USA

Sustainable Biomass Program (SBP)

REDIII Level A Risk Assessment for US National Forest

SBP-RED-US-NF-FOR v1.2

Version v1.2

Formal status of document: endorsed by SBP Technical director

Approval date:	7 November 2025
Publication date:	7 November 2025
Effective date:	10 November 2025
Transition period:	10 November 2025 to 27 January 2026
Expiry date:	09 November 2030

Document history

Version 1.1	Published as a Draft
Version 1.2	Published 7 November 2025

In the case of inconsistency between translations, the official English language version shall always take precedence.

SBP welcomes comments and suggestions for changes, revisions and/or clarifications on all of its Standards documentation. Please contact: **info@sbp-cert.org**

Contents

1 Abbreviations

AAC	Annual Allowable Cut
AFOLU	Agriculture, Forestry and Other Land Use
BISE	Biodiversity Information System for Europe
CBD	Convention on Biological Diversity
EC	European Commission
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
FOR	Forest
FPIC	Free, Prior and Informed Consent
HCS	High Carbon Stock
HCV	Highly Conservation Value
IUCN	International Union for Conservation of Nature
LULUCF	Land Use, Land-Use Change and Forestry
NAI	Net Annual Increment
NDC	Nationally Determined Contribution
NPP	Nature Protection Purposes
OGF	Old Growth Forest
PRF	Proposed Forest Reference
RED	Renewable Energy Directive
RIP	Rights of Indigenous Peoples
RRA	Regional Risk Assessment
SBP	Sustainable Biomass Program
SFM	Sustainable Forest Management
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
WDPA	World Database on Protected Areas

2 Foreword

Voluntary schemes play an important role in demonstrating compliance with sustainability and greenhouse gas emissions savings criteria for biofuels, bioliquids, and biomass fuels. According to the Renewable Energy Directive EU/2023/2413 (REDIII), these voluntary schemes can be utilised for various purposes, including certifying that all fuels produced from biomass meet the sustainability criteria specified in the Directive. They also provide accurate information regarding the greenhouse gas emissions savings from these fuels.

On 6 May 2025, SBP received a positive technical assessment of its certification scheme from the European Commission for recognition under the standards of reliability, transparency and independent auditing required by REDIII for certifying compliance with the sustainability and greenhouse gas saving criteria.

The assessment results indicate that the SBP scheme meets the existing standards in force on reliability, transparency and independent auditing for demonstrating compliance with Articles 29(3-7) and 29(10) of the Directive. The recognition is awarded for the following feedstock types: (a) ligno-cellulosic (woody) material derived from forest and non-forest land; (b) processing residues from forest and agriculture-related industries (outside forest and agricultural land); and woody post-consumer waste feedstock.

To support Biomass Producers with a transition to REDIII, SBP has created and published the REDIII Level A risk assessment to assist them in implementing the management systems necessary for compliance with the EU RED sustainability criteria. As an independent document, the REDIII Level A Risk Assessment will replace the Annexe 6 REDII Level A Risk Assessment from the applicable Regional Risk Assessment.

SBP is also developing Regional Risk Assessments for biomass compliance, focusing on legality and sustainability criteria using a risk-based approach. These assessments align with the requirements outlined in SBP Standard 1: Feedstock Compliance. For information on how the REDIII sustainability criteria relate to the SBP Standard 1 requirements, please refer to Section 6 of this document and the associated Regional Risk Assessment.

3 Introduction

The Renewable Energy Directive EU/2023/2413 (REDIII) has strengthened the sustainability criteria for forest biomass. The so-called 'no-go areas' for agricultural biomass have been extended to apply to forest biomass as well.

This means that equally strict requirements shall apply to forest and agricultural biomass. As such, the prohibition on harvesting from the 'no-go areas' is now applicable to forest biomass in Level A and Level B countries. When the country in which the forest biomass originates has legislation and enforcement systems in place to ensure that biomass used for energy is not sourced from these areas, then this is considered to be a low-risk situation. In those cases, Article 29 (6) (a) applies, and the relevant installations producing biomass fuels also need to provide a statement of assurance that the forest biomass does not originate from those 'no-go areas'. In other words, this means that it shall be ensured, at the Biomass Producer level, that the supply contracts include restrictions on the origin of the forest biomass (excluding no-go areas).

Biomass Producers shall not develop a national/sub-national level risk assessment (Level A).

If any sustainability criteria are designated as specified risk at the national/sub-national level (a Level A risk assessment does not indicate low risk for all indicators) or there is no official national/sub-national (Level A) risk assessment available, the Biomass Producer shall implement the risk assessment and, if necessary, risk mitigation at the forest sourcing area level (Level B).

Therefore, where evidence of compliance with one or several harvesting criteria at the national or sub-national level is not available (i.e., it is not possible to justify a low risk), the Biomass Producer shall demonstrate that these criteria have been complied with through management systems that are in place and implemented at the level of the sourcing area.

4 Summary of changes

SBP-RED-US-NF-FOR v1.1	SBP-RED-US-NF-FOR v1.2	Comments
Section 9: LULUCF criteria 29(7) **Level A**	Section 9: LULUCF criteria 29(7) **Level A -** Until January 26, 2026 **Level B -** From January 27, 2026	On January 20, 2025, the United States (US) President signed Executive Order 14162 directing the United States Ambassador to the United Nations to submit a formal written notification of the United States' withdrawal from the Paris Agreement. This formal notification was submitted to the United Nations by the US Ambassador on January 26, 2025. Article 28 of the Paris Agreement stipulates that "withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal" meaning as of **January 27, 2026** the United States will no longer be a party to the Paris Agreement and from this date on Level A for LULUCF will cease to apply to US feedstock.

5 Comparison between REDIII and REDII

REDIII Level A risk assessment	REDII Level A risk assessment	Level of update
Sustainable harvesting criteria 29(6)		
(i) The legality of harvesting operations	(i) The legality of harvesting operations	None
(ii) Forest regeneration of harvested areas	(ii) Forest regeneration of harvested areas	None
(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes, including wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction	(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands and peatlands, are protected unless evidence is provided that the harvesting of that raw material does not interfere with those nature protection purposes	Minor
(iv) That harvesting is carried out considering maintenance of soil quality and biodiversity in accordance with sustainable forest management principles, that avoids harvesting of stumps and roots, degradation of primary forests, and of old growth forests and harvesting on vulnerable soils, that harvesting is carried out in compliance with maximum thresholds for large clear-cuts and ecologically appropriate retention thresholds for deadwood extraction	(iv) That harvesting is carried out considering the maintenance of soil quality and biodiversity with the aim of minimising negative impacts	Major
(v) Harvesting maintains or improves the long-term production capacity of the forest	(v) That harvesting maintains or improves the long-term production capacity of the forest	None
(vi)[1] Biomass fuel shall not be made from raw material obtained from the primary forest (there is no clearly visible indication of human activity) and old-growth forest (signs of former human activities may be visible) (no-go area)	N/A	New
(vi)[2] Biomass fuel shall not be made from raw material obtained from highly biodiverse forests unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes	N/A	New
(vi)[3] Biomass fuel shall not be made from raw material obtained from natural highly biodiverse grassland or non-natural highly biodiverse grassland unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as non-natural highly biodiverse grassland (no-go area for natural)	N/A	New
(vi)[4] Biomass fuel shall not be made from raw material obtained from heathland (no-go area)	N/A	New
(vi)[5] Biomass fuel shall not be made from raw material obtained from land that had the status of wetlands in 2008, and no longer has that status	N/A	New

(vi)[6] Biomass fuel shall not be made from raw material obtained from peatland unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil	N/A	New
(vii) That installations producing biomass fuels issue a statement of assurance that the forest biomass is not sourced from the lands referred to in point (vi)	N/A	New
LULUCF criteria 29(7)		
Is a Party to the Paris Agreement	Is a Party to the Paris Agreement	None
Has submitted a nationally determined contribution (NDC)	Has submitted a nationally determined contribution (NDC)	None
Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement to conserve and enhance carbon stocks and sinks, and provide evidence that reported LULUCF-sector emissions do not exceed removals	Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement	None

6 RED III criteria & SBP Standard 1 requirements

REDIII		SBP Standard 1
Sustainable harvesting criteria 29(6)	Requirement	Indicator
Legality	Legal compliance of harvesting operations	1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5
Regeneration	Forest regeneration of harvested areas	2.2.10: Harvested areas shall be regenerated
Protected areas including wetlands, grassland, heathland and peatlands	Protected with the aim of preserving biodiversity and preventing habitat destruction	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a protected area
Soil quality	Harvesting is carried out in accordance with sustainable forest management principles	2.2.3: soil quality shall be maintained or enhanced
Biodiversity	Harvesting is carried out in accordance with sustainable forest management principles	2.2.2: ecosystems, their health, vitality, functions and services shall be maintained or enhanced.
Harvesting of stumps and roots	Harvesting of stumps and roots should be avoided to prevent any adverse impact on soil quality and biodiversity	2.2.4: shall not lead to irreversible negative impacts to the ecosystem
Harvesting on vulnerable soils	Harvesting is carried out in accordance with sustainable forest management principles	2.1.3, 2.2.2: ecosystems, their health, vitality, functions and services shall be maintained or enhanced
Maximum thresholds for large clear-cuts	Legal requirement or best management practice shall be followed	-
Retention thresholds for deadwood extraction	Legal requirement or best management practice shall be followed	-
Production capacity	Harvesting maintains or improves the long-term production capacity of the forest	2.2.9: Harvesting levels shall be justified as to how they can be sustained
Primary forest and old-growth forest (no-go area)	No-go area: primary feedstock shall not be sourced	3.2.3: considered high carbon stock and high conservation value as a no-go area
Highly biodiverse forests	Restricted area: when harvesting is necessary to preserve the status	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a restricted area
Highly biodiverse grassland (no-go area for natural)	Natural: no-go area Non-natural: restricted area	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a restricted area
Heathland (no-go area)	No-go area: primary feedstock shall not be sourced	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a restricted area
Wetlands	Restricted area: when harvesting is necessary to preserve the status	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a restricted area

Peatland	Restricted area: when harvesting is necessary to preserve the status	2.1.1, 2.1.2, 2.1.3: considered high conservation value as a restricted area
LULUCF criteria 29(7)		
Paris Agreement	Party to the Paris Agreement	3.1.1, Route A
Nationally Determined Contribution (NDC)	Has submitted a nationally determined contribution (NDC)	3.1.1, Route A
Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement to conserve and enhance carbon stocks and sinks, and provide evidence that reported LULUCF-sector emissions do not exceed removals	Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement	3.1.1, Route B

7 Level A Risk Assessment Conclusion

REDIII Level A risk assessment	Scope
REDIII sustainability criteria	US National Forest
Sustainable harvesting criteria 29(6)	
(i) The legality of harvesting operations	Level A
(ii) Forest regeneration of harvested areas	Level A
(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes, including wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction	Level A
(iv) That harvesting is carried out considering maintenance of soil quality and biodiversity in accordance with sustainable forest management principles, that avoids harvesting of stumps and roots, degradation of primary forests, and of old growth forests and harvesting on vulnerable soils, that harvesting is carried out in compliance with maximum thresholds for large clear-cuts and ecologically appropriate retention thresholds for deadwood extraction	Level A
(v) That harvesting maintains or improves the long-term production capacity of the forest	Level A
(vi)[1] Biomass fuel shall not be made from raw material obtained from the primary forest (there is no clearly visible indication of human activity) and old-growth forest (signs of former human activities may be visible) (no-go area)	**Level B**
(vi)[2] Biomass fuel shall not be made from raw material obtained from highly biodiverse forests unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes	Level A
(vi)[3] Biomass fuel shall not be made from raw material obtained from natural highly biodiverse grassland or non-natural highly biodiverse grassland unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as non-natural highly biodiverse grassland (no-go area for natural)	Level A
(vi)[4] Biomass fuel shall not be made from raw material obtained from heathland (no-go area)	Level A
(vi)[5] Biomass fuel shall not be made from raw material obtained from land that had the status of wetlands in 2008, and no longer has that status	Level A
(vi)[6] Biomass fuel shall not be made from raw material obtained from peatland unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil	Level A
(vii) That installations producing biomass fuels issue a statement of assurance that the forest biomass is not sourced from the lands referred to in point (vi)	**Level B**
LULUCF criteria 29(7)	
Is a Party to the Paris Agreement	Level A: Until January 26, 2026
Has submitted a nationally determined contribution (NDC)	Level A: Until January26, 2026
Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement to conserve and enhance carbon stocks and sinks, and provide evidence that reported LULUCF-sector emissions do not exceed removals	**Level B**: From January 27, 2026

8 REDIII Level A risk assessment criteria 29(6)

Sustainable harvesting criteria 29(6)	
The country in which forest biomass was harvested has national or sub-national laws applicable in the area of harvest as well as monitoring and enforcement systems in place ensuring:	
(i) The legality of harvesting operations	
Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Multiple-Use Sustained Yield Act (MUSYA) of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Clean Water Act (CWA) of 1972 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ National Forest Management Act (NFMA) of 1976 ▪ Code of Federal Regulations (CFR) Title 36, Part 220 - National Environmental Policy Act Compliance ▪ CFR Title 36, Chapter 2 Part 261.6 ▪ CFR Title 36, Chapter II, Part 223 Sale and Disposal of National Forest System Timber ▪ CFR Title 36, Section 223.30 - Consistency with plans, environmental standards, and other management requirements ▪ CFR Title 7, Subtitle B, Chapter 3, Part 355 ▪ Lacey Act of 1900 (18 USC 42) ▪ CFR Title 36, Chapter II, Part 262 Law Enforcement Support Activities ▪ CFR Title 40, Parts 1500 – 1508 ▪ 2012 USFS Planning Rule (36 CFR Part 219) ▪ 26 US Code (USC) Section 116 ▪ Convention on International Trade in Endangered Species (CITES)
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ Wikipedia ▪ US Department of Interior (USDI) Fish and Wildlife Service website ▪ US Department of Agriculture (USDA) Forest Service websites
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	All National Forest (NF) Land and Resource Management Plans (LRMPs) must be developed and approved in accordance with MUSYA, NEPA, NFMA, the 2012 USFS Planning Rule and other applicable laws. Applicable laws and regulations are listed within each US Forest Service (USFS) Manual and Handbook, which provide the operational guidance and instruction for USFS staff to implement all aspects of their work. NEPA requires public consultation as a fundamental component of scoping and developing management plans and significant management activities. According to Forest Service Manual (FSM) 1000, Section 1011, USFS supervisors are required to make sure "employees are aware of the provisions of law applicable to their responsibilities and that USFS programs and operations are administered in compliance with applicable laws." All position descriptions include a section on laws, regulations and policies. Further, the USFS Director of Legislative Affairs is responsible for ensuring operational units within the USFS are informed of the relevant content of major laws relating to USFS activities, including notification of newly approved statutes.

