts.

Concerns and solutions varied across chambers. The following provides a summary of the responses received:

- There are contrasting positions across chambers in relation to what types of activities are acceptable within IFLs and under what conditions, how clear and scientifically-based the concept of an IFL is, and how core areas should figure into management of IFLs.
- There is concern that high levels of protection of IFLs could result in negative social and economic impacts on forest dependent communities and potentially be in conflict with certain provincial mandates for Crown forests. At the same time, there is hope that this motion can assist in providing greater certainty for local communities and move away from historical boom-and-bust patterns of economic activity. Furthermore, it was suggested that economic concerns around IFLs may also be ameliorated to some extent by facilitating or encouraging ecosystem services payments.

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<sup>5</sup> This draft is available on the FSC Canada website: <https://ca.fsc.org/en-ca/our-work/forest-management-standard-revision-01>



- There is also a feeling that requirements related to protection of IFLs could be a disincentive for forest companies to seek FSC certification, At the same time, some stakeholders feel that allowing operations within IFLs contradicts the precautionary approach found within FSC principles.
- Questions related to the relationship between IFLs and HCVs, the prescriptiveness of the requirements, and the fairness of Motion 65 also arose. It is felt that by some stakeholders that an unequal burden has been placed on Canadian organizations as they must protect IFLs while other countries are not required to begin to restore their own former IFLs.
- It is recognized by some commenters that the relationship between IFLs and HCVs (and Principle 9) will need be clarified as well as how the application of Motion 65 relates to Indigenous protected areas such as Tribal Parks and other community-lead conservation initiatives. There is also recognition that deferral areas for other conservation purposes (e.g. caribou conservation) could fit within the construct of an IFL.
- Commenters also made clear that the concept of ICL requires further clarification. How it will ultimately affect forest management planning and how it relates to government legislation are key questions that arose. Additionally, there is a wish to know how the concept of ICLs will fit within the implementation of FPIC.

There is willingness to continue cross-chamber dialogue on these topics. These discussions will continue and stakeholders from across Canada will continue to reconcile these key issues related the economic viability, environmental protection, and implementation of Motion 65.

## FORTHCOMING: DRAFT 2

### Outstanding Topics and Next Steps

Discussions with Standard Development Group, Technical Expert Panels, committees, consultants, and FSC Staff continue as indicators are reviewed and adapted in light of the approximately 1500+ comments received.

To achieve the goal of developing a credible, solid and realistic Standard, a transition and testing process has been put in place. Through this process, FSC Canada is flagging key indicators of greatest concerns and engaging in conversation with chambers, certificate holders and regional governments.

This will involve an analysis by Principle and Criteria with a risk based and outcome oriented approach in order to determine what parts warrant further consideration and potentially more safeguards.

This exercise will involve testing in order to verify the effectiveness of the draft Standard in a diverse Canadian context. Some testing will be performed before the release of the draft 2 and could take the form of testing scenarios or case studies. These early testing exercises will include:

- Modeling strategies for caribou management, intact forest landscapes and representative sample areas;
- The implementation of FPIC consent and it's related guidelines;
- The approach to SIR for smallholders and for risk evaluation; and
- Other topics of concern such as engagement, annual allowable cut calculation and disputes of substantial magnitude.

Further testing will also be performed after the draft 2 consultation which will most likely take the form of field or third party desk audits.

Based on comments received and in addition to those arising from the consultation process, it is anticipated that the following topics will be included, or elaborated on, in Draft 2 of the Standard:

- Revised indicators, annexes and glossary ;
- Expanded introduction with more context and explanation ;
- Additional annexes including HCV Framework;
- Requirements and guidance around Intact Forest Landscapes ;
- Additional guidance related to FPIC & P3 ;
- Elaboration around the concept of Sphere of Influence ;
- Scale, Intensity and Risk indicators for Small and low intensity managed forests.



Draft 2 of the Standard will not address Indigenous Cultural Landscapes other than clarifying aboriginal rights and ecological requirements as embedded through existing requirements. The Aboriginal Chamber has requested time to have necessary conversations about ICLs & FPIC and HCVs. Steps will be taken to develop ICL as a management tool and to test its effectiveness after Draft 2. It is expected that the concept be fully integrated for certificate holders use in 2018-2019.

Public consultation for Draft 2 is expected to start in the fall of 2016. A final version of the Standard is set to be completed early-mid 2017. More communications are soon to be released related to this process.

## **STAY INVOLVED!**

A sincere thanks must be extended to all participants who submitted comments for this draft. FSC CA looks forward to their continued contributions in the next steps of this process and encourages equal engagement across all chambers. With this participation, we can come to solutions that are chambered balanced and workable across Canada. All members from all chambers and all interested stakeholders are encouraged to continue to stay involved by submitting comments for Draft 2 upon its release and for any interim consultation documents related to the Forest Management National Standard that may be released in the meantime.