	The primary federal statutes guiding the sale of timber from USFS lands are listed in FSM 2400, section 2401. Timber sale contracts and permits are legal agreements used to transact all timber purchases from USFS-managed lands. Timber Sale Contract Administrators regularly conduct site inspections to ensure compliance with contract provisions. Procedures are in place for suspension or termination of timber sale contracts in the event of breach of terms. Timber sale records, including inspection reports, are filed in one of several modules maintained within the USFS Natural Resource Manager (NRM) program including the Forest Service Activity Tracking System (FACTS), Timber Information Manager (TIM), and the Forest Products Financial System (FPFS). Timber and Log Accountability Audits are conducted at minimum once every three years on each NF. Ownership and resource user rights are validated prior to Land and Resource Management Plan (LRMP) and project approval. Landownership is identified and verified by three different sources: Geographic Information System (GIS) information, local and national records and databases and land surveys. The USFS Land Status Records System (LSRS) is an internal database used by USFS staff to manage and access property records. Consultations during the NEPA process provide opportunities to owners and resource users to demonstrate and exercise their rights. These rights are also validated during project design phases. The Lacey Act makes it unlawful to import, export, transport, sell, receive, acquire, or purchase wildlife, fish, or plants that have been taken, possessed, transported, or sold in violation of any U.S. state, federal, tribal, or foreign law. The Lacey Act is enforced by the USDA Animal and Plant Health Inspection Service (APHIS), US Customs and Border Patrol (CBP) and other federal agencies. Violation of the Lacey Act is a federal crime, punishable by civil and criminal penalties up to $500,000 (for corporations) and five years in prison. Forest level timber contract officers are responsible for ensuring forest products are legally harvested and traded. USFS conducts surveillance of log export yards. Logs and loads are required to be identified by USFS (i.e., branded/painted as required by CFR). Log trucks and landings are inspected during timber sale inspections. Citations, fines, imprisonment, forfeiture of assets, contract suspension or revocation are among the enforcement actions available to the USFS for ensuring the implementation of applicable laws and regulations. The USFS Law Enforcement and Investigations (LEI) Division works alongside resource management staff to uphold federal laws and regulations on US National Forests (NFs). All incidents and violations are recorded in the USFS Law Enforcement and Investigations Management Attainment Reporting System (LEIMARS) from discovery through case closure. As a signatory to the Convention on International Trade in Endangered Species (CITES), the US is legally obligated to comply with CITES requirements. The US FWS is the designated as the CITES management authority for the US and maintains responsibility for issuing all CITES permits in the US. Additionally, the USDA APHIS is responsible for enforcing regulations regarding the import and export of plants covered by CITES and the Endangered Species Act (ESA). Export of any species regulated by CITES or the ESA requires a valid Protected Plant Permit issued by APHIS. There are no commercially traded tree species native to the US listed in the CITES appendices.
Sources	▪ Forest Service Handbook (FSH) 2409.12b Timber and Forest Products Trespass/Theft Procedures ▪ Forest Service Manual (FSM) 1000 Laws, Regulations, and Orders ▪ FSM 2400, Section 2430 Commercial Timber Sales ▪ FSM 2400, Chapter 2450 Timber Sale Contract Administration ▪ FSM 5300 Law Enforcement ▪ Forest Service Handbook (FSH) 2309.18a Debarment and suspension Procedures

	▪ FSH 2409.12b Timber and Forest Products Trespassing/Theft Procedures Handbook ▪ FSH 2409.15 Timber Sale Administration ▪ FSH 2409.18a, Timber Sale Debarment And Suspension ▪ FSH 5309.11 Law Enforcement ▪ Timber Activity Control System (TRACS or its successor) ▪ Sales Tracking and Reporting Systems (STARS or its successor) ▪ Forest Products Financial System (FPFS) ▪ Timber Sale Contracts (FS-2400 series) ▪ Grand Mesa, Uncompahgre, and Gunnison (GMUG) NFs Revised Land Management Plan, Appendix 5. June 2024 ▪ Chequamegon-Nicolet National Forest, Land and Resource Management Plan. Appendix AA. April 2004. ▪ National Forest Timber and Log Accountability Audit, Chequamegon-Nicolet National Forest, Medford-Park Falls Ranger District. April 18-20, 2017. ▪ USFS Law Enforcement Investigation (LEI) Reports ▪ Timber Sale Inspection Reports ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	Overall, the USFS possess a well-defined framework with clearly established responsibilities and lines of authority that ensure laws and regulations are implemented, monitored and enforced on NFs. The USFS is subject to a comprehensive suite of laws and regulations that govern all aspects of their operations. USFS Manuals and Handbooks contain detailed protocols that direct the USFS in implementing day-to-day responsibilities. Robust public engagement, including participation by local regional and national advocacy groups, effectively provides external oversight of agency decisions. The USFS has adequate systems and resources in place to ensure the identification of ownership, boundaries and resource use rights. Ownership and resource use rights are confirmed during the project design phases prior to the award of timber sale contracts. USFS staff actively monitor timber harvesting activity to ensure payments associated with timber sales from NFs are received in accordance with contract requirements. Purchasers found in violation of payment terms can be suspended or "debarred" as outlined in FSH 2409.18a.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required
(ii) Forest regeneration of harvested areas	
Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Organic Administration Act of 1897 ▪ Knutson-Vandenberg (K-V) Act of 1930 ▪ Bankhead-Jones Farm Tenant Act of 1937 ▪ Anderson-Mansfield Reforestation and Revegetation Act of 1949 ▪ Multiple-Use Sustained-Yield Act (MUSYA) of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ National Forest Management Act (NFMA) of 1976

	▪ Reforestation Trust Fund, Title III - Recreational Boating Safety and Facilities Improvement Act of 1980 ▪ Repairing Existing Public Land by Adding Necessary Trees (REPLANT) Act of 2021 ▪ 2012 USFS Planning Rule (36 CFR Part 219)
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ Wikipedia ▪ USDA Forest Service websites

Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	NFMA requires that forest areas subject to timber production must be capable of being adequately restocked within five years of harvest. NFMA further requires that harvested areas be inspected after the first and third years after harvest to ensure adequate stocking has occurred. Harvested areas that are not sufficenctly resocked are required to be promptly rescheduted for supplemental reforestation. The K-V Act requires the USFS to collect deposits from timber sale purchasers to cover the costs of reforestation created by timber harvesting, along with associated activities such as site preparation. Timber Sale Contract Administrators ensure that contract provisions are met, including required payments. In 1980, the US Congress established the Reforestation Trust Fund (RTF) allocating up to $30 million annually from tariffs collected on imported wood products to address reforestation needs, and other forest health activities on NFs. In 2021, the REPLANT Act lifted the $30 million cap established in 1980 and has significantly increased funding for reforestation projects, primarily in response to backlogs created by overall reductions in timber sale volume from NFs, and increased reforestation needs caused by large-scale natural disasters, particularly wildfire. Since the passage of the REPLANT Act, the RTF has grown significantly, with a FY 2024 balance of nearly $512 million. FSM 2400 Chapter 2470 provides policies, guidance, and authority for implementing and monitoring silvicultural practices employed on NFs, including regeneration and associated activities. The USFS developed a national reforestation strategy in 2022 to address increasing urgency in reforestation needs on NFs resulting from wildfire and other natural disasters. The USFS found 10% of the Agency's reforestation needs result from timber harvesting, and 1% from failed reforestation efforts. Fully 81% of reforestation needs are caused by wildfire, putting increased stress on the USFS overall reforestation program. The USFS is currently developing plans with specific objectives and actions for implementation of the REPLANT Act at the national and regional scale. Reforestation and Timber Stand Improvement reports are posted annually. Annual accomplishments are provided for tree planting, seeding, site-preparation for natural regeneration and other activities associated with establishing and enhancing reforestation stocking on NFs. Annual reports are also produced summarizing reforestation needs according to causal agents.
Sources	▪ Forest Service Manual (FSM) 2400, Chapter 2470 Silvicultural Practices ▪ Forest Service Handbook (FSH) 1909.12 Chapter 60 Forest Vegetation Resource Management ▪ Forest Service Handbook (FSH) 2409.13 Timber Resource Planning ▪ Forest Service Handbook (FSH) 2409.14 Timber Management Information System ▪ Forest Service Handbook (FSH) 2409.17 Silvicultural Practices ▪ Forest Service Handbook (FSH) 2409.19 Renewable Resources ▪ National Forest System Reforestation Strategy. FS-1198. July 2022 ▪ REPLANT Act National Summary for Fiscal Year 2022 ▪ Annual Reforestation and Timber Stand Improvement Report, Fiscal Year 2022 ▪ Annual Reforestation and Timber Stand Improvement Report, Fiscal Year 2023 ▪ US Department of the Interior and US Department of Agriculture: Reforestation Goals and Assessments, and a Climate-Informed Plan to Increase Federal Seed and Nursery Capacity. April 2023 ▪ Grand Mesa, Uncompahgre, and Gunnison (GMUG) NFs Revised Land Management Plan, Appendix 5. June 2024 ▪ Chequamegon-Nicolet National Forest, Land and Resource Management Plan. Appendix AA. April 2004. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the	☒ Yes

identified law(s)?	☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	An April 2023 assessment of reforestation needs and associated targets on NFs indicates a backlog of 3.6 million acres, mostly resulting from recent wildfires (more than 2.5 million acres burned with high severity in 2020 and 2021). The report identified average annual reforestation accomplishments of 190,000 acres, and a target of completing 1.8 million acres of reforestation by 2030 based on projected staffing and funding levels. As previously noted, the USFS produces annual accomplishment reports detailing completion of various activities associated with reforestation, e.g., tree planting, seeding, and site preparation for natural regeneration. The FY 2023 Annual Reforestation and Timber Stand Improvement Report indicates a total of 209,771 acres of reforestation activities completed (i.e., tree planting, direct seeding, site preparation associated with natural regeneration, natural regeneration without site preparation). The same report indicates a total of 83,937 acres of reforestation needs associated with timber harvesting (i.e., clearcut, seed cut, removal cut, sanitation cut). Information was not provided for the annual area (acres) treated with regeneration activities associated with timber harvests, preventing an assessment of whether the USFS is completing reforestation needs caused by timber harvesting. However, the area associated with reforestation activities is significantly greater than the area treated using harvesting techniques typically associated with regeneration. The most recent REPLANT Act National Summary reports a total of 179,858 acres reforested in FY2022. Fire, insects, disease and weather events accounted for 98,623 acres (54.8%), harvesting led to 72,441 acres (40.2%), and failed earlier reforestation activities resulted in 3,344 acres (1.9%). Reforestation needs attributed to harvest activities in 2022 were reported to be 157,192 acres (Appendix B: Reforestation Needs, 2023 National Summary). These data are taken from two separate reports, and it is not clear whether they can be appropriately compared to each other to assess whether the USFS is keeping up with reforestation needs generated by timber harvesting. Additionally, because the USFS mandate is to sufficiently reforest areas treated with regeneration harvests within five years of harvest, there is no need or requirement to reforest an area equivalent to harvested acres on an annual basis. It is clear the USFS as an organization has been significantly burdened by increases in the area impacted by catastrophic natural disturbances, predominantly wildfire. Challenges include both triaging areas with the greatest risks to further ecosystem damage (e.g., flooding, landslides, degraded water quality, invasive species), as well as reforesting areas below established target stocking levels. The USFS National Reforestation Strategy, and increased allocation of resources for reforestation activities resulting from the REPLANT Act, are both indicative of the high priority the USFS has placed on closing the gap on the backlog of reforestation needs which are driven mostly (over 80%) by wildfire. From 2021 to 2022, the Agency increased funding for reforestation activities in the field by over 300%. Additionally, the USFS continually harvests substantially less than annual net growth.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(iii) That areas designated by international or national law or by the relevant competent authority for nature protection purposes, including in wetlands, grassland, heathland and peatlands, are protected with the aim of preserving biodiversity and preventing habitat destruction

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Wilderness Act of 1964 ▪ Wild and Scenic Rivers Act of 1968 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Clean Water Act (CWA) of 1972 ▪ Endangered Species Act (ESA) of 1973 ▪ National Forest Management Act (NFMA) of 1976 ▪ North American Wetlands Conservation Act of 1989 ▪ 2012 Forest Service Planning Rule (36 CFR Part 219) ▪ Code of Federal Regulations Title 40, Parts 1500 – 1508 ▪ Code of Federal Regulations Title 36, Part 220 ▪ 2001 Roadless Area Conservation Rule ▪
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ Wikipedia ▪ USDI Fish and Wildlife Service Website ▪ USDA Forest Service website
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	All NF lands are periodically inventoried, classified, and mapped using established and documented methodologies and protocols. Field level inventories include stand level assessments, a national forest inventory (FIA), as well as project level inventories. The USFS uses special land designations to ensure key species, habitats, ecosystems, and other areas of high conservation value pertaining to biodiversity are protected in perpetuity. These protected areas include forests, grasslands, wetlands, heathlands, and other terrestrial and aquatic ecosystems. Currently more than 400 distinct Wilderness Areas representing nearly 32 million acres have been formally designated on National Forests by acts of the US Congress. Similarly, the Wild and Scenic Rivers Act of 1968 provides protection for water quality, habitat, and recreation on nearly 5,000 river miles on National Forests. Formal designation as a Wilderness Area or a Wild and Scenic River segment protects these areas from development and management activities that could harm their unique natural characteristics and qualities. In addition, the USFS has designated 58.5 million acres as Inventoried Roadless Areas, representing 31% of the NFS lands. These designations were made under the Roadless Area Conservation Rule, which prohibits roadbuilding and timber harvesting with defined exceptions. Each of these formal designations provide strict protections from development and commercial exploitation. For example, roads, motorized vehicles, mechanized equipment and permanent structures are banned. Logging, mining, and other industrial activities are prohibited (with exceptions for any pre-existing mining rights established prior to 1984). External boundaries of congressionally designated Wilderness Areas and Wild and Scenic River Areas are required to be legally described and mapped following their establishment. Other formal designations for land conservation and protection used within the National Forest System (NFS) include National Monuments, Wilderness Study Areas, National Scenic Areas, National Recreation Areas, Research Natural Areas, National Protection Areas, Special Management Areas, National Historic Sites, and National Scenic and Wildlife Areas. Boundaries may be marked on the ground where

necessary for resource protection. USFS directives such as Forest Service Manuals (FSMs) establish policies and specific procedures for surveying and marking boundaries as needed to locate and protect areas with special designations for conservation.

In addition to designated protected areas, smaller areas with important conservation attributes such as rare plant communities are identified and designated as special management areas. Special Interest Areas (SIAs) are identified in NF LRMPs and represent "the most exceptional ecological communities" on NFs. SIAs function as core areas for conservation of rare features and biodiversity. These areas are mapped and managed to protect, preserve and/or restore key conservation attributes.

The USFS is legally obligated by numerous federal laws (listed above) that prohibit degradation of forests, wetlands, heathlands, grasslands and other native ecosystems. The USFS is mandated by these laws to manage the NFS "to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land" (36 CFR 219.1(b) & (c)). The NFMA, NEPA, CWA, and the 2012 USFS Planning Rule all include requirements that prohibit or significantly limit degradation of sensitive ecosystems including wetlands, peatlands, heathlands and native grasslands. As a result of the regulatory framework that mandates the USFS to consistently emphasize ecosystem health and integrity in the development of LRMPs and project-level activities, any significant degradation or conversion of natural ecosystems to other uses would need to be justified and managed to limit environmental impacts to the extent feasible. The cumulative effect of these laws and directives essentially mandates identification and protection of these natural ecosystems.

All NF lands are periodically inventoried, classified, and mapped using established and documented methodologies and protocols. Field level inventories include stand level assessments referred to as stand exams, a national continuous forest inventory (CFI) referred to as the Forest Inventory and Analysis (FIA), as well as project level inventories (e.g., timber cruises, biological assessments, cultural resource assessment, soil inventories, watershed assessments).

NFMA requires the USFS to identify the suitability of lands for timber production. Low productivity and difficult to regenerate sites are identified in the LRMP. Lands for which timber harvest is not compatible with meeting objectives established in the approved management plan are also designated as unsuitable for timber production. Timber harvesting may occur on some lands deemed unsuitable for timber production in the furtherance of other management objectives (e.g., improved wildlife habitat, watershed restoration) only if such harvesting does not result in irreparable environmental damage. The NFMA prohibits timber harvest in areas where harvesting is likely to cause irreversible damage to soils or water resources. Timber harvest does not, in any circumstances, lead to forest degradation, or diminish the long-term productivity of native ecosystems.

Numerous processes are in place to ensure that lands considered unsuitable for timber production are identified and managed to maintain and enhance ecosystem health, productivity and function. The 2012 USFS Planning Rule requires that LRMPs be developed to maintain or restore ecological integrity of all aquatic and terrestrial ecosystems within the Plan area, including development of standards for maintaining structure, function and composition. Consistent with the NFMA, the 2012 USFS Planning Rule further directs the USFS to identify lands not suited for timber production. Every NF has developed an LRMP, and every LRMP includes the results of a formal analysis of the suitability of timber production on NF lands. Timber harvesting (for the purpose of timber production) on lands not suited for timber production is expressly prohibited (36 CFR 219.11(d)(1)).

NEPA requires an interdisciplinary evaluation of environmental impacts associated with proposed management plans and activities. NEPA processes evaluate all proposed alternatives to ensure timber production is compatible with desired conditions and objectives for that area. Resource specialists (e.g., soil scientists, wildlife biologists, forest ecologists, botanists) participate in interdisciplinary teams and provide reports

	summarizing current conditions and potential impacts from proposed projects on their corresponding areas of expertise. Detailed biodiversity and HCV descriptions are found in specialists reports divided by topic such as aquatic resources, watershed, rare plants, potential wilderness areas, recreation, wildlife, roadless areas and heritage. Once identified, an Environmental Impact Statement (EIS) or Environmental Assessment (EA) describes how the proposal and action alternatives can impact biodiversity. Each NF develops a monitoring and evaluation strategy as part of the LRMP. When developing a monitoring strategy, the Regional Forester is required to coordinate with the relevant responsible officials, USFS State, Private and Tribal Forestry and Research and Development, partners, and the public. Consistent with the 2012 USFS Planning Rule, all LRMPs must include provisions for identification, maintenance and restoration of water resources, specifically including wetlands. Peatlands are a type of wetland. The USFS does not specifically utilize the term heath lands in its vegetation classification system, however health lands would be captured in temperate and boreal grassland and shrubland cover types. For example, the USFS identifies and protects "balds," a term used to describe unique high-elevation, low productivity sites such as Southern Appalachian grassy balds and heath balds that are notable for their lack of forest cover and distinctive plant communities, including rare and endemic species. Further, LRMPs are required to maintain or restore the ecological integrity of all terrestrial ecosystems, including native grasslands, shrublands, and other native non-forest vegetation classifications. Therefore, degradation and conversion to other uses is not consistent with USFS mandates. These requirements are stipulated in the NFMA, the 2012 USFS Planning Rule (36 CFR Part 219, Section 219.11) and FSH 1909.12 Chapter 60 - Forest Vegetation Resource Management. All project-level activities occurring in National Forests are verified as consistent with the approved LRMP through the NEPA process, as described in the corresponding NEPA approval document (36 CR 219.15). NEPA is enforced through a variety of reviews and approvals beginning with the agency-designated Responsible Official (decision-maker). Primary responsibility for ensuring proper implementation of NEPA is vested in the Council on Environmental Quality (CEQ), which was established by the US Congress through the enactment of NEPA. CEQ is located in the Executive office of the President of the United States. All timber harvesting operations on lands administered by the USFS that place forest products on the commercial marketplace are transacted through formal timber sale contracts or permits. These timber sale contracts/permits are comprehensive documents addressing a wide range of issues. NEPA processes and associated specialists reports (e.g., wildlife report, water resources report, soils report) identify protection measures that serve as integrated design features. Site protection measures are reflected in standard contract provisions (applicable to all contracts), and special provisions (specific to a particular contract). All contracts/permits include a map identifying harvest unit boundaries, special management areas, and corresponding protection measures. Conducting regular site inspections of timber sale operations is standard operating procedure for all timber sales occurring on NFs. These inspections review and evaluate all aspects of the logging operations. Inspections are conducted "as often as is necessary" to ensure compliance with timber sale contract provisions. Contract terms allow for suspension or termination of the contract for timber sale inspections are documented and incorporated into the contract file.
Sources	▪ Forest Service Manual (FSM) 1900, Chapter 1950, Environmental Policy, and Procedures ▪ FSM 2000, Chapter 2020 Ecosystem Restoration ▪ FSM 2400 Timber Management ▪ FSM 2520 Watershed Protection and Management ▪ FSM 2600, Chapter 2670 - Threatened, Endangered and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1509.12 Appeals ▪ FSH 1909.12 Land Management Planning

	▪ FSH 1909.14 Resource Inventory Handbook ▪ FSH 1909.15 National Environmental Policy Act (NEPA) ▪ FSH 2409.13 Timber Resource Land Suitability Process ▪ FSH 1909.14 Resource Inventory Handbook ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 2409.15 – Timber Sale Administration ▪ FSH 2409.18 Timber Sale Preparation ▪ Presidential Executive Order 11990: Protection of Wetlands (1977) ▪ Watershed Condition Framework, USDA Forest Service. FS-977. May 2011. ▪ Timber Suitability Analysis for Land Management Planning Technical Guide. FS-WO-EMC. USDA Forest Service. May 2020. ▪ Land and Resource Management Plan, Modoc National Forest. 1991 ▪ Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan. R9-CN-FP. April 2004 ▪ Chequamegon-Nicolet National Forests Final Environmental Impact Summary, 2004 Land and Resource Management Plan. R9-CN-FEIS-Summary. April 2004 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Final Environmental Impact Statement for the Land and Resource Management Plan, National Forests in Mississippi. R8-MB 144 B. USDAA Forest Service. August 2014. ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Land Management Plan, 2015 Revision, Shoshone National Forest. May 2015. ▪ Biennial Monitoring Evaluation Report, Francis Marion National Forest, Reporting Years 2019 and 2020 ▪ Bioregional Assessment of Northwest Forests. USDA Forest Service. July 2020. ▪ Supplemental Report to the Bioregional Assessment of Northwest Forests. USDA Forest Service. March 2021. ▪ Biennial Monitoring Evaluation Specialists Report for 2015-2019, National Forests in Mississippi ▪ Monitoring & Evaluation Specialists Report for FY2020-2023, National Forests in Mississippi ▪ Management Indicator Species Population and Habitat Trends, National Forests in Mississippi. March 2005 ▪ Forest-wide LSR Assessment, Version 1.0, Six Rivers National Forest, USFS Pacific Southwest Region, April 1999 ▪ Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, Volume I. February 1994.Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ US Department of Agriculture, Forest Service. 2023. Future of America's Forest and Rangelands: Forest Service 2020 Resources Planning Act Assessment. Gen. Tech. Rep. WO-102. Washington, DC. ▪ Congressional Research Service. May 19, 2023. Federal Land Designations: A Brief Guide. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	In FY 2023, 2% of the area included in NFS timber sales within the contiguous US (CONUS) was located in areas designated as unsuitable for timber production (See Table 4 of the US National Forests SBP RRA). These 2023 timber harvest areas represent a small fraction (0.2%) of the total forest area (See Table 1 of the US National Forests SBP RRA), and 0.3% of the total timberland area (See Table 5) managed on CONUS NFs. Within the nine NFs sampled for the US National Forests SBP RRA representing 13,154,655 of NFS lands, a total of 65.2% of the NFs area has been designated as unsuitable for timber production (See Table 21 of the US National Forests SBP RRA).

	NFS lands designated as unsuitable for timber production include administratively and congressionally designated protected areas that are managed with the primary objective of preserving biodiversity and preventing habitat destruction. These designations demonstrate the application of a consistent methodology for protecting lands that support sensitive resources or otherwise are dedicated to management objectives that could be threatened by commercial timber production. The RRA assessment found no evidence that areas designated for protection of rare or sensitive ecosystems, high levels of biodiversity, or other conservation values are subjected to timber harvesting or other active management practices that degrade or otherwise threaten the conservation status of these lands.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(iv) That harvesting is carried out considering maintenance of soil quality and biodiversity in accordance with sustainable forest management principles, with the aim of preventing any adverse impact, in a way that avoids harvesting of stumps and roots, degradation of primary forests, and of old growth forests as defined in the country where the forest is located, or their conversion into plantation forests, and harvesting on vulnerable soils, that harvesting is carried out in compliance with maximum thresholds for large clear-cuts as defined in the country where the forest is located and with locally and ecologically appropriate retention thresholds for deadwood extraction and that harvesting is carried out in compliance with requirements to use logging systems that minimise any adverse impact on soil quality, including soil compaction, and on biodiversity features and habitats

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Organic Administration Act of 1897 ▪ Multiple-Use Sustained Yield Act of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Endangered Species Act (ESA) ▪ Clean Water Act of 1972 ▪ Forest and Rangeland Renewable Resource Planning Act of 1974 ▪ National Forest Management Act (NFMA) of 1976 ▪ Federal Land Policy and Management Act of 1976 ▪ 2012 USFS Planning Rule (36 CFR Part 219, section 219.11) ▪ Code of Federal Regulations Title 36, Part 220 - National Environmental Policy Act Compliance ▪ Code of Federal Regulations Title 40, Parts 1500 – 1508 ▪
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ US Environmental Protection Agency website ▪ USDI Fish and Wildlife Service Website ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	**Legal Framework for National Forest System Management** The Organic Act of 1897 established the National Forest System (NFS) and mandated that forest reserves be managed to protect forests and watersheds and provide a continuous timber supply. The Multiple-Use Sustained-Yield Act (MUSYA) of 1960 broadened this mandate to include management for a variety of values, including non-

timber resources, such as wildlife, soils, and water. The National Forest Management Act (NFMA) requires that The NMFA states that timber harvest may only take place where "soil, slope, or other watershed conditions will not be irreversibly damaged," and mandates an interdisciplinary approach to planning and evaluation.

The 2012 USFS Planning Rule stipulates that all Land and Resource Management Plans (LRMPs) must include standards to maintain or restore soil productivity, reduce erosion, and guide ecosystem-based forest management. LRMPs must also ensure ecological integrity and are binding on all forest activities (36 CFR 219.11, 219.15).

Environmental Review and Interdisciplinary Planning
Under the National Environmental Policy Act (NEPA), all significant federal actions—including timber harvests and Land and Resource Management Plans (LRMPs)—must undergo environmental analysis. The analysis includes suitability for timber production as well as evaluating potential effects of harvest on project area resources and values, e.g., soils, water, wildlife. On-site evaluations are conducted in addition to other analyses to confirm that proposed harvest activities include measures to protect the affected environment from damage. NEPA mandates the use of interdisciplinary teams comprised of resource specialists to assess impacts and develop mitigation measures as needed to prevent significant environmental damage. Forest Service Manual (FSM 1900, Chapter 1950) and Forest Service Handbook (FSH 1909.15) outline procedures for implementing NEPA reviews.

Soil and Watershed Protection
Soil protection is a consistent mandate across multiple legal instruments. The Forest Service Manual (FSM 2550) on Soil Management establishes a framework to sustain ecological function and soil quality. The Soil Disturbance Monitoring Protocols and Soil Disturbance Field Guide provide guidance for identifying and mitigating degradation. FSM 2500 and FSH 2509.15 direct that forest activities minimise short-term soil impacts and maintain long-term productivity, organic content, and nutrient levels.

Timber Harvesting and Contract Implementation
LRMPs are required to maintain or restore the ecological integrity of all terrestrial ecosystems. Each proposed timber sale must align with an approved LRMP and be supported by a NEPA environmental analysis conducted specifically for the proposed activity. These analyses include evaluations of current and desired conditions, suitability for timber production, and potential ecological effects. Detailed silvicultural prescriptions are prepared and approved by certified silviculturists.

Harvest openings are associated with all types of timber harvests, although the upper size limits are primarily intended to limit the size of clearcuts (i.e., thresholds for large clearcuts). Forest canopy opening size resulting from timber harvests are generally limited to 40 acres by the 2012 USFS Planning Rule, although exceptions are allowable to achieve desired ecological conditions (FSH 1909.12, Chapter 60 - Forest Vegetation Resource Management). These limits are reflected in approved silvicultural prescriptions, implemented in timber sale design, timber sale contracts, and enforced in Timber Sale Administration inspections. Slash and Stump Management.

Stump removal within harvest sites is atypical and is typically confined to road and landing construction. Any stumps removed from the ground are left on site and sometimes repurposed for erosion control. Logging slash may be scattered, burned, chipped, or removed from the site depending on conditions and wildfire risk. Stumps are not harvested or otherwise removed from the site.

Regarding locally and ecologically appropriate deadwood retention, LRMPs and NEPA-generated site-specific measures are developed and implemented to ensure proper slash management and retention of dead wood to protect soils and maintain habitat elements like downed coarse woody debris. Regional initiatives such as the Northwest Forest Plan and the Sierra Nevada Forest Plan Amendment also establish minimum standards for retention and recruitment of deadwood including snags, downed logs, and coarse woody debris.

	Biodiversity and Species Protection Several laws, including NFMA, NEPA, and ESA, require the USFS to identify and protect rare, threatened, and endangered (RTE) species and habitats. The US Fish and Wildlife Service (USFWS) and NOAA maintain official species lists codified in 50 CFR 17.11 and 17.12. The USFS must integrate public engagement and scientific evaluation when developing activities that may impact RTE species. **Monitoring and Continuous Improvement** NFs are required to monitor management impacts in alignment with LRMPs. The Forest Inventory and Analysis (FIA) Program includes a national soil monitoring strategy, providing baseline data on forest soil health. Monitoring informs adaptive management and helps evaluate effectiveness of conservation practices and BMPs implemented across the NFS.
Sources	▪ Forest Service Manual (FSM) 1000 – Laws, Regulations, and Orders ▪ FSM 1900, Chapter 1950, Environmental Policy, and Procedures ▪ FSM 2000, Chapter 2020 Ecosystem Restoration ▪ FSM 2380 Landscape Management ▪ FSM 2400 Timber Management ▪ FSM 2470 Silvicultural Practices ▪ FSM 2520 Watershed Protection and Management ▪ FSM 2550 Soil Management ▪ FSM 2600, Chapter 2670 - Threatened, Endangered and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1909.12 Land Management Planning Handbook ▪ FSH 1909.14 Resource Inventory Handbook ▪ FSH 1909.15 National Environmental Policy Act Handbook ▪ FSH 2090.11 Ecological Classification And Inventory Handbook ▪ FSH 2409.13 Timber Resource Land Suitability Process ▪ FSH 2409.18 Timber Sale Preparation Handbook ▪ FSH 2509.19 National Best Management Practices ▪ FSH 2509.22 - Soil and Water Conservation Handbook ▪ FSH 2509.25 - Watershed Conservation Practices Handbook ▪ National Best Management Practices for Water Quality Management on National Forest System Lands. Volume 1: National Core BMP Technical Guide. FS-990a. USDA Forest Service. April 2012. ▪ Forest Soil Disturbance Monitoring Protocol: Volume I: Rapid Assessment. USDA Forest Service, General Technical Report WO-82a, September 2009. ▪ Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan). USDA Forest Service. 1994. ▪ Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within Range of the Northern Spotted Owl (Northwest Forest Plan). USDA Forest Service. 1994. ▪ Sierra Nevada Forest Plan Amendment, Environmental Impact Statement Record of Decision. USDA Forest Service. 2001. ▪ California Soil Conservation Standard Guidelines ▪ California Regional Water Quality Control Board Fall Monitoring Form - Hog Fire Salvage. Jan2024 ▪ California Regional Water Quality Control Board Winter Monitoring Form - Hog Fire Salvage. May 2023. ▪ Policy and Procedures for The Review of Major Federal Actions with Environmental Impacts, US Environmental Protection Agency. September 26, 2023 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Land and Resource Management Plan, Six Rivers National Forest. USDA Forest Service. 1995 ▪ Revised Land Management Plan, Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. USDA Forest Service. June 2024.

	▪ Lassen NF LRMP Soils Standards and Guidelines ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ Amendment 2008-01, Land and Resource Management Plan, Six Rivers National Forest, April 2008 ▪ Forest-wide LSR Assessment, Version 1.0, Six Rivers National Forest, USFS Pacific Southwest Region, April 1999 ▪ Summary of Tribal Collaboration and Consultation: Proposed National Old-Growth Amendment. USDA Forest Service. April 2024. ▪ Forest Wide LSR Assessment, V.1.0. Six Rivers National Forest. USDA forest Service. Aprill 1999. ▪ Harling, W., Tripp, B., Western Klamath Restoration Partnership; A Plan for Restoring Fire Adapted Landscapes. Submitted to Patricia Grantham, Forest Supervisor, Klamath National Forest. June 30, 2014 ▪ Fiscal Year 2021 Landscape Scale Restoration Program National Guidance. USDA Forest Service. January 9, 2020. ▪ Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests, Revised Draft Forest Assessments, Terrestrial Ecosystems. ▪ Interpreting Indicators of Rangeland Health (Technical Reference 1734-6). ▪ Central Valley Regional Water Quality Control Board Inspection Report - Diamond Oro Oski Timber Sale Project-LNF Sept 2023 ▪ Wilson Fire Effectiveness Monitoring Report JUNE2020 (Lassen NF) ▪ Timber Sale Administration Report Thousand Springs Timber Sale – March 2024.DRAFT Upper Butte Creek Soils Report-27DEC2023 ▪ Suckling, K., Mehrhoff, L.A., Beam, R., Hartl, B. Center for Biological Diversity. A Wild Success; A Systematic Review of Bird Recovery Under the Endangered Species Act. June 2016. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	The USFS is legally obligated to adhere to numerous federal laws such as NFMA that require implementation of sustainable forest management principles and prohibit adverse impacts to habitat and native ecosystems. LRMPs are required to maintain or restore the ecological integrity of all terrestrial ecosystems, and therefore forest degradation and conversion to other uses is not consistent with USFS mandates. Timber harvests are carried out in a manner consistent with the protection of soil and other critical resources that can occur only when soil is not irreversibly damaged. In practice, harvesting of stumps and roots is not known to occur on NFs. The USFS utilizes several systems and tools to ensure ecosystems, their health, vitality, functions and services in NFs are maintained or enhanced by the USFS operations. USFS staff specialists and external experts conduct comprehensive analysis for planning and implementation at the NF and project site level as legally required by NEPA. Specific design features are developed and implemented for protection of soil, water and other natural features. A structured timber sale preparation and execution process, including ongoing site inspections of harvest operations, ensure compliance with contract stipulations for site protection. Ongoing monitoring of soil health takes place through multiple efforts including BMP monitoring by USFS and state agencies, FIA inventory measurements, NF and site-level planning, and Forest Soil Disturbance Monitoring Protocol assessments. The ESA requires that all federal agencies including the USFS conserve RTE species and the habitats critical to their ongoing viability. Under section 7(a)(2) of the ESA and FSM 2670.31, the USFS is required to initiate consultation or conference with the US FWS when they determine that proposed activities may affect federally listed RTE, proposed, and candidate species. As stipulated in FSM 2670, a formal BA is conducted to ensure actions taken by the USFS don't negatively impact the viability of native species. As a

	result of these consultations, which are formally documented, the US FWS and USFS may agree on a set of reasonably prudent measures to reduce any harm, and most importantly, agree that the action overall will serve to protect species viability. These measures are then implemented by the USFS, monitored for effectiveness, and reported back to the US FWS. According to the Center for Biological Diversity and other sources, the ESA is the "strongest law for protecting biodiversity passed by any nation" with a success rate of preventing the loss of over 99% of species listed as threatened or endangered (Suckling, et al., 2016). In addition to federally listed species, each Regional Forester develops and maintains a list of SCCs. Protections for SCCs and their associated habitats are employed at the NF and Region level.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(v) That harvesting maintains or improves the long-term production capacity of the forest

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Organic Administration Act of 1897 ▪ Multiple-Use Sustained Yield Act of 1960 (16 USC 528-531) ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ National Forest Management Act (NFMA) of 1976 (P.L. 94-588) ▪ 2012 USFS Planning Rule (36 CFR Part 219) ▪ Repairing Existing Public Land by Adding Necessary Trees (REPLANT) Act of 2021 ▪ 16 US Code Chapter 36 ▪ Code of Federal Regulations (CFR) Title 36, Part 219 Planning ▪ CFR Title 36, Part 220 National Environmental Policy Act Compliance ▪ CFR Title 36, Part 221 Timber Management Planning
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The MUSYA and NFMA both require that harvest levels on NFs must be established such that harvest quantity does not exceed levels that can be sustained in perpetuity. The annual volume of timber harvested from each NF must be no more than the quantity that can be produced on a sustained-yield basis (16 USC Section 1611). Compliance with this requirement is evaluated over 10-year periods used to calculate annual sale quantity (ASQ) in the LRMP. Timber removal for a given year can exceed the Allowable Sale Quantity (ASQ) only as long as the calculated decade removal is not exceeded. Any departures from this approach must be subject to public review and consistent with established objectives in the LRMP. Timber harvested in salvage operations is excluded from the ASQ. The USFS retains sufficient flexibility in their operating plans to allow salvage or sanitation harvesting of timber stands that are "substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack" (NFMA Section 13 (b)). The USFS can substitute salvaged timber for timber that would otherwise be sold under the LRMP, or if not feasible, sell such timber over and above the calculated LRMP volume (16 USC 1611).

	The RPA directs the USFS to conduct periodic inventories of present and potential forest resources, including timber, and to assess current and anticipated demand and supply of forest resources. The 2012 USFS Planning Rule, 36 CFR 219 outlines LRMP requirements for timber management in Section 219.11. The quantity of timber sold must be "limited to an amount equal to or less than that which can be removed from such forest annually in perpetuity on a sustained yield basis." Section 219.5 further requires that forest activities such as timber sales must be demonstratively consistent with applicable components of the LRMP. Stand-based inventory data is used in combination with FIA data in the development of specific LRMP objectives such as desired future conditions and harvest levels for forest areas determined as suitable for timber harvest. Long-term sustained yield modeling is conducted as part of the LRMP revision process, using the most current inventory data and factoring in loss due to mortality or disturbance events. Calculation of ASQ is calculated for 10-year intervals for each planning period, in consideration of other resources and uses, using growth and yield modeling tools. ASQ is required to be developed at the Forest level or at the level of the administrative management unit when NFs are administratively combined. ASQ is the maximum amount allowed, not a requirement to achieve. ASQ and planned timber harvesting levels are documented in LRMPs. All LRMPs and significant management activities such as commercial timber sales are subject to comprehensive environmental review consistent with NEPA. The NF LRMP, Final EIS and alternatives are developed through in interdisciplinary process that involves public comment and feedback. As a fundamental step in the planning process, each NF is required to identify areas deemed suitable for timber production. The forest types, age class, and desired forest condition for each forest type are used to calculate the ASQ. The NF is required to monitor the implementation of the LRMP to assure that management outcomes are consistent with LRMP objectives. Each LRMP includes a monitoring and evaluation plan. Data housed in Timber Information Management (TIM), Forest Products Financial System (FPFS) and the Central Data Warehouse (CDW) systems enable the USFS to track timber harvest volumes established in the LRMP and timber harvest volumes included in timber sales using reports such as the Periodic Timber Sale Accomplishment Reporting (PTSAR) and Cut and Sold standard reports housed in CDW.
Sources	▪ Forest Service Manual (FSM) 1900 Planning ▪ FSM 2400 Timber Management ▪ Forest Service Handbook (FSH) 1909.12 Chapter 60 Forest Vegetation Resource Management ▪ FSH 1909.14 Resource Inventory ▪ FSH 1909.15 National Environmental Policy Act ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 2409.13 Timber Resource Planning ▪ FSH 2409.14 Timber Management Information System ▪ FSH 2409.18 Timber Sale Preparation ▪ National Forest System Reforestation Strategy. FS-1198. USDA Forest Service. July 2022. ▪ Policy and Procedures for The Review of Major Federal Actions with Environmental Impacts, US Environmental Protection Agency. September 26, 2023 ▪ Land and Resource Management Plan, Modoc National Forest. 1991 ▪ Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan. R9-CN-FP. April 2004 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Chequamegon-Nicolet National Forests Land and Resource Management Plan Monitoring and Evaluation Report: 2016 – 2017. USDA Forest Service. May 2019. ▪ Interviews and correspondence with USDA Forest Service staff.

Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	As stated in 36 CFR Part 221.3, management plans for NF timber resources must provide for a continuous supply of timber, based on sustained yield principles, to provide for an even flow of timber in consideration of forest conditions and other uses, and establish maximum allowable harvest levels bound by time and area. Each NF is required by law to develop and implement an LRMP, and to revise the Plan periodically or in response to material changes to the forest environment or in operating conditions. As part of the NEPA process for each proposed management project, data regarding suitability for timber production is updated for the lands within the project area. Each LRMP includes a determination of forest areas suitable for timber production, as well as an ASQ calculated for 10-year increments. LRMPs vary considerably in terms of the age of the Plan; however, all Plans include these fundamental components. The LRMP and associated ASQ is approved by the Regional Forester District Foresters, Forest Silviculturist, and Line Officers who are responsible for ensuring harvesting levels remain within sustainable levels. According to interviews with staff, the ASQ target does not serve as a mandate for their project planning and implementation. ASQ is one of several measures used to evaluate attainment of LRMP objectives and is not typically prioritized relative to achieving ecosystem maintenance and restoration goals. The latest FIA data indicates that at a national level, NFS lands grow significantly more volume than is harvested or lost to mortality, unless caused by catastrophic natural disturbances. Harvest levels in time and space are specified in LRMPs through decisions made in compliance with NEPA. Project-level harvests must follow LRMP direction in time and space or the LRMP must be amended (in compliance with NEPA).
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vi)[1] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (3): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

(a) primary forest and other wooded land and old growth forest, namely forest and other wooded land of native species, where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed; and old growth forests as defined in the country where the forest is located. If there is no definition of **old growth forest** at the national level, then the following definition shall apply: *A forest stand or area consisting of native tree species that have developed, predominantly through natural processes, structures and dynamics normally associated with late-seral developmental phases in primary or undisturbed forests of the same type. Signs of former human activities may be visible, but they are gradually disappearing or too limited to significantly disturb natural processes.*

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☐ Yes ☒ No, Level B route is required
List of applicable law(s)	▪ Sundry Civil Appropriations Act (Forest Service Organic Act) of 1897 ▪ Antiquities Act of 1906 ▪ Multiple-Use Sustained-Yield Act of 1960

- The Wilderness Act of 1964 (Pub. L. 88-577)
- The Wild and Scenic Rivers Act of 1968 (16 USC 1271-1287)
- National Trails System Act of 1968 (16 USC 1241)
- National Environmental Policy Act (NEPA) of 1969
- Clean Water Act (CWA) of 1972
- Endangered Species Act (ESA) of 1973
- Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974
- National Forest Management Act (NFMA) of 1976
- Roadless Area Conservation Rule of 2001 (36 CFR Part 294)
- Healthy Forests Restoration Act (HFRA) of 2003 (16 USC 6501-6591)
- 2012 USFS Planning Rule (36 CFR Part 219)
- Federal Land Policy and Management Act (FLPMA) of 1976
- Code of Federal Regulations Title 36, Part 220 National Environmental Policy Act Compliance
- Code of Federal Regulations Title 36, Part 251 Land Uses
- Code of Federal Regulations, Title 36, Part 292 National Recreation Areas

Note: Numerous federal laws require the USFS to identify, protect and enhance old-growth and other highly biodiverse ecosystems occurring on NFs. Statutory and regulatory protections vary depending on land use classification as well as forest condition and threat level. This approach is consistent with the guidance for "strict protection" provided by the European Commission. Section 4.1.1 of the EC "Criteria and guidance for protected areas designations" states that "only limited and well-controlled activities that either do not interfere with natural processes or enhance them will be allowed," and further recognizes that "strictly protected areas may also be areas in which active management sustains or enhances natural processes" where "management activities should be limited to those necessary for the restoration and/or conservation." Similarly, Section 6 of the EC "Guidelines for Defining, Mapping, Monitoring and Strictly Protecting Primary and Old-Growth Forests" states "Management activities authorized in areas of primary and old growth forests should only include those that are essential for supporting or enhancing natural processes and those that are necessary for restoring and/or conserving the habitats and species for whose protection the area has been designated."

The Wilderness Act, Wild and Scenic Rivers Act, and Roadless Conservation Area Rule establish mechanisms for protection of landscape level ecosystems identified as having retained all or most of the characteristics and functions of natural, endemic ecosystems. The USFS is required to manage designated Wilderness Areas to maintain their "primaeval character" such that they are principally affected by "the forces of nature." The Wilderness Act designates areas for preservation where logging, road construction and mechanized or motorized equipment are prohibited. The Antiquities Act allows for the establishment of National Monuments on federal lands. The level of protection, including restrictions on timber harvesting, depends on the specific language of each presidential proclamation or enabling legislation that establishes a National Monument. Some National Monument proclamations explicitly prohibit commercial timber harvesting within their boundaries, while others allow it for specific purposes such as ecological restoration, fire risk reduction, or public safety.

Wilderness Areas, Wild and Scenic River corridors, National Monuments, National Recreation Areas, and National Scenic Areas are formal designations for natural areas that are statutorily protected from commercial timber harvesting. Inventoried Roadless Areas, Research Natural Areas, and Ecological Reference Areas are established by federal regulation adopted by the USFS under executive authority. Some designations may allow limited timber harvest for restoration, safety, or research, but not for commercial wood production. The Roadless Area Conservation Rule prohibits timber harvesting except in limited cases to address natural disturbances such as pests, public health and safety, or to improve habitat for threatened, endangered or sensitive species.

With the exception of previously mentioned laws that establish specific designations for preservation and protection, there are no other federal statutes that categorically

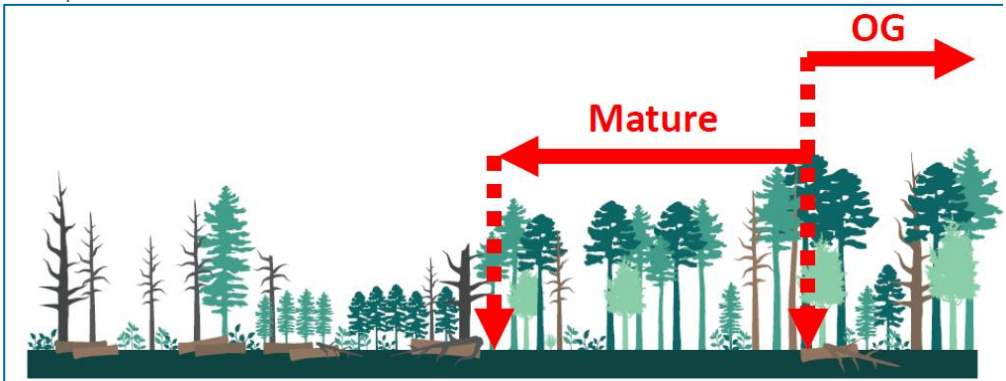
	prohibit timber harvesting on old-growth or primary forests within the NFS. However, the cumulative effect of these statutes, along with NEPA, ESA, NFMA, and the 2012 Planning Rule, is a framework of robust protections for primary and old-growth forests on NFS lands, making timber harvesting in these areas exceedingly rare at the national scale, and limited only to conservation objectives required to prevent loss or degradation. The Forest Service Organic Act formally established national "forest reserves" (now called National Forests) for the purposes of sustainable timber production, watershed protection and forest conservation. Two fundamental management philosophies underpinning the establishment and management of the NFS are multiple-use and sustained yield of all natural resources. However, all uses are not optimized on all acres. While early management focused on sustainable production of timber and water, contemporary management of NFs requires balancing competing uses, including maintaining biodiversity and viable populations of native species and ecosystems. Importantly, the increasing influence of climate change on stress factors such as prolonged drought, extreme hot and dry weather has brought significant, detrimental impacts to NFs. Catastrophic wildfire, severe insect and disease infestations, and abnormally high fuel loads now represent the greatest threats to primary and old-growth forests in the US. As a result, current management increasingly emphasizes maintenance and restoration of native ecosystems, reducing wildfire risks, and mitigating climate impacts. The USFS now prioritizes management interventions that enhance forest resilience, such as prescribed burns and selective harvesting. Level B route is required because there are no national laws that categorically prohibit timber harvesting in old-growth or primary forests. Active management intervention may be required to prevent further loss of primary and old growth forests. Any timber harvesting that may occur in primary and old-growth forests would be limited to situations where these forests are unlikely to persist without treatment, and only in pursuit of ecological conservation objectives that maintain or enhance characteristics and values unique to those forests.
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The US Forest Service uses the terms "mature" and "old growth," to describe forests that have developed ecological characteristics typical of forest ecosystems in the later stages of development. Mature and old-growth definitions are largely based on structural characteristics rather than disturbance-related criteria. The term "primary forest" is not formally defined by the USFS, however the concept aligns closely with classifications such as mature and old-growth forests, Late-Successional Reserves (LSRs), designated wilderness areas, inventoried roadless areas, and Special Interest Areas. Although no formal analysis is known to exist, there is undoubtedly significant overlap between primary forests as defined by the United Nations (UN) Food and Agriculture Organization (FAO), and mature and old-growth forests as defined by the USFS. It's possible if not likely that all old-growth forests also meet the FAO definition of primary forests. USFS inventoried roadless areas, Wilderness Areas, and mature and old growth forests may represent a reasonable corollary to primary forests within the NFS. To account for variability in characteristics across forest types and geographies, the USFS uses definitions for old growth that have been developed by each of the USFS

Regions. Old-growth forest is typically characterized by structural complexity, including large/old trees, multi-layered canopies, diverse age classes, significant deadwood (snags and logs), and minimal human disturbance. As stated in the Draft Environmental Impact Statement for the Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System, old-growth forests are "dynamic systems distinguished by old trees and related structural attributes. Old-growth encompasses the later stages of stand development that typically differ from earlier stages in a variety of characteristics, which may include tree size, accumulations of large dead woody material, number of canopy layers, species composition, and ecosystem function" (US Forest Service, 2024).

All regional definitions for old-growth include structural characteristics (e.g., presence of large trees). Many Regional definitions also establish minimum thresholds for stand or tree age, and occurrence of standing and downed deadwood in definitions for mature and old growth forests. For example, old-growth forests for the USFS Northern Region (Region 1) include minimum thresholds for large tree age, the density of live large trees, and basal area of live trees (> 5 in. dia.) for each old-growth forest type and habitat type group, in each of three geographic areas. In the Northern Idaho zone of Region 1, there are ten discreet old-growth forest types defined. Old-growth forest type 1, comprised of Ponderosa pine, Douglas-fir, and Western larch, found in habitat type groups A and B, is defined by an old tree age of 150 years, at least 8 trees >/= 21" diameter per acre, and at least 40 square feet per acre in basal area of live trees > 5" in diameter. These definitions are found in Annex 1 of the USFS 2023 report on mature and old growth forests. Definitions for mature forests are found in Annex 2 of the same report (USDA Forest Service, Washington Office. FS-1215a. April 2023).

The definition of mature forest is based on stand development stages following disturbance (Oliver and Larson, 1996) and captures the stand development periods from understory reinitiation to onset of old growth (See Figure 1). Mature forests are typically often evidenced by closed canopies, dominant trees at peak growth rates, and early old-growth features. Depending on the forest type and site characteristics, the stand age of mature forests may range from approximately 35 years to over 150 years. Unless otherwise protected (e.g., Wilderness Areas, Wild and Scenic River segments, Primitive Areas, Inventoried Roadless Areas, National Monuments), productive mature forests may be considered suitable for timber production and subject to multiple-use management, including commercial timber harvesting.

Figure 1: Four-stage forest development model for several ecosystem archetype examples.

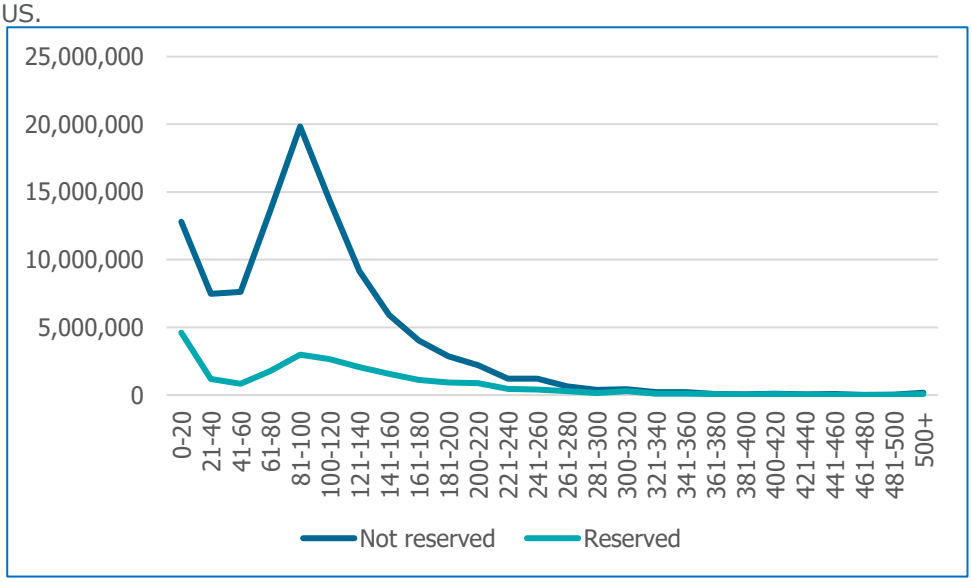


Source: USDA Forest Service, Washington Office. FS-1215a. April 2023.

The US Forest Service first began the management of National Forests (previously referred to as "forest reserves") in 1905. During the first four decades of management

under the USFS, commercial timber harvesting on NFs was modest in scope and scale. It was not until the US involvement in World War II in the early 1940's that the USFS began to implement a robust and organized timber sale program, resulting in a significant increase in harvested area on NFs (Congressional Research Service, Updated 2022).

Figure 2. 20-year age class distribution by acres on National Forests in the contiguous US.



Source: USDA Forest Service FIA Program EVALIDator Tool.

The advent of the USFS timber sale program is evident in the age class distribution within NFs (See Figure 2), which shows a pronounced spike in stand age at 80 to 100 years that corresponds with the WWII era. The steep rise in forest stands aged 40 to 80 years reflects a period of vigorous commercial timber harvesting beginning in the 1940's. This trend is also apparent in historical timber harvest volume records (Congressional Research Service, Updated 2022). Consequently, it is reasonable to deduct that a significant majority of mature (roughly 80+ years old) and old-growth (roughly 120 – 150+ years old) forests occurring within NFs are not likely to have been subjected to significant, if any, commercial timber harvesting activities,. Therefore, although an unknown proportion of these forests could be transected by roads, both mature and old-growth forests serve as a reasonable proxy for "primary" forests, (i.e., ecological processes are not significantly disturbed).

Old-growth forests on NFs are managed principally for conservation and habitat protection. A memorandum issued by the US Secretary of Agriculture in June 2022 clarifies the intent of the USDA, including the USFS, to continue protection of old-growth stands consistent with approved LRMPs or by specific direction provided by the Secretary.

Currently 429 distinct Wilderness Areas representing approximately 32 million acres have been formally designated in NFs in the contiguous US by acts of the US Congress (Wilderness Connect). These Wilderness Areas include a wide range of ecosystems, including forests. Similarly, the Wild and Scenic Rivers Act of 1968 provides protection for water quality, habitat, and recreation on nearly 5,000 river miles in NFs. Formal designation as a Wilderness Area or a Wild and Scenic River corridor prohibits commercial logging.

In total, over 50% of the forest area (i.e., reserved, inventoried roadless areas, unsuitable for timber production) across all CONUS NFs has been essentially excluded from commercial timber harvesting (See Table 1). The designated reserve areas are legally protected to preserve their natural values. From a practical perspective, most areas supporting old-growth and primary forest characteristics are captured in "reserved" land classifications (e.g., wilderness, national monuments, national

recreation areas, wild and scenic river corridors, national scenic areas) as well as Inventoried Roadless Areas (IRAs) which collectively represent 47% of the forested area on NFs in the contiguous US. IRA's are managed under the Roadless Area Conservation Rule (36 CFR 294) which prohibits new road construction, road reconstruction, and commercial timber harvesting with limited exceptions. IRAs are not considered to be reserved areas as they are not statutorily designated. However, IRAs are protected by federal regulation, which carries the full force and effect of federal law.

Table 1. Area by land use on NFs in the contiguous US.

Land Use	Acres	% Acres
Total Forest Area	144,164,110	100%
Reserved Area	24,829,152	17%
Inventoried Roadless Area	43,402,700	30%
Other Productive Forestlands	98,645,163	38%
Non-productive (Unsuitable for timber production)	20,689,795	14%

Source: USDA Forest Service FIA Program EVALIDator Tool, and Congressional Research Service, 2020.

Several regional and other sub-national initiatives have been implemented to provide additional management designations for protection of forest areas that support mature and old-growth characteristics. The 1994 Northwest Forest Plan (NWFP) established reserves for protection of designated riparian conservation areas and late-successional habitat on 17 NFs in WA, OR, and northern CA. The LRMPs for these NFs are formally tiered to the NWFP, resulting in de facto adoption of designated protected areas and associated conservation measures. Late-Successional Reserves (LSRs) established on 6.79 milliona acres of NFs by the NWFP are recognized as having high conservation value as habitat reserves for federally-listed species requiring late seral habitat, and therefore include areas that qualify as mature and old-growth forests. Within LSRs, limitations are placed on timber harvesting based on stand size, age and conditions. For proposed management activities in these areas, NFs are required to demonstrate they contribute to the conservation objectives associated with those areas and must receive permission from the Region Office (RO) and Washington Office (WO) to proceed with proposed activities. The 2004 USFS Sierra Nevada Forest Plan Amendment (referred to as the Sierrra Framework) established a comprehensive set of policies to direct the management of 11.5 million acres in California. As a result, approximately 40% of 11 NFs is designated as old-growth emphasis areas. Timber harvesting is prohibited in these areas except in extreme situations to reduce risk of catastrophic wildfire, particularly in proximity of communities at risk.

NFs consider protection or restoration measures limiting management actions in old-growth stands through forest specific LRMP components or by specific Secretarial direction, such has the NWFP or the Sierra Framework. Many NFs have developed desired conditions for old-growth forest within their LRMPs which provide further protections for these forests, beyond those identified through congressional or administrative designations.

In recognition of the increasing threats to forests from climate impacts, catastrophic wildfires, insect and disease infestations, and in consideration of the relative scarcity and importance of mature and old-growth forests, Presidential Executive Order (EO) 14072 directed the USFS to inventory these areas occurring on NFs, analyze threats using a science-based approach, and to "institutionalize climate-smart management and conservation strategies that address threats to mature and old-growth forests". The USFS was further directed to improve the resilience of mature and old-growth forests "in the face of increasing disturbances and chronic stress arising from climate

impacts." More recently, EO 14154 ("Unleashing American Energy") issued in January 2025 rescinded EO 14072, effectively terminating further action to advance associated policies. Further, EO 14225 ("Immediate Expansion of American Timber Production") was issued in March 2025 and directs federal land management agencies, including the USFS, to "facilitate increased timber production and sound forest management," and to reduce the time for regulatory review and approval of timber sales.

EOs provide guidance that directs federal agencies to take specific actions to implement statutes that have been passed by Congress and signed into law by the President. While EOs may direct current agency priorities, they do not change or override existing law. EOs that are consistent with the President's duties under the Constitution and existing law are legally binding on federal agencies. An EO that is unconstitutional or otherwise in violation of existing law, may be invalidated by the federal courts. Congress may also enact new or revise existing laws to either adopt or invalidate an EO. The Constitution reserves certain responsibilities to Congress, and an EO may not supersede those responsibilities. For example, the Constitution reserves to Congress the responsibility to pass legislation and appropriate funding for agency programs. Federal agencies follow and enforce the laws enacted by Congress. Because of the Constitutional duties reserved to Congress, every EO includes statements making clear that the EO must be carried out in accordance with applicable law.

In response to EO 14072, and in collaboration with the US Bureau of Land Management (BLM), the USFS completed an inventory of old-growth and mature forests on lands managed by the two agencies. Results of the inventory show that approximately 17% of all NFs are identified as old-growth forests, and an additional 47% of NFs are classified as mature forests. The data further show that 55% of old-growth forests and 37% of mature forests are currently protected under existing laws and rules that preclude commercial timber harvest (e.g., Wilderness Areas, Inventoried Roadless Areas, and National Monuments).

Table 2. Total area (acres) of mature and old-growth forests on forest lands managed by the USDA Forest Service.

Land Use Allocation	Younger Forests	Old-Growth Forests	Mature Forests	Total Forest Lands
Wilderness	9,827,808	4,161,985	9,424,208	23,414,001
Inventoried Roadless Area	12,007,981	9,380,903	15,697,393	37,086,277
National Monument	250,113	88,470	219,478	558,061
Other	29,366,970	11,107,006	42,795,878	83,269,854
Total	***51,452,872***	***24,738,364***	***68,136,957***	***144,328,194***

Source: Mature and Old-Growth Forests. USDA Forest Service. April 2024 (revised).
Note: Excludes 3.4 million acres in Alaska.

A 2024 threat analysis found that old-growth and mature forests have a high level of exposure to numerous threats. FIA measurements taken since 2000 indicate that cutting trees was found to be a minor threat to old-growth and mature forests. Although timber harvesting has been the primary historical driver for loss of old-growth and mature forests, recent analysis shows that wildfire and insects and disease are now the dominant causes. Losses from tree cutting are the third-ranking contributor nationally, accounting for less than 1% of net loss in old-growth and mature forests. This is critical point, because there are no national laws that categorically prohibit timber harvesting in old-growth or primary forests. In fact,

conditions and circumstances driven by climate change are now overwhelmingly the primary threat to old-growth and primary forest occurring on NFs. Extended periods of drought and excessive heat, in combination with a prolonged exclusion of natural disturbance events, are key drivers for catastrophic wildfire and insect and disease outbreaks. An entirely passive stewardship approach may no longer be an effective and responsible strategy for preserving and maintaining old-growth forests across the NFS. Ostensibly, there are no old-growth or primary forests in the US NFS that have not been materially impacted by climate change, and therefore no such forests wherein the ecological processes are not significantly disturbed.

The USFS has developed national guidelines for development of silvicultural management prescriptions of old-growth forests. These guidelines are predicated on an assessment of vulnerability to disturbances that are likely to change the current and likely future condition of the forests. For old-growth forest areas that don't exhibit resilience or high ecological integrity, silvicultural treatments may be considered to improve ecological integrity (USDA Forest Service, Washington Office. July 2024). In any case, commercial timber harvesting is prohibited in reserve areas and Inventoried Roadless Areas.

Completion of a national inventory, risk assessment and development of national silvicultural management guidelines are all indicative of considerable progress made by the USFS to institutionalize a consitent framework to manage and protect mature and old-growth forests since 2022. EO 14154 effectively halted further USFS efforts to advance specific directions issued under EO 14072. With respect to primary and old-growth forests, USFS staff will continue to follow existing LRMPs as well as applicable Forest Service Manuals and Handbooks. Proposed management actions on National Forests must also continue to comply with relevant laws such as the ESA, NEPA, and the Forest Service 2012 Planning Rule, that require identification and consideration of management impacts to natural (e.g., forest) ecosystems. Project-level NEPA planning processes, and associated analyses identify areas such as old-growth forests that might be adversely affected by project implementation, and measures to avoid or mitigate negative impacts are proposed.

In January 2025, the USFS announced their decision to withdraw the National Old Growth Amendment Draft Environmental Impact Statement. In the absence of a nationally organized initiative, decisions regarding maintenance and restoration old growth forest conditions "so they are resilient and persist into the future" will continue to be made at the local level. In a memo to USFS staff, the outgoing Chief of the USFS encouraged forest managers to apply the learnings of the National Old Growth Amendment initiative for example to restore ecological integrity of old-growth forests where they are most vulnerable to threats, and to protect old-growth forests where they are in good health and less vulnerable to threats (US Forest Service Chief Randy Moore, Memo to Staff, 2025).
EO 14225 directs the USFS to increase timber production and streamline regulatory review and approval processes such as NEPA and compliance with the ESA. Secretary's Memorandum 1078-006, issued in April 2025 by the Secretary of the USDA, provides specific instruction to the USFS for implementinig EO 14225. The memo identifies 112.646 million acres (59%) of NFS lands (includes all NFs and National Grasslands) as being under a "Forest Health and Fuels Emergency Situation Determination" due to threats from wildfire, insect and disease outbreaks and other factors. The USFS is directed to develop guidance to "increase timber production, decrease the time to offer timber supply, and increase certainty in future timber supply" to the extent allowable by law. Treatments may include, for example, thinning, hazardous fuel reduction, salvage and sanitation harvests, reforestaton, and wildfire risk reduction. NEPA processes for authorized emergency actions re significantly streamlined. To be eligible for emergency authority, at least 50% of treatment units must be located within designated emergency areas.

Level B route is required because there are no national laws that categorically prohibit timber harvesting in old-growth or primary forests. Active management intervention may be required to prevent further loss of primary and old growth forests. Any timber harvesting that may occur in primary and old-growth forests would be limited to

	situations where these forests are unlikely to persist without treatment, and only in pursuit of ecological conservation objectives that maintain or enhance characteristics and values unique to those forests.
Sources	▪ Forest Service Manual (FSM) 1900 Planning ▪ FSM 1900, Chapter 1950, Environmental Policy, and Procedures ▪ FSM 2380 Landscape Management ▪ FSM 2400 Timber Management ▪ Forest Service Handbook (FSH) 1909.12, Chapter 60 Forest Vegetation Resource Management ▪ FSH 1909.15 National Environmental Policy Act Handbook ▪ FSH 2409.13 Timber Resource Planning ▪ FSH 2409.14 Timber Management Information System ▪ FSH 2409.17 Silvicultural Practices ▪ Executive Order 13287, March 3, 2003 ▪ Presidential Executive Order 14008. January 27, 2021. ▪ Presidential Executive Order 14072. April 22, 2022. ▪ Presidential Executive Order 14154. January 20, 2025. ▪ Presidential Executive Order 14154. January 20, 2025. ▪ Presidential Executive Order 14225. March 1, 2025. ▪ Secretary's Memorandum 1077-004 on Climate Resilience and Carbon Stewardship of America's National Forests and Grasslands. June 23, 2022. ▪ Secretary's Memorandum 1078-006 on Increasing Timber Production and Designating an Emergency Situation on National Forest System Lands. April 3, 2025. ▪ Revised Land Management Plan, Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. June 2024. ▪ Land and Resource Management Plan, Six Rivers National Forest. 1995. ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Shoshone National Forest Land Management Plan 2015 Revision. USDA Foret Service. May 2015. ▪ Land and Resource Management Plan, Lassen National Forest. UDA Forest Service. 1992. ▪ Climate Adaptation Plan. USDA Forest Service. FS-1196. July 2022. ▪ Wildfire Crisis Annual Update. USDA Forest Service. FS-1187h. January 2025. ▪ Revised Draft Forest Assessments: Carbon. GMUG NFs. March 2018. ▪ Revised Draft Forest Assessments: Terrestrial Ecosystems, Integrity and System Drivers and Stressors. GMUG NFs. March 2018. ▪ Forest Carbon Assessment. Six Rivers National Forest. USDA Forest Service, Pacific Southwest Region. October 26, 2022. ▪ Late-Successional Reserve Project-Level Consistency Review, Rattail Fuels Vegetation Management Project. Mad River Ranger District, Six Rivers NF. November 2022. ▪ Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, Volume I. February 1994 ▪ Regional Ecosystem Office Draft Memo to Forest Supervisor, Six Rivers NF. Review of the Rattail Vegetation Management Project. 2022 ▪ Forest Wide LSR Assessment, V1.0. Six Rivers National Fores. April 1999. ▪ Memorandum from Regional Ecosystem Office to R5 Regional Forester. Review of Six Rivers National Forest Late-Successional Reserve Assessment. March 3, 2000. ▪ Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management. FS-1215a. USDA Forest Service, Washington Office. April 2023. ▪ Mature and Old-Growth Forests: Analysis of Threats on Lands Managed by the Forest Service and Bureau of Land Management. FS-1215c. USDA Forest Service, Washington Office. June 2024. ▪ Amendments to Land Management Plans to Address Old-Growth Forests Across the National Forest System, Draft Environmental Impact Statement.

	USDA Forest Service. June 2024. ▪ Notice of Intent: Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System. USDA Forest Service. Federal Register Vol. 88, No. 243, Wednesday, December 20, 2023. ▪ Consideration of Species of Conservation Concern for the Old-Growth Amendment. USDA Forest Service. June 2024. ▪ Draft Biological Evaluation for National Old Growth Amendment. US Forest Service Planning Service Organization. June 2024. ▪ Draft Social, Economic and Cultural Impacts Analysis Report for the Draft EIS for Amendments to LRMPs to Address Old-Growth Forests Across the NFS. USDA Forest Service. June 2024. ▪ Technical Guidance for Standardized Silvicultural Prescriptions for Managing Old-Growth Forests. USDA Forest Service, Washington Office. July 2024. ▪ National Old Growth Amendment Draft Environmental Impact Statement Withdrawal. US Forest Service Chief Randy Moore, Memo to Staff Leadership. January 7, 2025. ▪ Stokstad, Eric. Science Insider. U.S. Forest Service pulls plug on controversial plan to protect old growth. January 10, 2025. ▪ Congressional Research Service. August 29, 2020. Forest Service Inventoried Roadless Areas (IRAs). ▪ Congressional Research Service. Updated October 25, 2022. Timber Harvesting on Federal Lands. ▪ Moeur, M.; Ohmann, J.L.; Kennedy, R.E.; Cohen, W. B.; Gregory, M.J.; Yang, Z.; Roberts, H.M.; Spies, T.A.; Fiorella, M. 2011. Northwest Forest Plan–the first 15 years (1994–2008): status and trends of late-successional and old-growth forests. Gen. Tech. Rep. PNW-GTR-853. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. ▪ Franklin, J.F.; Spies, T.A.; Van Pelt, R.; Carey, A.B.; Thornburgh, D.A.; Berg, D.R.; Lindenmayer, D.B.; Harmon, M.E.; Keeton, W.S.; Shaw, D.C.; Bible, K.; Chen, J. 2002. Disturbances and structural development of natural forest ecosystems with silvicultural implications, using Douglas-fir forests as an example. Forest Ecology and Management. 155: 399-423. ▪ Oliver, C.D.; Larson, B.C. 1996. Forest Stand Dynamics. New York: Wiley. 540 p. ▪ Denny, E. The Wilderness Society. June 13, 2024. US Forest Service prepares major protections for remaining old-growth. ▪ Busse, B. Pew Charitable Trusts. September 16, 2024. As Climate Threats Grow, US Seeks to Restore Old-Growth Forests. ▪ Milman, O. The Guardian. August 1, 2024. US Forest Service failing to protect old-growth trees from logging, critics say. ▪ Rice, Janine; Tredennick, Andrew; Joyce, Linda A. 2012. Climate change on the Shoshone National Forest, Wyoming: a synthesis of past climate, climate projections, and ecosystem implications. Gen. Tech. Rep. RMRS-GTR-264. Fort Collins, Colorado: US Department of Agriculture, Forest Service, Rocky Mountain Research Station. ▪ European Commission. EU Biodiversity Strategy for 2030. Brussels, 20.5.2020. COM(2020) 380 final ▪ European Commission. New EU Forest Strategy for 2030. Brussels, 16.7.2021. COM(2021) 572 final. ▪ European Commission. Criteria and guidance for protected areas designations. Brussels, 28.1.2022. SWD(2022) 23 final ▪ European Commission. Commission Guidelines for Defining, Mapping, Monitoring and Strictly Protecting EU Primary and Old-Growth Forests. Brussels, 20.3.2023. SWD(2023) 62 final. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☐ Yes ☒ No, Level B route is required

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	Level B route is required because there are no national laws that categorically and explicitly prohibit timber harvesting in all old-growth and primary forests within National Forests. Ostensibly, there are no old-growth or primary forests in the US NFS that have not been materially impacted by climate change, and therefore no such forests wherein the ecological processes are not significantly disturbed. The 2024 USFS threat analysis found that the loss of old-growth and mature forests over a nine-year period were lower outside protected areas and that old-growth increased by 7.8% outside protected areas. These results indicate that an entirely passive stewardship approach may no longer be an effective and responsible strategy for preserving and maintaining all old-growth forests across the NFS. Although there are no federal laws that categorically prohibit timber harvesting in old-growth and primary forests in the NFS where they are not already protected (by congressional or administrative designation), such occurrences are exceedingly rare. It is possible that trees may be cut in primary and old-growth forest areas in support of non-timber oriented conservation objectives, however, commercial timber harvesting is legally prohibited or highly restricted on 42% of those areas as a result of congressional and administrative designations. Old-growth forest is also afforded special management consideration on its own merits regardless of formal protection status through USFS agency initiatives (e.g., NWFP, Sierra Framework), and LRMP standards and guidelines which place restrictions on management activities within areas that have old-growth and mature forest characteristics. Although the USFS effort to revise all LRMPs to incorporate a National Old Growth Amendment has been discontinued, activities on each NF will continue to be guided by approved LRMPs as legally mandated by NFMA and the Forest Service 2012 Planning Rule. There is currently no evidence to suggest the risk to primary and old-growth forests from harvesting activity has changed as a result of removing the initiative provided in EO 14072 for active management interventions to increase resilience in old-growth and mature forests. In rare cases where commercial timber operations are conducted in areas that contain old-growth forest characteristics, the management objectives and activities are required to maintain, restore or enhance those attributes. The cumulative effect of numerous federal laws (e.g., NEPA, 2012 USFS Planning Rule, ESA), along with USFS manuals, handbooks and other directives, effectively prevents or significantly constrains management interventions in old-growth forests. In other words, management interventions would occur only in the situation where the absence of these activities is likely to result in the loss or degradation of old-growth forest. In light of the threats currently confronting primary and old-growth forests, the approach currently under development by the USFS for maintaining old-growth and mature forests is consistent with the EU Biodiversity and Forest Strategies for 2030, including guidance documents issued by the European Commission (EC) for identification and 'strict protection' of primary and old-growth forests. Because the approach taken by the USFS aligns with EC guidance for "strictly protected" areas, by extension it should logically conform with RED III requirements. That is, harvesting is carried out in accordance with applicable laws, taking a precautionary approach and using accepted principles of sustainable forest management, with the primary objective of protecting, maintaining and enhancing old-growth forests and the biodiversity they support. While the issuance of EO 14225, along with USDA Secretary's Memo 1078-006, appears to signal a pivot toward increased timber production and streamlined regulatory review and approval processes on NFs, both directives emphasize improved forest health and resilience, the use of sustainable forest management proactices, and full compliance with applicable laws. Because these new policies are still in the early stages of implementation, any real, on-the-ground implications for the management of primary and old-growth forests are not yet clear.

	It is also worth noting that an estimated 13% of all US land (all ownerships) is under strict legal protection (USGS GAP 1 and GAP 2 status) that meets international standards for permanent protection, such as those defined by the International Union for Conservation of Nature (IUCN) categories I through III. On US National Forests managed by the USFS, 17% of the land base is strictly protected by statue, and another 30% is represented by Inventoried Roadless Areas which are protected by federal regulation. Both the US as a whole, and the US National Forests currently exceed the 10% strictly protected goal established in the EU Biodiversity Strategy for 2030.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☐ Yes ☒ No, Level B route is required

(vi)[2] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (3): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

(b) highly biodiverse forest and other wooded land which is species-rich and not degraded, or has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the production of that raw material did not interfere with those nature protection purposes.

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Fish and Wildlife Coordination Act of 1934 ▪ Multiple-Use Sustained Yield Act (MUSYA) of 1960 ▪ The Wilderness Act of 1964 ▪ The Wild and Scenic Rivers Act of 1968 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Clean Water Act (CWA) of 1972 ▪ Endangered Species Act (ESA) of 1973 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ Federal Land Policy and Management Act of 1976 ▪ National Forest Management Act (NFMA) of 1976 ▪ Roadless Area Conservation Rule of 2001 ▪ Healthy Forest Restoration Act (HFRA) of 2003 ▪ 2012 USFS Planning Rule (36 CFR Part 219, section 219.11) ▪ Code of Federal Regulations Title 36, Part 220 - National Environmental Policy Act Compliance ▪ Code of Federal Regulations Title 40, Parts 1500 – 1508 ▪ Code of Federal Regulations Title 50, Parts 17.11 and 17.12
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Several laws and regulations including the 2012 USFS Planning Rule, NEPA, NFMA, and ESA require the USFS to identify and conserve at-risk species and habitats, and to engage the public in developing plans prior to implementing activities that may impact those species and habitats. USFS employees are further guided by agency directives in

the form of their own Manuals and Handbooks providing detailed work instructions for protection of these resources and complying with applicable laws and regulations. Coordination and consultation with other agencies and organizations is fundamental to USFS efforts to identify these resources. Public consultation, including consultation with tribes, during all stages of planning provides additional opportunities for identification of important and sensitive biodiversity resources. In addition to the Planning Rule, several other federal laws including the Forest and Rangeland Renewable Resource Planning Act (RPA), the Federal Land Policy and Management Act, the NFMA, the ESA and others direct the USFS to conduct periodic quantitative inventories sufficient to identify and assess existing and potential resources on NFs.

NEPA requires a multidisciplinary EA to identify key resources and values when developing LRMPs and prior to implementing specific decisions and activities. Subject matter experts (e.g., wildlife biologist, ecologists, foresters, etc.) serve on interdisciplinary teams to identify the presence (or likelihood of presence) for key species, habitats, ecosystems and biodiversity HCVs present within a planning or project area. Environmental evaluations must include potential direct and indirect impacts of the proposed action(s) as well as the potential cumulative impact of the proposed action in combination with any past, present, or reasonably foreseeable future action.

The ESA requires all federal agencies, including the USFS, to conserve rare, threatened, and endangered species and habitats critical to their ongoing viability. The US FWS and the National Oceanic and Atmospheric Administration (NOAA) maintain current lists of RTE species that must be protected under federal law. Terrestrial species lists are maintained by the US FWS and are documented in the Code of Federal Regulations (50 CFR 17.11 and 50 CFR 17.12). Under section 7(a)(2) of the ESA and FSM 2670.31, the USFS is required to initiate consultation or conference with the US FWS when they determine that proposed activities may affect federally listed RTE, proposed, and candidate species. As stipulated in FSM 2670, a formal BA is conducted to ensure actions taken by the USFS don't negatively impact the viability of native species. As a result of these consultations, which are formally documented, the US FWS and USFS may agree on a set of reasonably prudent measures to reduce any harm, and most importantly, agree that the action overall will serve to protect species viability. These measures are then implemented by the USFS, monitored for effectiveness, and reported back to the US FWS. According to the Center for Biological Diversity and other sources, the ESA is the "strongest law for protecting biodiversity passed by any nation" with a success rate of preventing the loss of over 99% of species listed as threatened or endangered (Suckling, et al., 2016).

The USFS is required to conduct a comprehensive assessment as a fundamental step in the land management planning process in advance of implementing specific management activities as stipulated in the 2012 USFS Planning Rule (36 CFR 219.6). The Planning Rule further requires that each project and activity occurring on NFs are consistent with corresponding LRMPs (36 CFR 219.15). During the NF planning process, ecosystems are identified as an initial coarse level assessment of existing natural resources on the NF. Defining characteristics and associated species are described for these endemic ecosystems, with desired future conditions as well as standards and guidelines for maintaining and restoring native ecosystems. At a finer scale, key species, species groups, habitats, and biodiversity HCVs are identified using a suite of tools and sources. In addition to federally listed species, each Regional Forester develops and maintains a list of Species of Conservation Concern (SCC). These SCCs are known to exist on NFs within the Region and are considered to be at an elevated level of risk for long term viability. Protections for SCCs and their associated habitats are employed at the NF regional level. In addition to protections for key species and biodiversity as described above, LRMPs are also required to address identification and conservation of large intact ecosystems (e.g., formal wilderness areas, wild and scenic rivers, roadless areas), critical ecosystem services, community needs, and cultural and historic resources.

All timber sales on lands administered by the USFS are transacted through formal contracts. These timber sale contracts are comprehensive documents that address a

	wide range of issues, including protection of special management sites, residual vegetation, meadows, wetlands, stream courses, and resources outside the designated harvest area. Regular site inspections are conducted for all timber sales occurring on NFs. These inspections review and evaluate all aspects of logging operations. Inspections are conducted "as often as is necessary" to ensure compliance with timber sale contract provisions. Timber sale inspections are documented and incorporated into the contract file. The USFS also utilizes several administrative management designations that impose protections for areas supporting ecologically important attributes or values such as Research Natural Areas and Roadless Areas. In addition to NF level processes for identifying key habitats, ecosystems and areas of biodiversity HCVs, forest areas are formally designated for conservation and protection by acts of the US Congress, including Wilderness Areas, and Wild and Scenic River corridors. Section 219.12 of the 2012 USFS Planning Rule mandates the development and implementation of a monitoring plan to evaluate effectiveness in achieving management objectives. The monitoring plan must address, among other issues, ecological condition of ecosystems and the status of key species and their critical habitats. The LRMP defines goals by resource activity and projected outputs. Monitoring of LRMP objectives occurs on five or 10-year frequencies. National Forests conduct biennial monitoring and evaluation activities to identify and assess effects of management activities over time and make adaptations to management strategies as appropriate. The 2020 Bioregional Assessment of Northwest Forests and the 2021 Supplemental Report to the Bioregional Assessment together provide summary data to demonstrate that conservation measures implemented by the USFS in response to the NWFP have resulted in maintaining or improving conditions for old growth forest habitat, late successional forests, aquatic habitat and wildlife habitat, including habitats critical to federally listed species. The Bioregional Assessment also identifies recommended changes for adaptive management to improve ecological integrity and resilience. Within the 17 NFs included in the NWFP area, 28% of the NFS is reserved through congressional action, 22% is in late successional reserves that provide critical habitat for federally listed species, 19% is in riparian reserves prioritizing conservation of aquatic and riparian dependent species, 6% has been administratively withdrawn where management objectives preclude timber harvesting. Responsibilities and procedures for conducting inventories, identifying and assessing the presence of ecosystems, species of concern, habitats and HCVs are detailed in several USFS Manuals and Handbooks including FSM 1900, FSH 1909.12, FSH 1909.14 and FSH 1909.15. Primary responsibility for implementing NEPA is vested in the CEQ, which was established by the US Congress through the enactment of NEPA. Congress placed CEQ in the Executive Office of the President and gave it many responsibilities, including the responsibility to ensure that federal agencies meet their NEPA obligations. The EPA Office of Federal Activities is required to review EISs and provide comments on the adequacy of the analysis and the impact to the environment. If EPA determines that the action is environmentally unsatisfactory, it is required by law to refer the matter to CEQ.
Sources	▪ Forest Service Manual (FSM) 1900, Chapter 1950, Environmental Policy, and Procedures ▪ FSM 2000, Chapter 2020 Ecosystem Restoration ▪ FSM 2600, Chapter 2670 - Threatened, Endangered and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1909.12 Land Management Planning Handbook ▪ FSH 1909.12 Chapter 30 Monitoring ▪ FSH 1909.14 Resource Inventory Handbook ▪ FSH 1909.15 National Environmental Policy Act Handbook ▪ FSH 2090.11 Ecological Classification And Inventory Handbook ▪ FSH 2409.18 - Timber Sale Preparation Handbook ▪ Environmental Assessment Nantahala Mountains Project, Nantahala Ranger District, Nantahala National Forest, Macon County, North Carolina, January

	2024 ▪ Biological Assessment, Nantahala Mountains Project, Nantahala Ranger District, Nantahala National Forest, Macon County, North Carolina, November 16, 2023 (Revised December 7, 2023) ▪ Nantahala and Pisgah National Forests Final Land Management Plan, January 2023 ▪ Land and Resource Management Plan, Six Rivers National Forest, 1995 ▪ Land Management Plan, 2015 Revision, Shoshone National Forest, May 2015. ▪ Amendment 2008-01, Land and Resource Management Plan, Six Rivers National Forest, April 2008 ▪ Information Planning and Consultation (IPaC), US Fish and Wildlife Service, https://ipac.ecosphere.fws.gov/ ▪ Biological Assessment for Threatened and Proposed Threatened Species and their Critical Habitat. East Winds Project, Wind River Ranger District, Shoshone National Forest, Freemont and Teton Counties, Wyoming. September 18, 2021 ▪ 2021 East Winds Forest Health Project, Categorical Exclusion Review ▪ Documentation of the Biological Evaluation Process For R-2 Designated Sensitive Species related to Homestead Park II Fuels Reduction, Washakie Ranger District, Shoshone National Forest, Freemont County, Wyoming. August 2004 ▪ Memo from the US Fish and Wildlife Service to Greybull, Clarks Fork, and Wapiti Ranger Districts, Shoshone National Forest re: proposed Fuels Reduction and Aspen Enhancement Projects. April 3, 2020 ▪ Biological Opinion, US Fish and Wildlife Service, Canada Lynx. October 25, 2000. ▪ Biennial Monitoring Evaluation Report, Francis Marion National Forest, Reporting Years 2019 and 2020 ▪ Management Indicator Species Report, Campbell DFPZ Project, Eagle Lake Ranger District, Lassen National Forest. May 31, 2012. ▪ Migratory Landbird Conservation on the Lassen National Forest, Ebey Project Assessment. District Wildlife Biologist. Eagle Lake Ranger District, Lassen National Forest. Undated. ▪ Low Sage Plant Community Monitoring on the Lassen National Forest. Undated. ▪ Canada Lynx Conservation and Assessment Strategy, Third Edition. USDA Forest Service. 2013. ▪ Ecology Report for the Ebey Project. Ecologist, Eagle Lake Ranger District, Lassen National Forest. August 18, 2010. ▪ Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl, Volume I. February 1994 ▪ Forest-wide LSR Assessment, Version 1.0, Six Rivers National Forest, USFS Pacific Southwest Region, April 1999 ▪ Consideration of Species of Conservation Concern for the Old-Growth Amendment. USDA Forest Service. June 2024. ▪ Cerveny, L.K., Blahna, D.J., Stern, M.J., Mortimer, M.J., and Freeman, J.W. June 2011. Forest Service Interdisciplinary Teams: Size, Composition, and Leader Characteristics. Journal of Forestry. ▪ Suckling, K., Mehrhoff, L.A., Beam, R., Hartl, B. Center for Biological Diversity. A Wild Success; A Systematic Review of Bird Recovery Under the Endangered Species Act. June 2016. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for	The USFS uses special land designations to ensure key species, habitats, ecosystems, and other areas of high conservation value pertaining to biodiversity are protected in perpetuity. Several laws and regulations including the 2012 USFS Planning Rule, NEPA,

the evaluation	NFMA, and ESA require the USFS to identify and conserve at-risk species and habitats, and to engage the public in developing plans prior to implementing activities that may impact those species and habitats. The NFS is inclusive of a significant representation of congressionally and administratively designated protected areas including Wilderness Areas, Inventoried Roadless Areas, Late Successional Reserves (LSRs) and other land use designations that prioritize maintenance of HCVs, inclusive of mature and old-growth forests. Timber harvesting and other silvicultural activities are concentrated on 20% of the NFS land base. Within forests designated as suitable for timber production, forest biodiversity characteristics are restored, maintained, improved via silvicultural prescriptions, following BMPs, and implementation of specific conservation measures outlined in the LRMP and identified at the project level through NEPA processes. Prescribed fire, commercial timber harvesting, and precommercial thinning are typical management actions taken on many NFs to maintain or enhance key biodiversity attributes and resources such as longleaf pine ecosystems and habitat for red-cockaded woodpeckers (RCW), gopher tortoises and dusky gopher frogs in Mississippi, or for restoring forest resiliency on the Shoshone and Modoc NFs. Protection of critical habitats and ecosystems is also a central management strategy on NFS lands, such as LSRs and riparian reserves on the Modoc NF. Timber sale site inspections are regularly conducted by USFS staff to monitor and enforce compliance with contract terms and provisions, including design features and protective measures for maintaining or enhancing key biodiversity values and to see they are appropriately implemented.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vi)[3] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (3): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

(d) highly biodiverse grassland spanning more than one hectare that is: (i) natural, namely grassland that would remain grassland in the absence of human intervention and that maintains the natural species composition and ecological characteristics and processes; or (ii) non-natural, namely grassland that would cease to be grassland in the absence of human intervention and that is species-rich and not degraded and has been identified as being highly biodiverse by the relevant competent authority, unless evidence is provided that the harvesting of the raw material is necessary to preserve its status as highly biodiverse grassland.

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Soil Conservation Act of 1935 ▪ Bankhead-Jones Farm Tenant Act of 1937 ▪ Multiple-Use Sustained Yield Act of 1960 ▪ Wilderness Act of 1964 ▪ Wild and Scenic Rivers Act of 1968 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Endangered Species Act (ESA) of 1973 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ National Forest Management Act (NFMA) of 1976

	▪ Federal Land Policy and Management Act (FLPMA) of 1976 ▪ 2012 Forest Service Planning Rule (36 CFR Part 219) ▪ Code of Federal Regulations Title 36, Chapter II, Part 219.11 ▪ Code of Federal Regulations Title 36, Part 220 - National Environmental Policy Act Compliance ▪ Code of Federal Regulations Title 36, Section 223.30 - Consistency with plans, environmental standards, and other management requirements
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ USDI Fish and Wildlife Service website ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The NFS is comprised of both NFs and National Grasslands, which are distinct categories of administrative management units. Both NFs and National Grasslands are administered by the USFS. National Grasslands, which comprise the vast majority of natural grasslands in the NFS, are managed under a "mixed-use conservation" model to protect and restore native prairie ecosystems. There are 20 National Grasslands representing approximately 3.8 million acres in the NFS. National Grasslands are generally focused on prairie ecosystems comprised primarily of herbaceous vegetation and are **not included** within the scope of the US National Forest SBP RRA. While NFs are comprised mostly of forests, they also include non-forested habitats such as alpine zones, wetlands, meadows, naturally occurring grasslands (e.g., "balds"), and shrublands (e.g., heath lands). Naturally occurring grassy areas located within NF boundaries generally exist within a forested matrix and are not viewed as potential biomass harvest areas due to their limited forest cover and primary designation for conservation and/or livestock grazing. These grassy areas tend to be transitory in nature, and typically subject to gradual transition to forests or woodlands in the absence of disturbance such as fire. Consistent with the MUSYA, native grasslands on NFs are managed under the same multiple-use principles as are forests, with timber harvesting limited to levels that prevent irreversible ecological damage. The NFMA and 2012 USFS Planning Rule require that every NF develop a LRMP, that all resources be inventoried, and that management activities be implemented such that ecological sustainability is ensured. The NFMA's viable populations requirement mandates that self-sustaining populations of native species be maintained. The NFMA directs the USFS to "provide for diversity of plant and animal communities" based on land capability, including preserving species composition consistent with natural conditions. The ESA requires all federal agencies, including the USFS, to identify and conserve rare and at-risk species and the habitats critical to their ongoing viability. The 2012 Planning Rule requires the USFS to employ a science based, proactive, and adaptive management framework. LRMPs are required to include standards and guidelines that "maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity" of ecosystems. The Planning Rule further requires that LRMPs "provide the ecological conditions to both maintain the diversity of plant and animal communities and support the persistence of most native species in the plan area." NEPA requires the USFS to identify and evaluate biodiversity risks associated with management activities such as timber harvesting, ensuring consideration of alternatives that protect sensitive ecosystems. Forest Service policy (FSM 2670) requires proactive conservation of non-listed species facing declines in biodiverse areas.

	LRMPs include identification and conservation of large intact ecosystems. All LRMPs include designations for lands that are considered unsuitable for timber production. Criteria used to determine if lands are considered unsuitable for timber production include: ▪ timber harvest is prohibited by stature, regulation, Presidential Executive Order, or other administrative directive; ▪ timber harvesting is likely to result in irreversible damage to soil, slope, or watershed conditions; ▪ adequate restocking cannot be ensured within five years after harvest; ▪ non-forested land, areas with inhibited tree growth ▪ timber production conflicts with desired conditions (e.g., biodiversity goals, species protection); ▪ viable ecosystems must be maintained. Timber harvesting may occur on some lands deemed unsuitable for timber production in the furtherance of other management objectives only if such harvesting does not result in irreparable environmental damage. While not classified as grassland, an example on Modoc NF is a currently planned project to restore juniper and sage brush habitat for wildlife species. While these lands have low productivity and are designated as unsuitable for timber production, trees will be harvested to restore desired conditions for optimum habitat. More typically, any management interventions proposed for grasslands would focus on the use of prescribed fire. As an example, the Grand Valley Habitat Improvement and Fuels Reduction project on GMUG NF is proposed to improve habitat conditions by increasing shrub, forb and grass production, providing openings in woodlands, and to return fire to fire-adapted ecosystems. Similarly, the Paonia Winter Wildlife Habitat Improvement project on GMUG NF proposes mechanical mastication and prescribed fire in mountain shrub oak and pinyon juniper communities to improve habitat quality, increase grass and forb production and provide openings in pinyon/juniper woodlands. While these treatments are not proposed for grassland ecosystems, the treatment areas do include areas of grass, forbs and brush within woodland communities. Timber harvesting is not proposed for any of these examples. Other projects were identified with similar characteristics and management objectives. While some projects involve removal of brush and trees to maintain or enhance non-forest habitat, none included commercial timber harvesting. The USFS conducts assessments to identify key ecological resources at numerous scales and planning stages including at the level of the NF LRMP and at the project level. NEPA processes identify and assess potential impacts of proposed management activities (e.g., timber harvesting) on ecological and environmental attributes. Individual project designs adopt any protective measures identified during the NEPA process. LRMP objectives for protection, maintenance, restoration of species, habitats and ecosystems are also be incorporated as applicable to project level activities. Any highly biodiverse native grasslands occurring within NFs are identified in LRMPs as well as NEPA processes, and likely to be designated as unsuitable for timber production.
Sources	▪ Forest Service Manual (FSM) 1900 Land Management Planning ▪ FSM 2070 Vegetation Ecology Management ▪ FSM 2400 Watershed and Air Management ▪ FSM 2520 Range Management ▪ FSM 2670 Threatened, Endangered, and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1909.12 Land Management Planning ▪ FSH 1909.12 Chapter 30 Monitoring ▪ Timber Suitability Analysis for Land Management Planning Technical Guide. FS-WO-EMC. USDA Forest Service. May 2020. ▪ FY 2024 Cut and Sold Report. USDA Forest Service. 2024. ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014.

	▪ Final Decision Notice and Finding of No Significant Impact, Baldy Mountain Landscape Resiliency and Habitat Improvement Project. Grand Mesa, Uncompahgre and Gunnison National Forests. 2022. ▪ Paonia Winter Wildlife Habitat Improvement Project Scoping Letter. Grand Mesa, Uncompahgre and Gunnison National Forests. 2022. ▪ Grand Valley Habitat Improvement and Fuels Reduction Project Scoping Letter. Grand Mesa, Uncompahgre and Gunnison National Forests. 2023. ▪ Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan. R9-CN-FP. April 2004 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Shoshone National Forest Land Management Plan 2015 Revision. USDA Foret Service. May 2015. ▪ Land and Resource Management Plan, Lassen National Forest. UDA Forest Service. 1992. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	By definition, grasslands are dominated by grasses and forbs with little or no tree cover. Native grasslands within the NFS are managed within the National Grasslands system. Prescribed fire, control of invasive species, and livestock grazing are typical management interventions used within the National Grasslands. National Grasslands are distinct from NFs and managed as separate administrative units within the NFS. The FY 2024 Cut and Sold Report indicates no timber volume harvested or sold from National Grasslands. National Grasslands are not included within the scope of the US National Forest SBP RRA. Grasslands are not well represented on NFs. By design, NFs are composed predominantly of forests, with non-forest cover types occurring within a forested landscape matrix. Grassy areas on NFs are more typically found in association with woodlands, oak savannahs, and dry forest types (e.g., pinyon/juniper). Less common are grasslands associated with low productivity sites like sand barrens, and high elevation balds that either do not support trees, or require intermittent disturbance (i.e., fire) to prevent forest encroachment. Grasslands can also occur in early successional habitats following disturbance that temporarily support grass-forb communities, though they typically transition to forests without active management. Small upland (e.g., sub-alpine) meadows and riparian grasslands occur as small, scattered openings within forest areas. Such areas are typically identified as Special Interest Areas and excluded from timber sale areas. Any highly biodiverse grasslands occurring on NFs would be identified during the LRMP development process and/or during project level NEPA processes. Areas within NFs that support pockets or elements of native grassland are managed to maintain or enhance biodiversity and endemic characteristics of native ecosystems. Prescribed fire, mechanical mastication, and livestock grazing are the most common management interventions used for promoting and maintaining non-forest, upland vegetation. Commercial timber harvesting is not known to be employed as a typical management tool within grassland areas.
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vi)[4] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (3): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land with a high biodiversity value, namely land that had one of the following statuses in or after January 2008, whether or not the land continues to have that status:

(e) heathland - Biomass Producer shall use the official definition for Heathland used in the applicable feedstock origin country. In the absence of such a definition, then the following definition shall be applied: Vegetation with low and closed cover, dominated by bushes, shrubs, dwarf shrubs (heather, briars, broom, gorse, laburnum etc.) and herbaceous plants, forming a climax stage of development (Source: EU Copernicus).

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Multiple-Use Sustained Yield Act of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Endangered Species Act (ESA) of 1973 ▪ Forest and Rangeland Renewable Resource Planning Act (RPA) of 1974 ▪ National Forest Management Act (NFMA) of 1976 ▪ Federal Land Policy and Management Act (FLPMA) of 1976 ▪ 2012 Forest Service Planning Rule (36 CFR Part 219) ▪ Code of Federal Regulations Title 36, Part 220 - National Environmental Policy Act Compliance ▪ Code of Federal Regulations Title 36, Section 223.30 - Consistency with plans, environmental standards, and other management requirements
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ USDI Fish and Wildlife Service website ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	While NFs are comprised mostly of forests, they also include non-forested habitats such as alpine zones, wetlands, meadows, naturally occurring grasslands, and shrublands. The USFS does not specifically utilize the term heathlands in its vegetation classification system, however heathlands would be captured in temperate and boreal grassland and shrubland cover types. For example, the USFS identifies and protects "balds," a term used to describe unique high-elevation, low productivity sites such as Southern Appalachian grassy balds and heath balds that are notable for their lack of forest cover and distinctive plant communities, including rare and endemic species. The 2012 USFS Planning Rule requires that LRMPs be developed to maintain or restore ecological integrity of all aquatic and terrestrial ecosystems within the Plan area, including development of standards for maintaining structure, function and composition. Consistent with the NFMA, the 2012 USFS Planning Rule further directs the USFS to identify lands not suited for timber production. Low productivity and difficult to regenerate sites such as heathlands are identified in the LRMP. Every NF has developed an LRMP, and every LRMP includes the results of a formal analysis of the suitability of timber production on NF lands. Timber harvesting (for the purpose of timber production) on lands not suited for timber production is expressly prohibited (36 CFR 219.11(d)(1)). Areas with important conservation attributes such as rare plant communities are identified and designated as special management areas. Special Interest Areas (SIAs)

	are identified in NF LRMPs and represent "the most exceptional ecological communities" on NFs. SIAs function as core areas for conservation of rare features and biodiversity. These areas are mapped and managed to protect, preserve and/or restore key conservation attributes. The USFS is legally obligated by numerous federal laws that prohibit degradation of heathlands and other rare native ecosystems. The NFMA, NEPA, CWA, and the 2012 USFS Planning Rule all include requirements that prohibit or significantly limit degradation of sensitive ecosystems. The cumulative effect of these laws and directives essentially mandates identification and protection of these natural ecosystems. LRMPs are required to maintain or restore the ecological integrity of all terrestrial ecosystems, including shrublands (e.g., heathlands), and other native non-forest vegetation classifications. Therefore, degradation and conversion to other uses is not consistent with USFS mandates. These requirements are stipulated in NFMA, the 2012 USFS Planning Rule (36 CFR Part 219, Section 219.11) and FSH 1909.12 Chapter 60 - Forest Vegetation Resource Management. NEPA requires an interdisciplinary evaluation of environmental impacts associated with proposed management plans and activities. NEPA processes evaluate all proposed alternatives to ensure timber production is compatible with desired conditions and objectives for that area. Resource specialists (e.g., soil scientists, wildlife biologists, forest ecologists, botanists) participate in interdisciplinary teams and provide reports summarizing current conditions and potential impacts from proposed projects on their corresponding areas of expertise. All project-level activities occurring in National Forests are verified as consistent with the approved LRMP through the NEPA process, as described in the corresponding NEPA approval document (36 CR 219.15). NEPA is enforced through a variety of reviews and approvals beginning with the agency-designated Responsible Official (decision-maker). Each NF develops a monitoring and evaluation strategy as part of the LRMP. When developing a monitoring strategy, the Regional Forester is required to coordinate with the relevant responsible officials, USFS State, Private and Tribal Forestry and Research and Development, partners, and the public.
Sources	▪ Forest Service Manual (FSM) 1900, Chapter 1950 Environmental Policy, and Procedures ▪ FSM 2000, Chapter 2020 Ecosystem Restoration ▪ FSM 2400 Timber Management ▪ FSM 2520 Watershed Protection and Management ▪ FSM 2600, Chapter 2670 Threatened, Endangered and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1909.12 Land Management Planning ▪ FSH 1909.12 Chapter 30 Monitoring ▪ FSH 1909.14 Resource Inventory ▪ FSH 1909.15 National Environmental Policy Act (NEPA) ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 1909.14 Resource Inventory ▪ FSH 1909.15 National Environmental Policy Act ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 2409.13 Timber Resource Land Suitability Process ▪ FSH 2409.15 Timber Sale Administration ▪ FSH 2409.18 Timber Sale Preparation ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ Timber Suitability Analysis for Land Management Planning Technical Guide. FS-WO-EMC. USDA Forest Service. May 2020. ▪ Land and Resource Management Plan, Modoc National Forest. 1991 ▪ Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan. R9-CN-FP. April 2004

	▪ Chequamegon-Nicolet National Forests Final Environmental Impact Summary, 2004 Land and Resource Management Plan. R9-CN-FEIS-Summary. April 2004 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ US Department of Agriculture, Forest Service. 2023. Future of America's Forest and Rangelands: Forest Service 2020 Resources Planning Act Assessment. Gen. Tech. Rep. WO-102. Washington, DC. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	Numerous federal laws prohibit degradation of heathlands and other native sensitive ecosystems. The cumulative effect of these laws essentially mandates identification and protection of heathlands. As with highly biodiverse grasslands, heathlands are uncommon on NFs and would be identified during LRMP and project level planning as unique and sensitive areas. Special Interest Areas (SIAs) are mapped and managed to protect, preserve and/or restore key conservation attributes. Heathlands would also certainly be identified during forest planning as areas unsuitable for timber production and would therefore be removed from the commercial timber base. Timber harvesting (for the purpose of timber production) on lands not suited for timber production is expressly prohibited (36 CFR 219.11(d)(1)). The 2012 USFS Planning Rule requires that LRMPs be developed to maintain or restore ecological integrity of all aquatic and terrestrial ecosystems within the Plan area, including development of standards for maintaining structure, function and composition. Low productivity and difficult to regenerate sites such as heathlands are identified in the LRMP as not suited for timber production. Every NF has developed an LRMP, and every LRMP includes the results of a formal analysis of the suitability of timber production on NF lands. Timber harvesting (for the purpose of timber production) on lands not suited for timber production is expressly prohibited (36 CFR 219.11(d)(1)).
Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vi)[5] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (4): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land with high-carbon stock, namely land that had one of the following statuses in January 2008 and no longer has that status:

(a) wetlands, namely land that is covered with or saturated by water permanently or for a significant part of the year (NOTE: Evidence of verification of wetlands should reflect seasonal changes within a year);

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Sundry Civil Appropriations Act (Forest Service Organic Act) of 1897 ▪ Multiple-Use Sustained Yield Act (MUSYA) of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Clean Water Act (CWA) of 1972

	▪ Forest and Rangeland Renewable Resource Planning Act of 1974 ▪ National Forest Management Act (NFMA) of 1976 ▪ Federal Land Policy and Management Act (FLPMA) of 1976 ▪ North American Wetlands Conservation Act of 1989 ▪ 2012 Forest Service Planning Rule (36 CFR Part 219) ▪ Code of Federal Regulations Title 36, Part 219, section 219.11 ▪ Code of Federal Regulations Title 36, Part 220 NEPA Compliance ▪ Code of Federal Regulations Title 36, Section 223.30 - Consistency with plans, environmental standards, and other management requirements ▪
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ US Environmental Protection Agency website ▪ USDI Fish and Wildlife Service website ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Executive Order 11990 directs all federal agencies, including the USFS to "take action to minimize the destruction, loss or degradation of wetlands, and preserve and enhance the natural and beneficial values of wetlands." The CWA is the primary legislation for protecting the integrity of US waters. Regulations flowing from the CWA are primarily administered by the US EPA and state regulatory agencies. As a US federal government agency, the USFS is obligated to comply with applicable parts of the law. The Clean Water Act does not explicitly prohibit timber harvesting in wetlands, however associated regulations place restrictions on activities that could result in discharge of sediment and other pollutants into wetlands or could result in alteration of wetland hydrology. Permits are required under Section 404 of the CWA for activities that could involve sedimentation or discharge of material into wetlands or alter natural flow of water. Normal silvicultural operations are considered non-point source activities under the CWA and are exempt from Section 404 permitting requirements. However, CWA Sections 303 and 319 establish a framework for managing non-point source pollution, including the development of Best Management Practices (BMPs) for protection of water quality and wetlands. All US states have developed BMPs for water quality. Some BMPs are voluntary, and some are required by law. The USFS has also developed a comprehensive set of BMPs for water quality that are required by agency directives (e.g., FSM 2520) and employed as applicable on all timber harvesting operations on NFs. Several USFS Core BMPs (e.g., Plan-2, Plan-3, Veg-3) address measures for protecting wetlands when planning and conducting timber harvests. The NFMA requires NFs to determine areas that are/are not appropriate for timber production as a fundamental component of the NF LRMP development. As stipulated in the 2012 USFS Planning Rule (36 CFR Chapter II Part 219.11), lands must be designated as not suitable for timber management if they are not forest land, not compatible with management objectives and desired future conditions for that area, if timber harvesting would result in irreversible damage to soils or watershed characteristics, or if they are unlikely to be regenerated to forest conditions within 5 years. Also stipulated in the 2012 USFS Planning Rule is identification and assessment of information relating to a wide range of values and resources, including terrestrial and aquatic ecosystems and water resources. Plans must include standards for the protection of wetlands, and to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems. Legal requirements for environmental review and consultation including the requirements under various acts are integrated into the environmental review, documentation, and decision-making completed under NEPA. Where waterways or wetlands may be directly affected or modified, the USFS is legally required under Section 404 of the CWA to consult with the US Army Corps of Engineers; permitting may be required.

	The 2012 USFS Planning Rule states that LRMPs must comply with all applicable laws, specifically including the NFMA, MUSYA and CWA. LRMPs are required to assess aquatic ecosystems, watersheds and water resources within the planning area, and must include standards for maintaining and restoring ecological integrity of aquatic ecosystems and watersheds and protecting water quality and water resources. Consistent with the 2012 USFS Planning Rule, all LRMPs must include provisions for identification, maintenance and restoration of water resources, specifically including wetlands. USFS compliance with NEPA is spelled out in 36 CFR Part 220 and further addressed in FSM 1950 Environmental Policies and Procedures, and FSH 1909.15 NEPA Handbook. NEPA specifically requires the use of an interdisciplinary approach to evaluate potential direct and cumulative impacts on ecosystems and associated resources. The USFS also implements several national initiatives that contribute to the protection and restoration of wetlands and aquatic habitats including the Watershed Condition Framework (WCF) and the National Fish and Aquatic Strategy. The WCF provides the USFS with a consistent methodology to assess and track changes in watershed condition on NFs. Among the purposes of implementing the WCF are identifying existing conditions, protection and restoration of aquatic ecosystems using an integrated, ecosystem-based approach. The National Fish and Aquatic Strategy compliments the WCF by designating "conservation watersheds" to "protect and maintain intact aquatic systems as well as restore degraded watersheds of high importance for stewardship of fish and aquatic resources over the long-term." FSM 2532, which is fundamentally embedded within all LRMPS, provides a comprehensive framework for the protection and restoration of wetlands on National Forest System lands, emphasizing ecological integrity, connectivity, and adaptive management through best practices and continuous assessment. Timber sale contracts include provisions and BMPs to mitigate and prevent irreversible damage to wetlands and other water resources. Wetlands requiring protection are identified on timber sale contract maps and (if necessary) on the ground. Standard contract provisions B6.5, B6.62 prohibits operation of equipment in wetlands. Special contract provisions (e.g., CT 6.52, CT 6.5) establish site specific buffers and other restrictions for wetlands and water resources. Timber sale administration procedures and protocols require periodic monitoring of activities to ensure adherence to contract specifications.
Sources	▪ Forest Service Manual (FSM) 1900, Chapter 1950 Environmental Policy, and Procedures ▪ FSM 2000, Chapter 2020 Ecosystem Restoration ▪ FSM 2400 Timber Management ▪ FSM 2520 Watershed Protection and Management ▪ FSM 2530 Water Resource Management ▪ FSM 2600, Chapter 2670 Threatened, Endangered and Sensitive Plants and Animals ▪ Forest Service Handbook (FSH) 1909.12 Land Management Planning ▪ FSH 1909.12 Chapter 30 Monitoring ▪ FSH 1909.12 Chapter 60 Forest Vegetation Resource Management ▪ FSH 1909.14 Resource Inventory ▪ FSH 1909.15 National Environmental Policy Act (NEPA) ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 1909.14 Resource Inventory ▪ FSH 1909.15 National Environmental Policy Act ▪ FSH 2090.11 Ecological Classification And Inventory ▪ FSH 2409.13 Timber Resource Land Suitability Process ▪ FSH 2409.15 Timber Sale Administration ▪ FSH 2409.18 Timber Sale Preparation ▪ FSH 2509.18 Soil Management

	▪ FSH 2509.19 National Best Management Practices ▪ FSH 2509.22 Soil and Water Conservation ▪ FSH 2509.25 Watershed Conservation Practices ▪ Presidential Executive Order 11988, Protection of Floodplains (1977) ▪ Presidential Executive Order 11990, Protection of Wetlands (1977) ▪ National Best Management Practices for Water Quality Management on National Forest System Lands; Volume 1: National Core BMP Technical Guide. FS-990a. USDA Forest Service. April 2012 ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ Timber Suitability Analysis for Land Management Planning Technical Guide. FS-WO-EMC. USDA Forest Service. May 2020. ▪ Land and Resource Management Plan, Modoc National Forest. 1991 ▪ Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan. R9-CN-FP. April 2004 ▪ Chequamegon-Nicolet National Forests Final Environmental Impact Summary, 2004 Land and Resource Management Plan. R9-CN-FEIS-Summary. April 2004 ▪ Land and Resource Management Plan, National Forests in Mississippi. USDA Forest Service. August 2014. ▪ Timber Resource Program Suitability and Sustainability Analysis, National Forests in Mississippi. June 2014. ▪ US Department of Agriculture, Forest Service. 2023. Future of America's Forest and Rangelands: Forest Service 2020 Resources Planning Act Assessment. Gen. Tech. Rep. WO-102. Washington, DC. ▪ Interviews and correspondence with USDA Forest Service staff.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	The USFS is legally obligated by numerous federal laws that prohibit degradation of wetlands, and other native ecosystems. In addition to applicable laws and regulations, maintaining and enhancing ecosystem health, vitality and function are guided by numerous agency Manuals and Handbooks. It is legally required to identify areas under their management that are not appropriate for timber production. Timber harvests for the purpose of timber production are prohibited from taking place on lands not suitable for timber production. Tree harvests can potentially take place on lands designated as not suitable for timber production for restoration or other specific objectives, however timber harvesting is prohibited if soil, slope, or other watershed conditions would be irreversibly damaged. NF LRMPs reviewed during the RRA assessment do not explicitly and categorically prohibit timber harvesting in wetlands. There are instances of LRMPs that discourage or prohibit conversion in specific situations. For example, the GMUG NF LRMP prohibits timber harvest in wetlands if it leads to irreparable damage, mirroring the NFMA. The 1991 Modoc NF LRMP lists the continuation of wetland development as a goal, including management of ephemeral wetlands to maintain species dependent on those habitats. The Nantahala and Pisgah NFs LRMP includes protection for wetlands and other aquatic resources. Timber harvest is permitted only where protection is provided for wetlands, and where forested sites can be adequately restocked within five years, which is consistent with the NFMA. The CNNF LRMP describes a desired future condition as including a diversity and abundance of wetlands maintained or restored over time, and that natural hydrological regimes for a variety of wetland types are maintained. All NF LRMPs also include monitoring plans that identify specific issues representative of the objectives established in the LRMP. There is no evidence of substantive conversion of wetlands to other uses on NFs. USFS monitoring results indicate a high (88%) rate of effectiveness in protecting wetlands and other water resources through implementation of BMPs during vegetation management projects, including timber harvesting activities (Bergstrand, K., USDA Forest Service, personal correspondence).

Sources	Refer to sources previously listed for Step 1, Step 2, and Step 3.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vi)[6] That forests in which the forest biomass is harvested do not stem from the lands that have the statuses referred to in Article 29(3) points (a), (b), (d) and (e); Article 29(4), point (a), and Article 29(5), respectively under the same conditions of determination of the status of land specified in those paragraphs

Article 29 (5): biomass fuel produced from agricultural biomass shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil. For a peatland that was partially drained in January 2008, a subsequent deeper drainage, affecting soil that was not fully drained, would constitute a breach of the criterion.

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☒ Yes ☐ No, Level B route is required
List of applicable law(s)	▪ Sundry Civil Appropriations Act (Forest Service Organic Act) of 1897 ▪ Multiple-Use Sustained Yield Act (MUSYA) of 1960 ▪ National Environmental Policy Act (NEPA) of 1969 ▪ Clean Water Act (CWA) of 1972 ▪ Forest and Rangeland Renewable Resource Planning Act of 1974 ▪ National Forest Management Act (NFMA) of 1976 ▪ Federal Land Policy and Management Act (FLPMA) of 1976 ▪ North American Wetlands Conservation Act of 1989 ▪ 2012 Forest Service Planning Rule (36 CFR Part 219) ▪ Code of Federal Regulations Title 36, Part 219, section 219.11 ▪ Code of Federal Regulations Title 36, Part 220 NEPA Compliance ▪
Sources	▪ US Code of Federal Regulations (CFR), US National Archives and Records Administration ▪ United States Code, Office of the Law Revision Counsel, US House of Representatives ▪ National Archives, Office of the Federal Register ▪ US Congress website (www.congress.gov) ▪ US Environmental Protection Agency website ▪ USDI Fish and Wildlife Service website ▪ USDA Forest Service website ▪ Wikipedia
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Consistent with the 2012 USFS Planning Rule, all LRMPs must include provisions for identification, maintenance and restoration of water resources, specifically including wetlands. Peatlands are a type of wetland. The USFS uses a combination of remote sensing, ground truthing, and advanced mapping techniques to identify peatlands on National Forest System lands. Recent initiatives, such as the PeatRestore project, are producing highly accurate maps and condition assessments of peatlands, especially for areas not fully covered by existing soil surveys. Refer to the previous section regarding wetlands for additional findings regarding protection of wetlands (including peatlands) peatlands on US National Forests.
Sources	Refer to the previous section regarding wetlands for sources applicable to peatlands.
Is the enforcement and monitoring ensured for the identified law(s)?	☒ Yes ☐ No, Level B route is required

Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	There is no evidence of substantive conversion of peatlands to other uses on NFs. Refer to the previous section regarding wetlands for additional findings regarding protection of peatlands on US National Forests.
Sources	Refer to the previous section regarding wetlands for sources applicable to peatlands.
Is the legal framework effective?	☒ Yes ☐ No, Level B route is required

(vii) That installations producing biomass fuels from forest biomass, issue a statement of assurance, underpinned by company-level internal processes, for the purpose of the audits conducted pursuant to Article 30(3), that the forest biomass is not sourced from the lands referred to in point (vi)

Step 1: Identification of applicable laws	
Have the applicable law(s) been identified?	☐ Yes ☒ No, Level B route is required
List of applicable law(s)	There are no state or federal laws or regulations requiring biomass producers to issue a statement of assurance that forest biomass is not sourced from lands referenced in point (vi).
Sources	Not applicable.
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Not applicable.
Sources	Not applicable.
Is the enforcement and monitoring ensured for the identified law(s)?	☐ Yes ☒ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	Not applicable.
Sources	Not applicable.
Is the legal framework effective?	☐ Yes ☒ No, Level B route is required

9 REDIII Level A risk assessment criteria 29(7)

LULUCF criteria 29(7)	
Paris Agreement ratified?	☒ **Yes** ☐ No - Until January 26, 2026
Submission of a relevant NDC	☒ **Yes** ☐ No - Until January 26, 2026
Sources	▪ US Environmental Protection Agency (EPA). Updated October 2024. Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2022. US Environmental Protection Agency, EPA 430-R-24-004 ▪ United States Nationally Determined Contribution. April 22, 2021. Reducing Greenhouse Gases in the United States: A 2030 Emissions Target.
Brief description of how agriculture, forestry and land use are accounted for in NDC	The United States of America has been a Party of the Paris Agreement since 2021. However, a Presidential Executive Order issued by the current administration of the US federal government on January 20, 2025, has directed the US Ambassador to the United Nations (UN) to submit a formal written notification of withdrawal from the Paris Agreement. The US Ambassador submitted such formal notification to the UN on January 26, 2025. According to the terms of the Paris Agreement, withdrawal becomes effective one year after formal notice is provided to the UN Secretary-General. Therefore, the effective date for the official withdrawal of the US is January 27, 2026. As a Party of the Paris Agreement, the US submitted their NDC in line with Article 4 on April 21, 2021. A new NDC and biennial transparency report were submitted in December 2024. Carbon stocks are assessed and monitored by NF and by USFS Regions. NFs are required to assess carbon stocks in their LRMPs since the enactment of the 2012 USFS Planning Rule. Baseline Carbon assessments and more recent resource assessments describe and monitor in detail Carbon Pools and the effects of disturbances and non-disturbances on the carbon resource. **European Commission (2020):** "Accounting for emissions and removals from LULUCF follows specific rules depending on the land accounting category in accordance with Regulation (EU) 2018/841. Afforested Land and Deforested Land use baseline zero (gross-net accounting). Managed Grassland, Managed Cropland and Managed Wetland use as baseline the average emissions between 2005 and 2009 (net-net accounting). Managed Forest Land uses as baseline a Forest Reference Level based on the continuation of Forest Management Practices between 2000 and 2009 and taking into account the age-class structure of forests, projected through the compliance period. The mere presence of carbon stocks is excluded from accounting."

OR (this option below must be used if the previous point about NDC is not satisfied)

The origin country has national or sub-national laws in place, in accordance with Article 5 of the Paris Agreement, applicable in the area of harvest, to conserve and enhance carbon stocks and sinks, and providing evidence that reported LULUCF-sector emissions do not exceed removals

Step 1: Identification of applicable laws

Have the applicable law(s) been identified?	☐ Yes ☒ **No**, Level B route is required - From January 27, 2026

List of applicable law(s)	Not applicable.
Sources	Not applicable.
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Not applicable.
Sources	Not applicable.
Is the enforcement and monitoring ensured for the identified law(s)?	☐ Yes ☐ No, Level B route is required
Step 3: Evaluation of the effectiveness of the legal framework on the legality of timber harvesting	
Evaluation of the practical implementation of the law(s) and explanation for the evaluation	Not applicable.
Sources	Not applicable.
Is the legal framework effective?	☐ Yes ☐ No, Level B route is required

10 Public consultation report

Stakeholder	Comment	Response